

Incorporated March 12, 1738

TINICUM TOWNSHIP

Bucks County

BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

RICHARD ROSAMILIA, CHAIRPERSON
JIM HELMS, VICE-CHAIRPERSON
ELEANOR BRESLIN, SUPERVISOR

Tinicum Township Board of Supervisors Meeting Minutes May 3, 2022

Supervisors Eleanor Breslin, Jim Helms and Richard Rosamilia were present with Township Manager Teri Lewis and Township Solicitor Steve Harris. The meeting was held in the Tinicum Township building meeting room. There were approximately 40 people in attendance.

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

Rick Balukas, River Road, announced he would be recording the meeting.

A. Emergency Services

1. Fire Police Oath of Office

Ottsville Fire Police Michael Mulkeen was sworn in.

2. Tinicum Township Emergency Operations Promulgation

Motion: to approve the Promulgation of the Tinicum Township Emergency Operations Plan (EOP) Notification and Resource Manual (NARM).

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

3. Fire Police Request

Motion: to authorize any and all available fire police to assist the Tinicum Civic Association with traffic control for the Tinicum Arts Festival at Tinicum Park, Erwinna, PA on Saturday, July 9th and Sunday, July 10th.

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

B. Public Comment

- Cindi Gasparre, River Road, thanked the Board for having the 25 mph signs installed on River Road from Bridge Lane Two to Bridge Lane Five, as requested.
- Gasparre requested that the 25 mph signs also be placed further north of Bridge Lane Five. Rosamilia said the request would be made to PennDOT.
- Luke Sorensen, Sherman Road, thanked the Board for beginning the speed study process on Sherman Road, as requested. He requested a timeline for the study. Lewis said she would request a timeline.
- Sorensen requested that the speed study process be reviewed in the future, stating other townships have applied uniform speed limits to their local roads.

C. Old Business

1. Mark Hankin/Rolling Hills Hedgerow Request

Harris stated that the Board had previously agreed to allow the hedgerow to be relocated, but had requested the new hedgerow be comprised of native species. He said Hankin's nursery person had provided an updated list of native trees including 9 to 10-foot white pines, 3 to 3 ½ inch diameter red maples, and 3 to 3 ½ inch diameter sycamores, but also included a letter requesting that the Board reconsider Norway spruces to be used in place of the white pine as he believed them to be hardier.

Supervisor comments:

- Helms said he had researched white pines and Norway spruce and found them to have the same life span. He said he would defer to the landowner's experience as to what grew best on the property.
- Breslin said the ordinance contained a list of native species for what is most appropriate for the Township. She suggested that Planning Commission (PC) review the ordinance with regards to white pine.
- Rosamilia confirmed with Harris the 3-year replacement clause, which states if a tree dies within 3 years it is replaced with another tree with another 3-year replacement guarantee. Rosamilia said if they are recommending Norway spruce based on their experience, he was inclined to agree.

Motion: to authorize Mark Hankin to relocate a hedgerow between lot 27 and 28 Norway Spruce in place of white pines, with the red maples and sycamore.

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

2. Sorbello Settlement Agreement

Motion: to sign the Sorbello Settlement Agreement. TMP# 44-014-032.

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

3. Centennial Barn Lot Line Change

Motion: to sign the Centennial Barn Lot Line Change Agreement as approved on November 16, 2021. TMP#(s) 44-030-008, 44-030-008-002, 44-030-008-003 & 44-032-018.

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

4. Hybrid Board of Supervisor Meetings

Rosamilia said, after several months of discussion, there were 3 options:

- a) Zoom meetings, which would allow live exchange and virtual participation;
- b) Broadcast meetings, which would livestream/broadcast with no virtual participation; or
- c) Continue meetings as they have been without virtual broadcast and/or virtual participation.

Supervisor Comments:

- Helms said Township Manager Lewis could not be expected to be involved in the meeting and run the virtual interaction at the same time. He said a third party would be required to handle the IT at the meetings. He asked Lewis which township had a third party. Lewis said that Springfield Township currently was Zooming specialty hearings and had hired an IT person at a cost of approximately \$700 a hearing. Helms noted that would be a minor cost beyond the original equipment installation.
- Breslin said they had an opportunity to remove barriers that exist in the community. She said there is a cost and a learning curve, but by increasing access, creating more space for community engagement, increasing public participation, and greater transparency in local government, which would enable people to see how decisions are made and tax dollars are allocated, the benefits far outweighed the negatives.

- Rosamilia said he had attended Solebury's virtual meetings at Breslin's suggestion. He said Solebury has two virtual meetings a month, one in the morning and one in the evening. He said they had very few people attending either on Zoom or in person. Rosamilia said the meetings were nicely handled, but that an outside IT service attends every meeting because they have experienced problems with the technology.
- Rosamilia stated he was very concerned that Solebury limited participants, whether virtual or in person, to 3 minutes of speaking time with a total of only 15 minutes for public comments. He said he was not sure what would happen if there were 50 people wanting to participate. Rosamilia said participants must send an email 2 hours ahead of the meeting and provide written comments, which are then given to the supervisors before the meeting starts. He said he appreciated that there are people who have different thoughts and opinions and they talk about it. Rosamilia said the timeframe limit was a problem and did not give enough time for people to express their thoughts or give the supervisors the opportunity to have a conversation.
- Breslin said that Solebury's meeting rules were made for Solebury. She said she understood that many townships and municipalities set time limits for participation, including in-person meetings, but that Tinicum could make rules that would work for Tinicum.

Public Comment:

- Kathleen Greaney, River Road, said she had health issues that prevented her from attending meetings in person and requested that township meetings be made available via Zoom.
- Carol Huffman, River Road, said they should work with G2 Computers and get Zoom for Government and she would volunteer to run it. She said they could start out with Livestream. Hoffman requested an independent committee to look at the options with G2 and funding and volunteered to lead it. Rosamilia said that Lewis had previously gotten a quote from G2.
- Richard Balukas, River Road, said he personally contacted three local townships, Nockamixon, Bridgeton and Doylestown townships, and all three were essentially in favor of Zoom. He said that, while Nockamixon has very few participants, it has been extremely efficient for the township because it offers the option to have the secretary, engineer and zoning officer participate directly at the meetings. Balukas said that Doylestown has used a livestream government access channel since 2013 and they have between 20 to 100 people who attend depending upon the issue at hand. He said Bridgeton has 5 to 6 participants, more if it is a hot issue, and they use a chat box and a raised hand option to enable people to participate.
- Dan Ullman, Municipal Road, said he was a newcomer to the township. He said he experienced Zoom many times and it worked very well. Ullman said he understood the issues with Solebury, but those were problems that could be worked out. He said he was nervous about Covid and if they had Zoom meetings he could be at home and be a participant. Ullman said he urged the Board to think about it, noting there are a lot of different reasons people would want Zoom and it would be a good thing to have.
- Bruce Wallace, Sheephole Road, said Rosamilia was not allowing people the opportunity to talk during the public session. Rosamilia said they had publicly discussed the topic for the past 3 months and Wallace had attended one of the meetings. Rosamilia explained the process of making the motion and then opening it for public discussion.
- Cindi Gasparre, River Road, stated that at the last meeting she presented a signed petition and wanted to present 50 more signatures.
- John Cole, Hollow Horn Road, said he thought broadcasting was a decent middle ground to start with, but would like to see an exemption for people who can demonstrate that they cannot drive to the meeting, have a disability, or work-related issue, and allow them to participate via Zoom.

Cole said he wanted to at least tune in and witness what was going on, noting very rarely are things decided in one meeting without the opportunity to come to the next meeting. Cole said the technology was not that expensive and they should get someone to handle the IT.

- Stanna Lennox, Headquarters Road, said she and her husband were older, do not go out at night much and she does not hear well. She said she does a lot of Zoom with other organizations, such as the Tincum Civic Association, the Tincum Conservancy and book groups, and it has worked very well. Lennox said she would love to see them have that opportunity.
- Craig DeGroot, Tincum Creek Road, said he wondered if the Board would investigate further, while they did the streaming, as to what the cost would be, what the man hours would be, what it would really take to get the systems, and then to have a moderator for those systems. Rosamilia said that G2 Computers had provided a firm number for equipment and set up, but they did not have a quote for an IT person to attend each meeting to handle technical issues.
- Tim Cashman, Quail Lane, said he had been coming to meetings on a regular basis for 10 years and thought streaming was a great idea, but having people Zoom in questions would slow things down.
- Betsy Townsend, Hollow Horn Road, asked Rosamilia what was his experience with Zoom, if he had used it, and in what capacity. Rosamilia replied that he had used it for things he had to attend as a consultant.
- Kim Rosamilia, Stagecoach Road, said that the Zoom meeting would be good to acquaint people with the procedure of what the Board does. She said they are elected officials, who follow a certain protocol. K. Rosamilia said Zoom would allow people to see how the township is run and understand there is a method to it.

Motion: to allow the Board of Supervisor business meetings to be interactively accessible through Zoom.

Motion by: Breslin. Motion not seconded; motion failed.

Motion: to livestream broadcast the Board of Supervisor business meetings.

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

Lewis requested that the Board approve the expenditure so she could contact G2 to order the equipment and set-up. She said the cost was approximately \$13,000, but she would have to upgrade the internet to support the streaming so that would be an additional cost. Lewis said G2 also had included training for the three of them. Breslin asked Lewis if the equipment for streaming could also be used to Zoom meetings if the Board decided to do Zoom in the future. Lewis said, as she did not know which way the Board would vote, she had requested the equipment quote that way, but would double check with G2 to be sure.

Richard Balukas, River Road, said it would be an excellent usage of some of our recovery funds and, as we go into our next work session, it might be a great discussion.

D. Regular Business

1. Minutes

Motion: to approve the minutes of the April 19, 2022 meeting as written.

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

2. Budget Recap and Treasurer's Report
The Budget Recap and Treasurer's Reports for April 2022 will be provided at the next meeting.
3. Payroll Reports
Motion: to accept the Payroll Report for the period ending April 22 in the amount of \$28,153.59.
Motion by: Rosamilia. Second by: Breslin. Voted upon and passed.
4. Disbursements
Motion: to approve the following disbursements.
Motion by: Breslin. Second by: Helms. Voted upon and passed.

General Fund	Amount	Memo
PMRS	\$1,007.42	Qtr. 1 Uniform Plan
PMRS	\$6,877.27	Qtr. 1 2022 Non -uniform
WEX, Inc	\$1,860.02	Police Fuel
Baxter	\$55.00	Reimbursement police fuel expense
Skelton	\$400.00	2022 Clothing Allowance
Merry Maids	\$230.00	April cleanings (2)
Margot	\$400.00	Clothing Allowance 2022
Kallenbach	\$400.00	Clothing Allowance 2022
Trovinger	\$400.00	Clothing Allowance
Verizon Wireless	\$202.26	Police Wireless
Keystone Municipal Services Inc	\$5,619.50	Zoning and building services 4-5 thru 4-14
Met-Ed	\$442.45	Electricity Police and Admin
VISA	\$189.78	Police Supplies
DelGuerico's Disposal Service	\$310.00	Trash removal
G2 Computers	\$649.00	Repair bldg. code official computer
Service Electric Telephone	\$367.96	Telephone Service
Gannett Holdings - Ohio	\$324.40	361088533 Intell. subscription 6 months
Keystone Municipal Services Inc	\$1,080.95	Reimbursement 2018 Code Books
Suburban Propane	\$783.54	Fuel Oil 2751-615822
Gary Bickel's Garage	\$110.00	Police fleet service
Staples Credit Plan	\$57.27	Police supplies
Aflac Business Services	\$145.64	February Supplement Insurance withheld
Payroll Fund	Amount	Memo
Account Edge Payroll	\$27,650.91	Pay period ending 4-22-22
State Fund	Amount	Memo
Vanderlely's Truck Sales & Serv	\$414.52	PWD Fleet Parts
Michael's Garage	\$173.00	Inspection - and tire removal
Garden State Highway Products, Inc	\$1,756.65	Traffic Signs
Garden State Highway Products, Inc	\$475.35	Traffic Signs
Suburban Propane	\$2,641.16	Diesel Fuel
Allan Myers	\$669.32	Stone
Cargill	\$2,828.87	Road Salt
H & K Materials	\$796.16	Asphalt 919
Open Space Fund	Amount	Memo
Delaware Valley Regional Finance	\$11,500.81	Open Space Bond

E. Subdivision and Land Development

1. Preliminary Plan Minor Subdivision: Three Horse, LLC, 38 Center Road, TMP# 44-14-76-2 & 15-1
 - The application is for a 2-lot subdivision. There are existing dwellings on each lot. No new development is proposed.
 - The Bucks County Planning Commission review was received on March 17, 2022.
 - The Tincum Planning Commission reviewed the application on March 22, 2022.
 - The applicant has requested an extension of 180 days in order to relocate the septic.
 - Board of Supervisor review has been rescheduled for July 19, 2022.

2. Land Development Waiver Request of M & W Concrete, 210 Durham Road, TMP 44-001-041-007
 - Request: a waiver of Land Development for the same use.
 - The Zoning Hearing Board (ZHB) previously granted a variance on February 10, 2021 to exceed the 35 ft building height requirement and allow a 42 ft. of building.
 - The new building will be built on an existing pad; impervious is unchanged.
 - The new building will enclose the same use that was previously existing.
 - Land development plans were reviewed by the Tinicum Planning Commission and the engineer.
 - Gavin Laboski, attorney for the applicants, presented the plans and provided the following highlights:
 - Currently a crane is brought in a several times a month to load pieces of concrete onto trucks.
 - The request is for a 50 x 102 square foot building that would house a permanent, electric crane.
 - The building would help to reduce noise, reduce the amount of activity outside, and allow workers to work year-round without having to deal with the elements.
 - No new use, no increase in employees, no change to sewer or water, no increased stormwater.
 - The ZHB imposed two conditions, which the applicants have agreed to:
 1. the exterior of the building would be constructed in a natural color to blend in with the natural surroundings; and
 2. a buffer with natural plant screening would be installed to minimize visibility. (Landscape plans were available.)
 - Lewis said plans were sent to township engineer Steve Baluh of Wynn Assoc., who had prepared a memo dated April 20, 2022.

Motion: to waive land development approval for the application of M&W Precast, LLC conditioned on compliance with the township engineer memo of April 20, 2022 and conditions imposed by the Zoning Hearing Board decision of February 10, 2021.

Motion by: Breslin. Second by: Helms. Voted upon and approved.

Helms asked, since the Land Development was waived, would the escrow amounts be changed accordingly. Lewis said the applicant had submitted a \$5,000 fee and \$20,000 in escrow for a full Land Development. She recommended that the fee and escrow be reduced to the Conditional Use fee amounts of a \$2,000 fee and \$2,500 in escrow. Lewis further suggested that the applicants sign a Professional Services Contract as a precaution should the fees exceed the \$2,500 escrow amount.

Motion: to revise the fee and escrow amounts for M&W Precast, LLC and have the applicant enter into a professional services agreement. The fee will be reduced to \$2,000 and the escrow will be reduced to \$2,500 with the balance being released.

Motion by: Rosamilia. Second by: Breslin. Voted upon and approved.

F. Zoning Hearing Board

1. ZHB 2022-1 Mojjiis and Trifiro / Centennial Barn Condo, 26 Cafferty TMP # 44-30-8-2 and 45 River Road TMP # 44-30-8-3 and 44-30-8.
 - Request: Relief from minimum lot requirements, impervious surface regulations, and setback requirements to split the 2-unit condominium use of the property into two separate properties as part of a multi-step process to dissolve the condominium agreement. A lot line change was previously approved at the November 16, 2021 Board of Supervisors meeting.
 - Christin Ponzio, attorney for the applicants, presented the plans and following highlights:
 - The plans were the same as reviewed by the Planning Commission on April 26, 2022, but Ponzio said she had color-coded the plan to better explain it.
 - The two-unit condominium was legally established 25 years ago.
 - A house, detached garage and renovated barn currently exist on unit one.
 - A shared, community septic system exists on unit two.
 - Concerned about the septic reaching the end of its life span, the applicants located a replacement area for the system.

- Levene, the neighbor, provided 1.7 acres for the replacement system, which was previously reviewed and approved.
- The lot line change will allow an area for a new septic system.
- Del Val performed soil tests to ensure that there would be a viable area for septic. It was discovered that the replacement system for unit 2 would be outside the building envelope. Ponzio stated she had amended the application to add the septic variance request.
- The next step is to request relief from the setbacks at the ZHB hearing in order to divide the land.
- If the variance for setback is granted, they would return to request that the property be divided.

Rosamilia said that the PC had reviewed the application on April 26 and expressed concerns about how the septic system would be addressed and requested it be set in the conditions that there would be separate septic systems. Rosamilia said the PC had recommended the solicitor attend the ZHB and state the condition.

Ponzio said that the current system is working and, due to the cost, the applicants did not want to replace the system until it failed. Ponzio said that they would put a condition in writing that, upon failure, replacement systems would be installed on both lots. Harris said that if a letter is sent to the ZHB attorney that would be acceptable.

Breslin said, because it is a 25-year-old system, failure might not be that far in the future. Ponzio said there would signs of failure and the system is tested yearly. Lewis confirmed that a system test report was received annually. Rosamilia asked that the annual testing be included in the letter. Helms said he agreed so long as both the current and future owners were in agreement and be contingent upon having it in writing, that the sale of the property or septic system failure would automatically require the installation of the two new systems.

Breslin asked if the accessory dwelling issue was being addressed. She stated that the PC wanted to restrict the area to septic and the accessory building, but not an accessory dwelling. Breslin asked Ponzio if the second building on lot 2 contained a dwelling. Ponzio said no. Breslin asked if there was an accessory dwelling on either parcel. Ponzio stated that there is a two-unit dwelling within the barn.

Motion: to send Township Solicitor Harris to the ZHB hearing, unless a letter is received from the attorney representing Trifiro and Mojjis, that states if the system shows signs of failure, new systems will be promptly installed on both lots (1 and 2) and that conditions run with the land and be binding on heirs, successor, and assigned.

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

G. Public Works:

Award of Seal Coat Maintenance Bid

The annual seal coat maintenance (Sector 6) bids were received and publicly opened as advertised. Bids were received from Asphalt Industries and Asphalt Maintenance Solutions. Roads scheduled for seal coating will include McCann, Quail and sections of Hollow Horn, Lily Valley and Municipal Roads.

Motion: to award the 2022 Seal Coat maintenance project to Asphalt Maintenance Solutions at 1.65 per square yard or \$118,800.00 and authorize the Public Works Director to sign on behalf of the Township.

Motion by Helms. Second by: Breslin. Voted upon and approved.

Rosamilia explained that the bid is 28% higher than last year because the price of oil has increased and asphalt consists largely of oil.

H. Miscellaneous

Richard Balukas stated that the next scheduled Board meeting would not take place for nearly another 50 days. Rosamilia said that historically the meetings are reduced to one a month in June, July and August to allow for vacations. Lewis said the dates had been impacted by the late primary election date. Balukas asked the Board to give some consideration to next year's schedule and not have such a long period of time between meetings. Rosamilia said that they would look into it.

Balukas asked for the date of the next working group session. Breslin said May 10th at 4 pm. Rosamilia said they would confirm it and post an agenda on the website if the meeting were to take place.

John Cole expressed thanks for looking into the trees for the Hankin tract. Cole said Norway species are not native but not necessarily invasive. He said he struggled with invasive species on his property. Rosamilia said they should look at the list for plants that were good for screening. Cindi Gasparre said that their EAC meeting was the following night and would bring it up at their meeting.

Tim Cashman, said with the recent judgement for the Headquarters/Sheephole Road Bridge he wanted to hear from the Board that they were all in agreement that the project was moving forward, despite some little lawsuits, and have it noted in the minutes. Rosamilia said it was not whether they were in agreement --- it was a fact and the judge made a ruling. He said there is still an open issue with regard to land taking but they did not know when that would be resolved. Rosamilia noted that a flood plain issue was brought up at the last meeting, but their engineer reviewed it and they were in compliance.

Breslin said she had looked at the Bucks County docket to see what type of litigation a resident was referring to at the last meeting. She said it seems to be a claim in the negligence against PennDOT for the current roadway design and ascertained damage to the pastures. She said the plaintiff filed an amended complaint on April 28th and it was the first step in litigation. Breslin said it is important for the Board to continue talking about the fastest route forward for the Township. She said they could all agree they all want safe roads and bridges to travel on. Rosamilia said when they have more information they would share it with the public.

I. Executive Session

Rosamilia recessed the regular meeting at 8:51 PM to discuss personnel. Rosamilia reconvened the meeting at 10:15 PM. No action to report.

J. Adjournment

Motion: to adjourn the meeting at 10:16 PM.

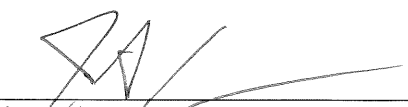
Motion by: Breslin. Second by: Helms. Voted upon and passed.

The next meeting of the Board of Supervisors is scheduled for June 21, 2022 at 7:30 PM.


TINICUM TOWNSHIP BOARD OF SUPERVISORS



Richard Rosamilia, Chairperson



Jim Helms, Vice-Chairperson



Eleanor Breslin, Member