

*Incorporated March 12, 1738*

# TINICUM TOWNSHIP

*Bucks County*

## BOARD OF SUPERVISORS

163 Municipal Road  
Pipersville, Pennsylvania 18947

JIM HELMS, CHAIRPERSON  
JOHN BLANCHARD, VICE-CHAIRPERSON  
RICHARD ROSAMILIA, SUPERVISOR

### **Tinicum Township Board of Supervisors Meeting Minutes July 14, 2020**

Supervisors Jim Helms, John Blanchard and Richard Rosamilia were present with Manager Teri Lewis, Township Solicitor Steve Harris and Officer Nicole Madden. The meeting was held in the Township parking lot to allow for social distancing. There were approximately 23 people in attendance.

Chairperson Jim Helms called the public meeting of the Tinicum Township Board of Supervisors to order at 7:30 pm followed by the Pledge of Allegiance.

#### **A. Chairman Response to Community Concerns**

Helms said it had come to the attention of the Board that a social media discussion had been circulating concerning the possibility of disbanding the Tinicum Township police force. He stated that the Board has never discussed disbanding police force during the past 2½ years he has been a Supervisor or in the 3 years prior that he followed the meetings.

Helms said the notion may have been prompted by an opinion piece authored by a Tinicum resident that appeared in the Bucks County Herald. He stated that the article only reflected the author's opinion and was not a representation of the Board, which has the responsibility for personnel decisions and township management.

Helms said he was glad to see the community support for the Tinicum Police, as well as the non-profit Tinicum Police Foundation, established by residents in 2018, which raises funds for equipment, training and other essential law enforcement tools.

#### **B. Appointment of Acting Chief of Police**

**Motion:** to appoint Officer Nicole Madden as Acting Chief of Police for Tinicum Township.

**Motion:** Helms **Second:** Blanchard. Voted upon and passed.

Acting Chief of Police Madden said she was excited for the opportunity and appreciated the support of the Board, her fellow officers, and the Township.

#### **C. Public Comment**

Peirce Albright, Dark Hollow Road, said that the people on social media were in support of the Police Force and it should not to be viewed as a negative. Helms stated that was understood, but the Township's position had been portrayed as intending to disband the police force and he wanted to be clear that the Board was in full support of the police force and had no intentions of disbanding the department.

Jessika Vanderlely, Bedminster Township resident, said she had family members who lived in Tinicum. She stated she had started a petition on Change.org [to keep the Tinicum Police Dept.] and that it currently had over 1,200 signatures. Vanderlely said the opinion piece in the Bucks County Herald and the rumors circulating had caused her to do her own research. She said the police department had essentially been defunded because they were down to three officers with two open positions and were

among the lowest paid in Upper Bucks. She said she was concerned that Chief Sabbath and now Chief Phelan had left to serve in other townships and asked how the savings had been used from the open positions. Vanderlely asked if the remaining officers were able to provide adequate coverage without working overtime.

Addressing coverage, Helms stated that when Chief Sabbath left in 2017 the Board made the decision that four officers would be able to provide adequate coverage for the Township. He stated the schedule had not changed and that the State Police provide coverage on off hours the same as it had when Sabbath was chief. He said the decision not to replace Sabbath had been discussed with Phelan.

Addressing pay, Helms said the police are presently under their 3-year negotiated contract and are currently renegotiating. Lewis noted that the contract had been extended and that they had been given a pay increase. Helms said they are not the lowest paid in the area.

Addressing how the savings had been used, Rosamilia stated that there had been no increase to the Township part of real estate taxes in Tincum in nine years. He said he did not know of any surrounding areas that could say the same. Rosamilia said that the savings from going from five positions to four had been used towards yearly budget expense increases, which in turn went to the Police, Public Works, Road Dept., office staff, equipment, etc.

Addressing the current opening, Rosamilia said that Phelan had only informed the Board at the June 16<sup>th</sup> meeting that his last day would be July 9<sup>th</sup>. He said Phelan took a job offer he received from Bedminster, not because he was unhappy in Tincum, but because he wanted to go to a larger police force. Rosamilia noted that Bedminster had an earlier retirement benefit and a much larger budget. Rosamilia stated that Phelan said it had been a very hard decision for him. He noted, by law, the Board could not legally announce Phelan's replacement until this meeting. Rosamilia said Phelan had been an excellent Chief and Madden would be, too.

Blanchard said Acting Chief Madden would now make her own assessment of the police department needs and develop her plan accordingly. He said when she had made her assessment, she would discuss it with Board. Blanchard said, however, that he would not place any time limits or deadlines on Madden.

Tom Casola, Cedar Hill Lane, said the taxpayers were very concerned about going from four to three positions. Rosamilia noted it had been less than a week since Phelan left and that Madden needed to be given time to review the department needs.

Mariah Cook, Annawanda Road, said she runs the Tincum Township Facebook page. She said it had been a good thing to see all the support for the police. Cook said she planned to start a fundraiser in the future for the Tincum Police Foundation and invited the participation of others.

#### **D. Old Business**

##### Rolling Hills Farm Stormwater Agreement Request

Harris said Mark Hankin and his attorney, John Van Luvence, had requested that the Stipulated Settlement Agreement (SSA) for the Rolling Hills Development be extended beyond the 2021 timeframe. Harris said during the past 25 years the allowable amount of impervious surface permitted by the Zoning Ordinance had been decreased. He said Hankin wanted to complete the development with the impervious surface ratio allowed by the SSA, rather than that currently permitted by the Zoning Ordinance.

Harris said a National Pollutant Discharge Elimination System (NPDES) permit is required for stormwater management, and must be renewed every 5 years. He said in 2018, Hankin received a revised NPDES permit, which substantially increased their stormwater requirements and required soil amendments used to restore the soil porosity.

Harris said Hankin had submitted a report indicating that the stormwater management requirements under 2018 NPDES were better than under the SSA even with the impervious surface coverage permitted by the SSA. He said the report had been reviewed and approved by the Township Engineer, Tom Fountain. As a result, Harris said he had drafted the following:

- a new stormwater facilities management agreement, which sets the stormwater management requirements for each property owner within the development in accordance with the 2018 NPDES permit.

- a unilateral declaration for Hankin to sign requiring that stormwater management for each of the remaining lots in Rolling Hills meet the requirements of the 2018 NPDES permit.
- a unilateral declaration for each individual lot owner to sign setting forth the required maintenance of the stormwater facilities on their lot, including the amended soils.
- an amendment to the SSA that extends the Township review period for building permit applications from ten to fifteen days.

Harris noted the remainder of the SSA stays in effect until all remaining lots are developed.

**Motion:** to send the revised Rolling Hills agreements to Mark Hankin’s attorney, John Van Luvence.

**Motion:** Helms. **Second:** Rosamilia. Voted upon and passed.

**E. Police**

Acting Chief Madden, Tincum Township Police Dept., gave the following report for June:

- 148 Incident Reports: 69 service calls, 46 traffic calls, 26 crime-related calls, and 7 court-related.
- Arrests:
  - DUI arrest following a traffic accident on 611.
- Reportable Traffic Accidents:
  - Vehicle rollover on River Road.
  - Two-vehicle accident due to improper backing on Cafferty Road.
  - Vehicle hit Golden Pheasant Bridge.
  - Vehicle crashed into a garage on Easton Road, driver was arrested for DUI.
  - Vehicle struck a pole.
- New Firearm Qualification  
All police officers qualified for their new firearms, thanks to Delaware Valley Insurance Trust and the Tincum Police Foundation assisting with the equipment upgrade.

**F. Regular Business**

1) Minutes:

**Motion:** to approve the Minutes of the June 16<sup>th</sup>, 2020 meeting as written.

**Motion:** Blanchard. **Second:** Helms. Voted upon and passed.

2) Treasurer’s Report & Budget Recap: The Treasurer’s Report and Budget Recap for June is posted on the bulletin board. Lewis said income was down slightly, but the budget remained on track.

3) Payroll Report:

**Motion:** to accept the Payroll Reports for the June 19<sup>th</sup> in the amount of \$27,727.12 and July 3<sup>rd</sup> in the amount of \$27,875.

**Motion:** Blanchard. **Second:** Rosamilia. Voted upon and passed.

4) Disbursements:

**Motion:** to approve the below listed disbursements.

**Motion:** Blanchard. **Second:** Helms. Voted upon and passed.

General Fund	Amount	Memo
Tackett Planning, Inc.	\$2,592.50	Zoning and Planning Services - May
Merry Maids	\$99.00	Janitorial service 6-15-20
Met-Ed	\$134.36	Electricity Public Works
Met-Ed	\$298.74	Electricity pol and admin
Met-Ed	\$24.21	Electricity Park
Courier Times, Inc.	\$398.76	ZHB Advertising - Prime/Ruback
United Healthcare Insurance	\$8,831.95	2020 Monthly Health Insurance 09U9402
Miscellaneous	\$50.00	refund of permit overpayment
Trovinger	\$400.00	Clothing Allowance
Kallenbach	\$400.00	Clothing Allowance

Skelton	\$400.00	Clothing Allowance
Margot	\$400.00	Clothing Allowance
Aflac Business Services	\$420.06	February Supplement Insurance withheld
Paulos, Daniel and Lipp, Marie	\$5.00	Quarry Lease
Help Now	\$118.75	Remote Service Call - Police IT
VISA	\$64.17	Employee Rec
Keystone Municipal Services Inc	\$1,496.00	Bldg Insp and Reviews 6/1 - 6/12
Gall's Inc.	\$81.91	Police Supplies
Radar sign	\$7,684.00	INV 10735 Elec Speed Board
Service Electric Telephone	\$377.33	Telephone Service
Verizon Wireless	\$223.37	Police Wireless
Staples	\$157.65	Office Supplies
Staples Credit Plan	\$472.14	Police Supplies and Software
Ricoh Americas Corp	\$93.00	Copier Printer Scanner copies
Delaware Valley Insurance Trust	\$11,100.50	2020 Qtr. 3 Commercial Insurance
Gary's Septic Service, Inc.	\$175.00	Public Works Tank Service
Ricoh Americas Corp	\$165.02	Ricoh Americas Corp
Postmaster	\$30.00	Postage
Hartford Insurance	\$333.52	Life and STD Insurance
PennTeleData	\$180.21	Internet Modems
Aflac Business Services	\$280.04	June Supplement Insurance withheld
Del Val Workers Comp Trust	\$6,384.50	Workers Compensation Insurance
Internal Rev Service	\$2,121.47	Employer FICA Tax
Internal Rev Service	\$2,128.70	Employer FICA Tax
Campbell Durant Miller	\$300.00	Police Legal
Tackett Planning	\$4,290.00	Zoning and Planning Services June
Blum-Moore Reporting	\$250.00	Stenography Services
Galls Inc	\$101.98	Police Supplies
Cunningham Auto Repair	\$833.84	Police Fleet Insp and Repairs
Allan Myers	\$11,364.58	DSA / BCCD Grant
Ricoh Americas	\$93.00	Copier / Printer Service Count
Keystone Municipal Services	\$1,224.00	Bldg Insp and Reviews
Met-Ed	\$102.41	Electricity Garage
Met-Ed	\$23.66	Electricity Park
Met-Ed	\$251.98	Electricity Police and Admin
Davidheisers	\$70.00	Calibration Services
Witmer Public Safety Grp	\$251.98	Police Supplies
Wehrung's	\$65.51	Police Supplies
DelGuerico's Disposal	\$155.00	Trash and Recycle Removal
Met-Ed	\$31.54	Electric Traffic Light
Intelligencer	\$299.20	Subscription
<b>Payroll Fund</b>	<b>Amount</b>	<b>Memo</b>
Pay period end 6/19/20	\$20,792.36	Paychecks
Internal Rev Service	\$4,993.84	Employee FICA tax
Pa Dept of Rev	\$851.21	Employee PA tax

#### D. Zoning

Helms announced the following:

- 1) Zoning Hearing Board #2020-02: David Hughs, agent for property owners Todd Ruback and Suzanne Schecter, requested relief from section 401.3 (side yard setback) to construct a deck over an existing flagstone patio and steps. The property is located at 47 Uhlerstown Hill Road. Tax Parcel #44-019-002-001. The hearing was held on June 25<sup>th</sup> and the request was granted with conditions.

- 2) Zoning Hearing Board #2020-03: Prime Development Group LP requested relief from Sections 804.01 Floodplain Overlay District, 806.C.3 Riparian Corridor, Section 806.J Delaware River Wild, and Scenic Height Restriction to construct a single-family dwelling. The property is located at 37 Byram Road. Tax Parcel # 44-031-006. The hearing was held on June 18<sup>th</sup> and the request was granted with conditions.
- 3) Zoning Hearing Board #2020-04: Property owners Zakery Tretton and Margaret Baldwin seek relief from various sections of the ordinance to allow the use of a barn for a wedding/event venue. The property is located at 31 Creamery Road. Tax Parcel #44-001-022-002. The hearing is scheduled for Thursday, August 13<sup>th</sup> at 7 pm. The hearing will be held virtually. Interested parties wishing to attend should email [meberle@grimlaw.com](mailto:meberle@grimlaw.com) prior to noon the day of the hearing. Information is posted on the website [www.tincumbucks.org](http://www.tincumbucks.org).

Rob Cunningham, representative for the applicants, said that changes/clarifications had been made to the plan, based on the previous sketch plan review by the Planning Commission, as follows:

- 100 parking spaces for maximum of 200 seats. Parking spaces would be gravel and grass pavers.
- Soil and septic tests were conducted. Requesting relief from buffers for septic and use of pumping tank with a regular pumping schedule, which could be addressed during land development.

Harris asked for clarification on the E9 indoor entertainment use and E10 outdoor entertainment use, with regards to any outdoor wedding ceremonies and activities, such as outside seating, music, and/or cocktails outside.

Cunningham said that the barn is close to Creamery Road and provides a buffer to that side. He said the wedding venue is behind the barn, is lower in elevation and, weather permitting, would be used for a short period of time. He said there would be bench seating, but no tent or gazebo. Harris suggested a set of conditions should be developed prior to the Zoning Hearing Board hearing.

**Motion:** To authorize Harris to attend the Zoning Hearing Board subject to the development of an acceptable set of conditions for E10 Use prior to the hearing scheduled for August 13<sup>th</sup>.

**Motion by:** Rosamilia. **Second by:** Blanchard. Voted upon and passed.

4) Proposed Zoning Amendments for Codification

Helms announced that the Board would discuss Township Planner Tracy Tackett's memo regarding the latest Zoning Ordinance proposed amendments for the Zoning Ordinance Codification at the next meeting.

**E. Public Works/ Roads and Bridges**

1) 1974 Asplundh Whisper Chipper Bid Award

Lewis stated that the 1974 Asplundh Chipper was advertised on Municibid. She said 41 bids were received and the high bid was \$3,550.00.

**Motion:** to accept the high bid of \$3,550.00 for the 1974 Asplundh Whisper Chipper.

**Motion:** Helms. **Second:** Helms. Voted upon and passed.

2) Geigel Hill Bridge Approach

Helms said the Township had made some temporary adjustments to the Geigel Hill Bridge approach to determine if a slightly wider approach would help to prevent vehicles, specifically trucks with trailers, from clipping the side of bridge when trying to navigate past vehicles [in the opposite lane] stopped at the stop sign. He said these adjustments appeared to have worked and Public Works could now make permanent changes to the bridge approach. Lewis said the paving cost would be approximately \$6,000, in addition to the cost to rent a line striper. Rosamilia clarified that funding should come from the Historic Bridge Fund.

**F. Public Comment**

Headquarters Bridge

Tim Cashman, Quail Lane, said he had contacted all three of the Bucks County Commissioners regarding their letter dated February 11, 2020 to Governor Tom Wolf, which stated that Tincum

residents were requesting a slow down on the Headquarters Bridge project. He said Commissioner Diane Ellis-Marseglia's response was that PennDOT and the RiverKeeper needed to find a compromise, it is a state bridge, and she intended to stay out of it. Cashman said that Commissioner Robert Harvie's response was for PennDOT to move forward and have a bridge in place by next summer.

Cashman said he was frustrated that the Delaware RiverKeeper Network (DRN) and Woodtiger Trust, who privately funds them, had created a nine-year delay and constantly kept the matter in the courts. He said safety is a major concern and there is a four-minute delay to get emergency medical services and fire trucks to his home.

Rosamilia said he spoke with Ryan Whittington, the PennDOT Manager in charge of the Headquarters Bridge Project, who said they are moving forward and plan to bid out the project by September. Rosamilia said that the Board has made it clear that it would accept any form of bridge replacement or rehabilitation.

Rosamilia said the Commissioners actions had prompted a Freedom of Information Act (FOIA) request to determine what motivated the letter and any relative discussion by the County Commissioners. Rosamilia read the following emails obtained through the FOIA:

- Email dated August 10, 2015 from Bucks County Commissioner Diane Ellis-Marseglia to Bucks County Planning Commission Executive Director Lynn Bush: *"push has come to shove . . . and the rehab ONLY people have my attention. Can you update me or forward past emails on this? I would like to get it OFF the TIP [Transportation Improvement Program]."*
- Email dated August 11, 2015 from Ellis-Marseglia to Bucks County Director of Transportation Richard Brahler and Bush: *"The township preference is for whatever is quicker. It seems rehab would be in terms of studies and permits, etc. Isn't there a way for US since we sit on the DVRPC [Delaware Valley Regional Planning Commission] to ask it either be removed from the TIP or put years away?"*
- Email dated January 30, 2020 between Ellis-Marseglia and DVRPC Executive Director Barry Seymour, as follows:

Ellis-Marseglia to Seymour, *"Can you easily tell me where Headquarters Road Bridge is on the TIP?"*

Seymour responds, *"See status here . . . I can check into that, I am not aware of the specific history or issues around this project. Suggest you have Rich Brahler contact Richard Murphy [DVPRC Manager, PA Capital Programs - TIP] here to discuss."*

Ellis-Marseglia to Seymour, *"I need to get it off the TIP."*

Rosamilia said the emails clearly show that in 2015 Commissioner Ellis-Marseglia was trying to get the Headquarters Bridge project defunded. He said that was a detriment to the residents of Tincum Township and would essentially put the project at the back of the list. Rosamilia said in another email Ellis-Marseglia says she asked the Riverkeeper to help her write a letter to the Governor to get it off of the TIP.

Rosamilia noted it was very disingenuous of Ellis-Marseglia, after she has repeatedly asked to have it removed from TIP or put years behind, to then send Cashman an email stating that she has nothing to do with because it is a state bridge. Cashman said he wrote to the Governor, who responded that he could not get involved because the matter was in litigation.

Jim Dierking, Quail Lane, said defunding or delaying the Headquarters Bridge construction endangers each and every resident. He said they had a cardiac emergency and were fortunate Ottsville Fire Captain Bill Shick got there quickly because it took the ambulance a long time to reach them and then they had to go very slowly down Sheephole Road to get to the hospital. He said it was time to write a letter to the Governor.

Vanderlely asked if it was the DRN that was preventing the bridge from being rebuilt. Rosamilia said he thought so, especially after reading the emails. Vanderlely said residents could write letters and sign

petitions. Rosamilia said if they were going to do a petition, they should let the DRN know that the majority of the residents want a bridge and to let PennDOT do it if that is the quickest way.

Helms said that the DRN had a legal argument against the PennDOT's environmental study because the bridge crosses an Exceptional Value stream. Rosamilia noted it was the same stream that cars drive through every day to get around the bridge closure. Helms said the potential case is still pending and that the judge has no time frame.

Blanchard said to facilitate the safety issue, six years ago Rosamilia contacted two bridge companies that specialize in temporary bridges. Rosamilia said they did studies and said they could do it.

Cashman said that PennDOT will only build a 2-lane bridge, own it and maintain it. He said if the bridge is rehabbed or a one-lane is built the Township would have to own it and pay for repair and maintenance. Rosamilia said the only way the Board would discuss a new one-lane bridge or rehab, was if enough donated money was set aside for the life of the bridge and the taxpayers are not burdened if the bridge were to fail. He said he and the other supervisors had met with some of the DRN and told them that if they wanted to fund the rehab and maintenance, the Board could support it with PennDOT. Rosamilia noted, however, that \$250,000 had been pledged to maintain the one-lane Geigel Hill Bridge and only \$50,000 was received. Helms said the Township would have a hard time if it was seriously damaged.

Cashman asked what Rosamilia would do with the FOIA information. Rosamilia said he wanted to make it public that one Commissioner wants to defund the bridge project. He said he liked the idea of a petition to "get the bridge now" and intends to go to a public meeting of the Bucks County Commissioners in the near future.

**F. Executive Sessions**

Supervisor Helms recessed the regular meeting at 9:18 pm to discuss matters of personnel and potential litigation. Helms reconvened the meeting at 10:10 pm. There was no action to report.

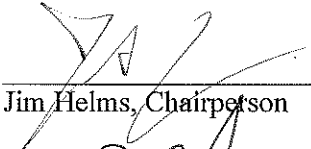
**F. Adjournment:**

**Motion:** to adjourn the meeting at 10:12 pm.

**Motion:** Blanchard. **Second:** Rosamilia. Voted upon and passed.

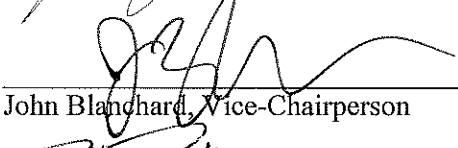
*The next meeting of the Board of Supervisors is scheduled for August 18<sup>th</sup>, 2020 at 7:30 pm.*

**TINICUM TOWNSHIP BOARD OF SUPERVISORS**



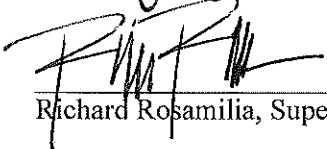
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Jim Helms, Chairperson



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John Blanchard, Vice-Chairperson



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Richard Rosamilia, Supervisor