

Incorporated March 12, 1738

TINICUM TOWNSHIP

Bucks County

BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

NICHOLAS C. FORTE, CHAIRPERSON
VINCENT J. DOTTI, VICE-CHAIRPERSON
GARY PEARSON, SUPERVISOR

TINICUM TOWNSHIP BOARD OF SUPERVISORS MINUTES OF THE MEETING JUNE 4, 2013

Chairperson Nick Forte called the meeting to order at 7:30 p.m. Vice Chairperson Vincent Dotti was in attendance with Supervisor Gary Pearson, Solicitor Stephen Harris, and Manager Linda McNeill. There were five audience members as well as Chris Ruvo, Daily Intel and Liz Bowman, Herald.

PLEDGE OF ALLEGIANCE: Forte led those present in the Pledge of Allegiance.

PUBLIC SESSION:

Derek Fell, owner of Cedar Ridge Farms said he has been in contact with Harris about an enforcement notice he received from the Township for a gazebo that he constructed without a permit. Fell said he had been assured by Norm MacArthur, Township Open Space Chair, that he could continue to operate as a botanical garden when he put an easement on his property as this was his livelihood. He said that he asked the Tinicum Conservancy for permission to keep the gazebo, but they said that this did not comply with the easement. He said that he removed the gazebo, but the foundation was still there and he would like to put a deck / platform on the foundation and use it as a viewing platform for the people who go through the garden. He said that he opens the garden to charities such as New Hope High School and Brooklyn Botanic Society and this would be beneficial. He said the gazebo was beautiful and he would like to put it back if the Board thought he could. He said this was an ornamental feature, not a silo and his easement permitted agricultural structures.

Forte asked the square footage of the platform. Fell said it would be a ten-foot diameter. Forte asked how far out of the building envelope setback it was located. Fell said 50 feet.

MacArthur said he recalled the easement allowed continued use of the property and some agricultural uses. Forte said this easement was held by Bucks County with the Township and not the Tinicum Conservancy. Fell said he felt the agreement was ambiguous and loosely worded and that he had no opportunity to have legal counsel before signing the easement.

Pearson said that the Board was talking about a structure and not the ability to use the property for his livelihood.

Harris said that he understood that the question was whether or not Fell could retain the foundation of the gazebo and put a deck on it.

Dotti asked if the easement provided for public access of the property. Fell said that the easement provided for public access specifically and this was a shelter for thunderstorms or whatever when people were viewing the gardens. Dotti asked as part of the mandated public access a viewing platform would play a role. He said that there was a path to it, and the area was steep and slippery and there was a path that skirted the area where the foundation sits, so this was a safety feature. Dotti said this was a viewing deck for agriculture.

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Harris read from the easement "Public use of the easement area for purposes of nature study and environmental education is permitted with the following conditions. Access is not permitted without approval of the current owner of the property. Requests for access shall be approved by the grantor/grantee and co-grantee. This easement does not prohibit the grantor from allowing public access for environmental education purposes or other purposes consistent with the easement on a more frequent basis in the future."

Harris said that a civil citation for this matter was scheduled for Thursday, May 6th, which was why this was before the board this evening.

Forte said that the Board would discuss the matter in executive session.

A. Old Business:

Reminder to Residents that they are invited to attend Founding Families Day and the 275th anniversary of the Founding of Tinicum Township, Sunday, June 9th 1:00 p.m. to 9:00 p.m.

Forte announced the above. He said that this would be held at the Brick Church and the Lutheran Church. McNeill said that pamphlets were available for anyone who would like one.

B. Reports from Police, Emergency Services & Public Works:

Police Chief James Sabath said that the Department responded to eight traffic accidents and one burglary on the 700 block of Cafferty Road. He said that a safety checkpoint was held on Friday evening from 8:30 p.m. to 12:30 a.m.

C. New Business:

Request for Fire Police:

Nockamixon Township Board of Supervisors, requests authorization for the Use of Fire Police to assist with traffic control during the Palisades High School Graduation Ceremony on Friday, June 14, 2013 from approximately 5:00 p.m. to 10:00 p.m.

Motion by Forte, seconded by Pearson to approve the above request for Fire Police. Voted upon and passed.

Resolution authorizing the Board of Supervisors to execute an Agreement with Berkheimer to collect the delinquent Earned Income Tax, (EIT) for the tax years 2010 and prior, commencing May 1, 2013 and ending December 31, 2014, any subsequent renewal terms thereafter. Tinicum Township hereby appoints Linda McNeill as its authorized representative to make requests and receive such tax information.

Motion by Forte, seconded by Pearson, to approve the above resolution. McNeill said that Earned Income Tax now had to be collected on a county-wide basis. She said that there were some delinquent taxes from 2011 and prior years that the contract with Keystone Collections did not cover. She said that Palisades had previously used Berkheimer and this would allow Berkheimer to proceed to collect the delinquent taxes, not being covered by Keystone Collections.

Pearson asked if Berkheimer was getting a percentage, or a fixed fee for collection. McNeill said that there were fixed fees to the tax payer and the Township was not paying a percentage. Pearson asked if the Township would have to pay the collection fee to Berkheimer if the taxpayer did not. McNeill said that Township would pay postage and court costs, but this would ultimately be reimbursed when the tax and penalty was collected.

Voted upon and passed.

Resolution authorizing the Board of Supervisors to appoint Linda McNeill as the liaison between it and Berkheimer, the duly appointed Collector of Delinquent Earned Income Taxes for the Palisades School District, for the express purpose of sharing confidential tax information with the District for official purposes.

Motion by Forte, seconded by Dotti, to approve the above resolution. Voted upon and passed.

Resolution of the Board of Supervisors to approve and adopt the Cost of Collection Schedule to be imposed by Berkheimer upon any taxpayer whose taxes are or become delinquent and/or remain due and unpaid.

Motion by Forte, seconded by Pearson, to approve the above resolution. Voted upon and passed.

Execution of 2 copies of the Agreement with H.A. Berkheimer for collection of Delinquent EIT.

The Board signed 2 copies of the agreement.

1) MINUTES:

Motion by Forte, seconded by Pearson, to approve the Minutes of the Meeting of May 7, 2013 as written. Voted upon and passed.

2) TREASURER'S REPORT & BUDGET RECAP:

Motion by Forte, seconded by Dotti, to accept the Treasurer's Report and Budget Recap for April 2013. Voted upon and passed.

3) PAYROLL REPORT:

Motion by Forte, seconded by Pearson, to approve the Payroll Report for the period of May 4, 2013 and ending May 17, 2013. Voted upon and passed.

Motion by Forte, seconded by Pearson, to approve the Payroll Report for the period of May 18, 2013 and ending May 31, 2013. Voted upon and passed.

4) DISBURSEMENTS:

Motion by Forte, seconded by Pearson, to approve the below listed disbursements:

General Fund: Merry Maids \$94.34; McNamara, Bolla, Williams & Panzer \$1,495.00; Zip's Racing & Auto Repair \$92.00; Ford Motor Credit - Municipal \$9,096.93; Met-Ed \$275.29; Met-Ed \$98.26; Keystone Municipal Services Inc \$2,700.00; Courier Times, Inc. \$2,309.02; Harris and Harris \$2,379.00; Eagle's Peak \$20.20; Valero \$433.22; YIS/Cowden Group, Inc. \$44.55; Staples Contract and Commercial \$165.76; Postmaster \$966.00; VISA \$391.69; Blum-Moore Reporting Services \$500.00; Keystone Municipal Engineering \$1,481.20; Delguericco's Disposal Service \$148.00; Merry Maids \$94.34; Doug Skelton \$315.00; Roger Margot \$315.00; Rob Kallenbach \$315.00; Calvin Trovinger \$315.00; Keystone Municipal Services Inc \$2,340.00; Bucks County Planning Commission \$1,117.50; Hartford Life Insurance \$188.55; Verizonwireless \$237.49; McNamara, Bolla, Williams & Panzer \$650.00; McNamara, Bolla, Williams & Panzer \$728.00; Ricoh Americas Corp \$564.78; Service Electric Telephone \$328.00; Ben Powell \$105.93; Jim Weaver \$3410.00; eftsps \$ 2041.19 & 2112.50.

Payroll Fund: Pay period ending 5/17/13 & 5/31/13; efts Fed \$5502.94 & 5702.90; State \$819.14 & \$847.79.

State Fund: Wehrung's \$256.11; Blooming Glen Quarry \$ 128.37; Zep Mfg Co \$285.24; H & K Materials \$5902.61 & 518.34.

Open Space Tax Fund: DVRFA \$14909.94.

Voted upon and passed.

5) A. PLANNING:

B. SUBDIVISION & LAND DEVELOPMENT:

6) ZONING:

7) POLICE:

8) PUBLIC WORKS:

9) ZONING HEARING BOARD APPLICATIONS:

10) MISCELLANEOUS:

Forte recessed the regular meeting at 7:50 p.m. for an executive session to discuss acquisition of real estate, matters of litigation, and personnel.

Forte reconvened the meeting at 8:30 p.m. He announced that the Board discussed acquisition of real estate. He said that the Board also reviewed a presentation for property evaluation from the Ad hoc Open Space Committee dated May 27, 2013.

Motion by Forte, to approve the evaluation procedure dated May 27, 2013. Dotti seconded the motion with the condition that the farmland section be removed from the deduction criteria.

Motion by Forte, seconded by Dotti to approve the evaluation procedure as amended by Dotti.

Voted upon and passed.

Forte recessed the regular meeting for an executive session at 8: 32 p.m. to discuss the matters of litigation and personnel.

Forte reconvened the regular meeting at 9:45 p.m. and announced that matters of real estate acquisition, litigation and personnel were discussed. There was no action to report.

Public Session:

Chief Sabath said that he had looked into the resident's request to evaluate the safety of pedestrian, vehicular and bicycle traffic at the Uhlerstown/Frenchtown Bridge. Chief Sabath recommended that the Supervisors consider sending correspondence to the Delaware River Joint Toll Bridge Commission requesting that they construct a cross walk just north of the Uhlerstown/Frenchtown Bridge.

Motion by Forte, seconded by Dotti to direct the Manager to send this request to the Delaware River Joint Toll Bridge Commission. Voted upon and passed.

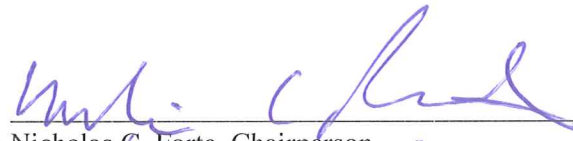
11) ADJOURNMENT:

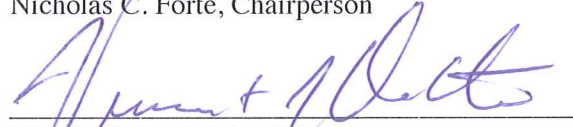
Motion by Forte, seconded by Pearson, to adjourn the meeting at 9:50 p.m. The next meeting of the Board of Supervisors is scheduled for Tuesday, July 16, 2013 at 7:30 p.m. in the Township Building.

TINICUM TOWNSHIP SUPERVISORS

Attest:


Linda McNeill, Township Manager


Nicholas C. Forte, Chairperson


Vincent J. Dotti, Vice Chairperson


Gary Pearson, Supervisor