

Incorporated March 12, 1738

TINICUM TOWNSHIP

Bucks County

BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

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

Tinicum Township Board of Supervisors Meeting Minutes March 2, 2021

Supervisors John Blanchard, Richard Rosamilia and Jim Helms were present with Manager Teri Lewis and Township Solicitor Steve Harris. The meeting was held in the Tinicum Township building meeting room. There were 7 people in attendance. Masks and social distancing were required.

Chairperson John Blanchard called the public meeting of the Tinicum Township Board of Supervisors to order at 7:30 PM followed by the Pledge of Allegiance.

A. Public Comment: Headquarters Road Bridge

Jesse Salamun, Headquarters Road, said she read in the Bucks County Herald that PennDOT was going to get their final permit from the National Park Service (NPS) and she was opposed to PennDOT demolishing the historic Headquarters Road Bridge and moving the Federally-protected, wild and scenic stream. Salamun said that the Board should protect those resources rather than aligning themselves with PennDOT. She said she was disappointed that the Supervisors had pressured the National Park Service to go against their mandates to protect wild and scenic places and issue the permits to PennDOT. Salamun said the Board was going against the Comprehensive Plan, which provides protection for historic and natural resources.

Helms said no one on the Board had aligned itself with PennDOT or any other agency. He said the position of the Board has always been to get a bridge in place, in any form, and subsequently the Board has requested updates from the applicable agencies. Helms stated that the Board has no control over when or if any agency will issue a permit or approval. Salamun asked if any Board member had approached the Park Services or other agencies and encouraged them to approve permits. Helms and Rosamilia said no.

Blanchard asked Salamun the basis for her allegations. Salamun said that since it is the Park Service's mission to protect Tinicum Creek, they would not be so willing to issue the permits if they were not being pressured. Rosamilia asked Salamun if the Park Service had told her that they had been pressured by any group or individual. Salamun said that it was only her impression.

Rosamilia said that the Park Service had gone the extra mile to do further investigative measures and to implement additional monitoring to ensure that the project would progress in a way that does not damage the exceptional value creek. Salamun was concerned that if PennDOT moved the bridge abutment it might cause the creek to be redirected. She asked if the Board would hold PennDOT accountable if the creek moved out of the channel and resulted in flooding.

Blanchard stated that the preservation of life was at the top of his priorities. He said he understood Salamun's concerns about moving the abutment and redirecting the creek, but if doing so allowed emergency services to reach the residents on the other side of the creek without an unnecessary delay that would be the higher priority. Blanchard said the issue of a field flooding could be addressed and was a lower priority as compared to delayed emergency response.

Salamun said she agreed with that priority, but said the bridge should be rehabilitated and repaired, which would not disturb the creek and would be the fastest and least expensive solution. She said a one-lane bridge was another option and then the abutment would not have to be moved. She agreed that life and safety was paramount but stated that it was not the only way to get there.

Blanchard said his responsibility was to the life and safety of the residents. He said if PennDOT refuses to do a rehab, he does not have the authority to tell them otherwise. He said they cannot delay because lives are in jeopardy. Salamun said if the Board was on the side of rehabilitation and everyone worked together, it could happen and they could get there faster.

Helms said for 11 years the Township has been caught in the middle with PennDOT on one side and Delaware RiverKeeper Network (DRN) on the complete opposite side with neither side really invested in the community. He said during his 4 years as a Supervisor the Board had made repeated attempts to get both sides to come together and work towards a compromise. Helms stated PennDOT says they will not do a rehab and the DRN says they will not accept a 2-lane bridge. He said that ultimately it is the Board's responsibility to get a bridge built for the life and safety of the community.

Blanchard stated that in 2018/2019 the Board, primarily Rosamilia, had tried to arrange for a meeting between the two group's engineers, but the DRN refused the meeting. Salamun asked for clarification regarding that meeting. Rosamilia stated that he had been approached by Bruce Wallace, who monetarily supports the DRN, to facilitate a meeting that would be only for the two groups engineers. He said Wallace said that there would be no public relations people, photographers, nor news reporters present at the meeting. Rosamilia said that the goal was to allow the engineers to discuss their points of view, facilitate better understanding and hopefully reach a compromise. Rosamilia asked Wallace why he had not arranged for the meeting with PennDOT and Wallace said that PennDOT had refused to meet with the DRN.

Rosamilia said he told Wallace he would try to arrange a meeting and contacted Ken McClain, District 6 Project Engineer from PennDOT, and convinced McClain to agree to an "engineers only" meeting. Rosamilia said he called Wallace to tell him that PennDOT had agreed to meet and asked him for several meeting dates. He said Wallace got back to him with possible meeting dates and a date was agreed upon with PennDOT. Rosamilia stated that a week before the meeting the DRN abruptly stated they would not attend. Rosamilia asked why the DRN had changed course, particularly when they had requested the meeting, and was told it was "not in their interest to attend" the meeting.

Salamun asked why the discussion between the engineers did not take place at the July 8, 2016 meeting, which she said she had not attended. Rosamilia said he had attended the 2016 meeting and that the engineers from both sides presented their points of view, but there were so many PR people and other groups present there was not the opportunity for the engineers to sit down and work things out. Blanchard said the primary purpose of the 2016 meeting was for the Township to ask the PennDOT Secretary of Transportation to move the bridge project forward – in any form –without cost to the Township.

Salamun said that by asking PennDOT to do any form of a bridge they were aligning themselves with PennDOT. Rosamilia said that in 2014/2015 PennDOT made it clear that they were completely and totally unwilling to entertain a rehabilitated bridge. He said that PennDOT would only build a one-lane or two-lane bridge and the Board did not want a one-lane bridge because of the cost to the township. He explained that the Township would be required to take ownership and pay for all future maintenance and repairs of a one-lane bridge, but a two-lane bridge would remain under PennDOT's ownership and they would pay to maintain and repair the bridge.

Rosamilia noted that at a crowded, public meeting in 2011/2012, PennDOT put the question of a one-lane or a two-lane before the Board, which at that time included Supervisors Boyce Budd, Nick Forte,

and Gary Pearson. Rosamilia said that Board did not want the Township to take on the financial burden of the one-lane bridge and voted for a two-lane bridge. Rosamilia said during the meeting there was discussion about privately raising funding for a one-lane bridge but there had been no bona fide parties willing to irrevocably fund the project at that time nor in the years that followed.

Lewis noted that Rosamilia had subsequently met with the DRN to see if they were willing to accept a one-lane bridge but the DRN said no. Blanchard and Rosamilia stated that the Board had also tried to get a temporary bridge but the DRN refused and they did not think PennDOT would have committed to a temporary bridge either.

Rosamilia said 18 months ago he asked PennDOT if they would consider a one-lane bridge if the Township could come up the money to maintain it. He said according to PennDOT there would be no federal funding to build a one-lane bridge and the state would have to come up with the initial cost. He said given the current circumstances, the state would probably not have the money to build the one-lane bridge at this point. Helms agreed that the state's budget would not be in a position now to pay for the bridge.

Salamun asked why the federal government would pay for two-lane but not a one-lane bridge. Helms said that if the state replaces the bridge it must meet the Federal Highway Administration (FHWA) standards or they will not fund the bridge. He said FHWA standards require a two-lane bridge. Helms noted that does not mean it is a "highway bridge", only that the two-lane bridge for that span must meet the FHWA standards in order to receive Federal funds.

Kathryn Auerbach, Center Road, said she took great offense to the article [in the Bucks County Herald] that stated Rosamilia and Blanchard praised a local resident who supported their opposition to the DRN. She there is currently a petition supporting the preservation/rehabilitation of the bridge with 1,500 signatures. Rosamilia asked if the 1,500 signatures were from Tinicum residents. Auerbach said the signatures were local, county and across the country.

Auerbach said the Board took an oath of office to defend the federal and state constitution to protect the clean air, pure water and preserve the natural, scenic and historic values of the environment. She said PennDOT had an agenda that favors large contracts and they migrate away from their duty as a state agency. Auerbach said PennDOT is the caretaker of the bridge and the Commonwealth of PA is the owner of the bridge. She said that the taxpayers pay PennDOT to care for the bridge.

Auerbach said the Board's responsibility is to protect Township resources. She said that PennDOT's plan annihilates those qualities and does severe and permanent destruction. Auerbach said there are other townships in the county who have resolutions supporting the preservation of their historic bridges and that PennDOT immediately gives them a one-lane bridge. Auerbach said that West Rockhill had such a resolution and PennDOT gave them the one-lane bridge. She said PennDOT is playing the Township and holding them hostage. Helms asked to what end. Auerbach said PennDOT wants to pour a lot of concrete and ruin everything, including the creek. She said it is the duty of the Board to uphold the resolution to preserve the wild and scenic resources.

Rosamilia stated that the Board cannot uphold a resolution to the exclusion of the life and safety of the residents. He said if the Board authorizes a resolution telling PennDOT they will only accept the rehabilitation of the bridge and PennDOT refuses, it would jeopardize the safety of the residents. Auerbach said then the Township should sue PennDOT. Rosamilia said he was more concerned about someone's life.

Helms said that the Board has worked extremely hard in the past few years to get both sides to come to a compromise. He said both the DRN and PennDOT were holding the bridge hostage because neither is willing to back off their positions. Helms stated that if the money existed to rebuild and maintain the bridge, the Board would be willing to support that to PennDOT. Rosamilia noted they have said made that statement publicly before.

Blanchard asked Auerbach what she views as her highest priority for the bridge project. Auerbach responded to rehabilitate the stonework and put a new deck on. She said that the Board must uphold the laws regarding wild and scenic. Rosamilia said they cannot do it to the exclusion of getting a bridge so that the people who live in the community, who may have health issues, can get emergency services they have paid for in a safe manner without having to go around the bridge. He said if a group came up with the funding and maintenance money, they would do it. Auerbach said that the cost to rehab is \$1.5 and that the TIP statement to replace the bridge is \$4.2 million, noting that was a big difference. Helms asked what the legal cost of fighting the DRN and their argument against getting a bridge had been. Auerbach said it was immaterial.

Rosamilia said a Federal judge wrote an 84-page report in response to the DRN's lawsuit alleging that PennDOT was not following the laws Auerbach had referenced. Auerbach said it was not about content, it was only procedural.

Auerbach said the FHWA can get the money for rehabilitation. Blanchard and Rosamilia asked if Auerbach if the FHWA had told her they would come up with the money because that was not the response the Board had received. Auerbach did not respond to the question. Blanchard asked if Auerbach thought a resolution from the Township will solve all those problems. Auerbach said it worked in other townships. Helms asked Auerbach if it was a state road and if Rockhill had spent any money on it. Blanchard asked when they had built those bridges. Auerbach said it was Allentown Road, but could not provide more details.

Blanchard said he would drive to West Rockhill Township and talk to them about their efforts and resolutions. He said he would report back at the next meeting. Blanchard reiterated that his main concern was how long it would take to get the emergency services to all taxpayers in the township without unnecessary delay.

Tim Cashman, Quail Lane, said the National Park Service had done everything possible to work along with PennDOT during the past year in an effort to get the project to move forward. He said during that past year he would contact them on a regular basis. Cashman said they wanted to take some time to do some monitoring and have a system, which is unheard of on such a small bridge.

Cashman said he was not aligned with PennDOT or the Park Service. He said he was aligned for Tincum Township. Cashman said for 10 years the people who live on McCann Lane, Quail Lane, Geigel Hill and Headquarters Roads have put up with DRN lawsuits and their obstacles. Cashman said the case went to a Federal judge and was thrown out. He said everyone moved forward.

Cashman said the DRN has had 10 years to work it out and they did zero. He said now they are playing a game with the petition about an unhistorical bridge from unreliable sources to get signed by people across the united stated who do not even live here. Cashman said when the DRN does not get what they want, they wait until the last minute and find a way to hold things up. He said now the NPS approval letter is being held.

Cashman said he called Washington, DC that day and talked to the NPS who said the letter went out three days ago. He said they told him he would have to call Philadelphia. Rosamilia clarified with Cashman that the letter was now with the Philadelphia District Army Corp. of Engineers, who would review the National Park Service letter over the next couple of weeks.

Cashman said it was a game being funded by a group in Tincum and that it was hypocritical the group was worried about flooding. He said that the flooding could be controlled by placing rocks along the creek to slow the water. Cashman said it was an approach used throughout the United States. He said in Pennsylvania it is used for fly fishing creeks. He said step pools could be installed along the creek. Cashman said that the DRN had told the camp located near the creek that they would get flooded out if the bridge went in.

Cashman said he spoke with Bruce Wallace and suggested that Wallace use the money he has been using to fund the DRN to build the bridge himself. He told Wallace he would support the one-lane bridge if Wallace paid for it, but said that Wallace joked about not being able to collect his toll.

Cashman asked how anyone could support a group like that. He asked who prevents 600 cars a day from going across a safe bridge that the Township does not have to own. He asked who would put out money to shut down a whole community. Cashman said 911 calls have been held up. He said the school bus is forced to back out onto Headquarters Road, which was an accident waiting to happen. Cashman said the bridge has served its purpose and there was nothing historical about it.

Auerbach said there were only two bridges left according to her research. He asked Auerbach if she worked with the DRN. She said she had given information to them. Cashman asked if she had been paid money by either the DRN or the Woodtiger Fund. [A private grantmaking foundation founded by Wallace]. Auerbach said no.

Cashman said that the DRN is bad for the community and has divided them. He asked the Board not to move forward with bridge alternatives suggested. Cashman said they had given DRN 10 years, there were ways to deal with anyflooding, and taxes would not be increased if the two-lane bridge was built.

B. Emergency Services

Delaware Fire Volunteer Fire Police

Lewis reported that she had received the Delaware Valley Volunteer Fire Company February report from Fire Chief Rick Armitage. She said the Del Val Volunteer Fire Co. responded to 6 Fire Calls, 2 QRS calls and 2 Fire Police Calls.

C. New Business

Bucks County Health Department Request Permission to Treat Municipal Properties for Mosquitos.

Motion to: approve Manager Lewis to send a letter of authorization to the Bucks County Health Dept. granting permission to treat municipal properties for mosquitos.

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

D. Old Business

Land Preservation Amendments/Updates to Point System Property Evaluation and Guideline

Bob Galdo, Land Preservation Committee (LPC) member, said the LPC had postponed its last meeting and their next meeting was on March 22nd and was waiting on comments back.

Rosamilia recommended that the minor changes to Land Preservation Point System Property Evaluation form and Guidelines be accepted and that if the LPC had further changes they could be discussed in the future. Galdo agreed.

Motion to: accept the amendments to the Land Preservation Point System Property Evaluation form and Guidelines.

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

E. Regular Business

1) Minutes

Motion to: approve the February 16th, 2021 minutes as written.

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

2) Treasurer's Report and Budget Recap for January 2021 was posted on the bulletin board.

3) Payroll Reports

Motion to: accept the Payroll Reports for the periods ending February 26th in the amount of \$28,235.15.

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

4) Disbursements:

Motion to: approve the following disbursements.

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

General Fund	Amount	Memo
Michael Frankenfield	\$1428.00	Contracted Snow Removal Assistance
VISA	\$263.94	Account Edge 2021 updates
Keystone Municipal Services	\$1,088.00	Bldg. Inspections and Reviews
Service Electric Telephone	\$412.94	Telephone Service
Holicong Locksmiths/Security	\$122.55	Alarm Monitoring PWD Garage
Blue 360 Media	\$97.75	Current Law Enforcement Updates
Street Cop Training	\$149.00	New Jersey Interdiction Training
Verizon Wireless	\$215.17	Police Wireless
Frankenfield, Michael	\$480.00	Contracted Snow Services
Davidheisers	\$70.00	Speed Timing/Calibration
Harford Insurance	\$292.52	Life and Disability Insurance
Suburban Propane	\$653.24	Heating Oil
Wehrung's	\$110.47	Building Supplies
Payroll Fund	Amount	Memo
Account Edge Payroll Service	\$27,674.02	Payroll for pay period ending Feb 26
State Fund	Amount	Memo
H & K Materials	\$531.87	Asphalt patch
Wehrung's	\$135.43	PWD Hardware & Supplies
Vanderlely's Sales and Service	\$388.82	Fleet Parts
Stengel Bros	\$2,058.21	Fleet Repair
NAPA of Ottsville	\$117.99	PWD Fleet Parts
M & W Precast LLC	\$149.95	Stormwater Pipe
Plumstead Materials	\$2,817.04	Stone/Aggregates
Suburban Propane	\$2,547.41	Diesel Fuel
Escrow Fund	Amount	Memo
Jed Fitz	\$4,354.00	Escrow Reimbursement
Tinicum Township General Fund	\$1,146.00	Escrow Reimbursement Prof Services
Open Space Fund	Amount	Memo
Delaware Valley Regional Finance	\$11,916.03	Open Space Bond Payment

F. Subdivision/ Land Development

Blanchard announced the following Land Development Preliminary Plan for:

Spinio Industrial Holding LLC, TMP 44-011-008-003, located 3632 Bedminster Rd.

- The plan application is currently under review by the Township Planner, Engineer and Zoning Officer. Their reports are due March 16th.
- The Planning Commission will review the plan on March 23rd.
- The Planning Commission advisory opinion is due to the Board on March 30th.
- The Board will review the plan on April 6th.

Lewis noted it had been before the Board as a Conditional Use last year and this was the next step.

G. Public Works

The Board thanked the Public Works Department for their good job with snow removal. Helms said they did a better job than was done on the state roads. Lewis said that most of the complaints received had been about the state roads.

H. Executive Session

Blanchard recessed the regular meeting at 8:32 pm to discuss matters of personnel and litigation. Blanchard reconvened the meeting at 9:55. There was no action to report.

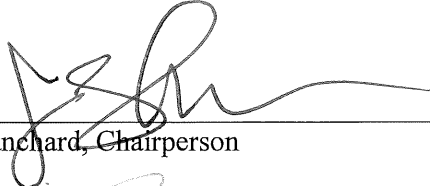
I. Adjournment

Motion: to adjourn the meeting at 9:56 pm.

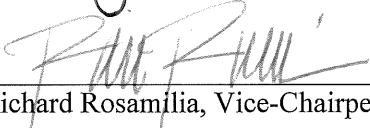
Motion by: Blanchard. Second by: Rosamilia. Voted upon and passed.

The next meeting of the Board of Supervisors is scheduled for March 16, 2021 at 7:30 PM.

TINICUM TOWNSHIP BOARD OF SUPERVISORS



John Blanchard, Chairperson



Richard Rosamilia, Vice-Chairperson



Jim Helms, Member