

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 September 6, 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 27 people present at the meeting and 24 in attendance online.

Chairperson Rosamilia announced the meeting would be live-streamed on Zoom. Rosamilia called the public meeting of the Tinicum Township Board of Supervisors to order at 7:30 PM followed by the Pledge of Allegiance.

A. Announcements

Change to the Agenda

The Board announced a change to the order of the agenda. The review of agenda topic **H. SD 2022-2: Minor Subdivision of Mojjis Trifiro** was moved to the beginning of the meeting.

Native Plant Exchange on Sunday, Sept. 18, 2-4 pm

Tinicum Township Environmental Advisory Committee will hold a second plant exchange focused on native plants at the Township Community Park, 30 Tohickon Valley Road. The exchange provides an opportunity for local gardeners to share native plants and learn about restoring native ecosystems.

2023 Budget

The Board scheduled a meeting on September 14, 2022 at 4:15 pm to review and discuss a rough draft of the 2023 Budget with the Public Works Director and the Chief of Police.

Headquarters Road Bridge

The Board announced that a fact-finding discussion had been held the previous week in response to assertions from several residents that PennDOT could possibly reconsider rehabilitating the bridge. Further discussion is located under **C. New Business Headquarters Road Bridge**.

Beaver Run Road Bridge (Bucks County Bridge 365) over Beaver Creek

The County proposes rehabilitating the Beaver Run Bridge due to the poor condition of the substructure. A public comment period is open until September 27th and a link will be placed on the Township website.

B. Old Business

Solar Ordinance

Motion to advertise the draft Solar Ordinance.

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

Sherman Road Speed Limit

Lewis stated that Chief Madden had just received the review correspondence from Mark Hood, PE, Pennsylvania Local Technical Assistance Program (LTAP) in response to resident Luke Sorensen's

report disputing the LTAP speed study conducted on Sherman Road. She said that Hood disagreed with Sorensen's report and was standing by his original assessment recommendations. Lewis said she would forward the response to Sorensen.

After discussion, the matter was tabled to allow the opportunity for:

- 1) Sorensen to review the response;
- 2) Township Solicitor, Harris, to review the PennDOT regulations in the PA Code regarding the definitions of individual driveways/density of driveways and residence district maximum speed limit according to PA Motor Vehicle Code §3362 and §102; and
- 3) Chief Madden and Public Works Director, Doug Skelton, to be present at the meeting to discuss previous study measurement processes.

C. New Business

Friends of the Delaware Canal 2032 Project Plan

Breslin said that the Friends of the Delaware Canal (FODC) nonprofit organization is seeking input from property owners and organizations along the canal for the development of a 10-year plan for the Delaware Canal. She said public comment can be made through the online survey on the FODC website and open houses, including an upcoming open house on Sept. 28, from 5 to 7 pm, at the Reigelsville Library.

Authorization to Open New Checking Accounts at Penn Community Bank

Motion to authorize new checking accounts at Penn Community Bank.

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

Headquarters Road Bridge

The Board announced that a fact-finding discussion had been held the previous week. Meeting attendees included: Supervisors Rosamilia, Helms and Breslin; Township Manager, Teri Lewis; PennDOT engineer and head of District 6, Chuck Davies; consultant engineer for the Delaware RiverKeepers Network (DRN), Doug Bond; resident, Bruce Wallace; and property owner, Steve Gidumal. The meeting lasted approximately 1 hour.

Breslin said PennDOT's plan is currently in litigation and, based on the representation from one of the residents who is involved in the litigation, it could remain in litigation for another 5 to 6 years. She said, given that information, the Board asked if PennDOT would consider rehabilitating the existing structure. Breslin said that the PennDOT representative said no. Breslin said, consequently, the Board could continue to sit on the side lines or identify an alternative.

Helms said that when asked about the origin of their ultimate positions regarding rehabilitation of the bridge, both PennDOT and the DRN stated that their positions stemmed from the core samples taken by PennDOT. He said the DRN consultant believes the core samples show that the bridge could be rehabilitated. Helms said, based on their engineering experience, PennDOT does not believe the bridge can be rehabilitated and, consequently, will not move forward with their funding. He said that PennDOT stated the current litigation prevents them from moving forward and, once resolved, the outcome would determine how PennDOT can move forward.

Helms said they discussed the potential for a third-party entity and/or the Township to take ownership of the bridge in its current condition and raise 2 to 4 million to do a rehabilitation. He said that PennDOT generally agreed that they would give up ownership of the bridge to the Township and/or a third party. Helms said, at this time, that may be the quickest path to moving forward, but noted that it will still take a significant amount of time.

Rosamilia said he agreed with both Breslin and Helms. He said theoretically a rehabilitation can be done, but as Davies pointed out, there might be more extensive work that has to be done and then it becomes a rebuild. He questioned how the DEP, which would be the controlling agency, would view that situation and if the Township would have to go through the same process as is required for a new one or two-lane bridge with new abutments and piers, and what the timeframe might be.

Helms said that PennDOT has gone through the DEP review of their proposed bridge design and if the Township were to do something different, they would potentially need to follow the same DEP process to get the permits for a rehab.

Rosamilia said the first step would be a design. Lewis said that the Township and the Township Engineer had just received a preliminary, rehabilitation plan from the DRN. Rosamilia said the next step would be to have the civil engineering firm take that plan and meet with the DEP, see what they think of the plan, and if it could expedite the process. Rosamilia asked Lewis to investigate the cost for the civil engineering firm to make the presentation to the DEP and follow-up. Helms asked if Wynn Assoc., the Township engineering firm, had experience with the permitting process for this type of project. Lewis said yes.

Rosamilia said if they can get past that hurdle, the next hurdle would be deciding if the Township wants to take ownership of the bridge. He said they would have to investigate how to fund 2-4 million dollars through grants, private donations, and fund raising.

Breslin said there is federal grant money available this year, specifically under the Infrastructure Investment Jobs Act; there is a Bridge Improvement Program with 2.36 billion in funding. She said the deadline for the initial round of funding was too short, but that Lewis was in touch with the grant coordinator and subsequent rounds were planned for 2023. Rosamilia said that the County might also have grant money. Helms asked if they could apply for a grant without ownership of the bridge. Lewis said that she had discussed the issue with the grant coordinator, who said it may be possible if they had written permission from the bridge owner.

Steve Gidumal, property owner, said that for those who were disappointed hearing there would be another 5-6 years of litigation, he was encouraged as a litigator that PennDOT is becoming fatigued after 10-11 years of litigation. He said, as the property owner at the bridge location, he was against the PennDOT 2-lane bridge and that he had filed another action at the County questioning the ownership of the bridge. Gidumal said he also believes the easements purchased by PennDOT are invalid.

Jim Dierkling, resident, described a medical emergency that occurred with his wife and the amount of time it took to get emergency response to his house due to the bridge closure. He said he did not care what kind of bridge they built as long as there was one.

Bob Galdo, resident, asked about the rehabilitation option. Rosamilia explained that prior to the information discussion, the Township's position was that it did not care if this was a 1-lane, 2-lane or rehabilitated structure — the Township simply wanted the fastest option. He said PennDOT's position was if this were a 2-lane bridge, they would build it and maintain it, if it were a 1-lane (new) bridge, they would build it and then give it to the Township, and they would not do a rehabilitation to the existing structure. Rosamilia said with litigation that could possibly delay the process another 5-6 years, a discussion was held to see if there was a faster way to get a bridge for the residents.

Chris Hackly, resident, stated frustration at a Township being held hostage to the special interest of one individual and asked about the lengthy litigation process. Harris explained the court process, the appeal process, and the length of time involved. Helms said the previous DRN lawsuit against PennDOT had

taken 6 to 7 years before the courts ruled against the DRN. He said Gidumal currently has a lawsuit against PennDOT and in lieu of waiting several more years, the Board was trying to find another path.

Tim Cashman, resident, asked why Bruce Wallace and Steve Gidumal were present at the fact-finding discussion. Rosamilia said that there was an informal discussion with Wallace and Gidumal that PennDOT might be willing to change their position on rehabilitation. He said the Board wanted to know if this statement was true.

Cashman said he did not think funding for rehabilitation would come from the government and that Wallace and Gidumal should put up the money. Rosamilia said that the DRN's lawsuit asserted that the bridge should be rehabilitated, and Gidumal's lawsuit claims that there is a taking of his land for easements.

Damon Aherne, resident, said that in 2014 Rosamilia presented a temporary bridge proposal, but PennDOT said no. He requested that the Board revisit the temporary bridge proposal in the interim. Aherne suggested that they get near-term funding for one that would handle all the ambulances (except the 4-wheel drive one), all cars, and light pick-up trucks. Aherne offered to assist with engineering resources. Rosamilia said he had two bridge builders who had previously provided quotes and could put the bridge in place in 60 days. He said another option would be a clear span that leaves the abutments and piers in place. Breslin said both engineers said that would not work. Aherne said there were other temporary deck options.

Pennsylvania Fire and Emergency Services Institute Training Seminar

Breslin said the state-wide organization, led by Executive Director Jerry Ozog, offers seminars to fire company and township officials to strengthen communications. She said the Palisades Regional Fire and Rescue Services Fire Commissioner and the Delaware Valley Fire Company Chief would like to participate. She said the cost for the Board and Township Manager to participate would be approximately \$300.

Motion to participate in the Pennsylvania Fire and Emergency Services Institute.

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

Communication Ad Hoc Committee Volunteer Appointments

No appointments were made.

D. Regular Business

Minutes

Motion to approve the minutes of the August 16, 2022 meeting as written.

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

Treasurer's Report & Budget Recap

The Budget Recap and Treasurer's Reports for August will be provided at the next meeting.

Payroll Report

Motion to accept Payroll Reports for the period ending August 12th in the amount of \$32,306.90 and August 26th amount of \$31,228.94.

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

Disbursements:

Motion to approve the disbursements as written.

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

General Fund	Amount	Memo
Petty Cash	\$143.80	Petty Cash
Merry Maids	\$115.00	Janitorial 7-25-22
Verizon Wireless	\$207.56	Police Wireless
VISA	\$1,011.41	Police Supplies/Admin Supplies and desk
Service Electric Cable TV	\$251.29	Service Electric Cable TV
Grim, Biehn and Thatcher	\$1,065.00	ZHB Services
Staples Credit Plan	\$402.44	Staples Credit Plan
Keystone Municipal Services Inc	\$3,318.00	Zoning and Bldg. services 7-26 - 8-4
Met-Ed	\$180.15	Electricity PWD
Met-Ed	\$590.31	Electricity Police and Admin
Met-Ed	\$15.90	Electricity Park
Holicong Locksmiths	\$314.61	Replace PWD Batts
Leaf	\$66.98	Police Printer
ReadyRefresh	\$193.44	Water Delivery
Staples Credit Plan	\$92.99	Police Supplies
Ricoh Americas Corp	\$93.00	Copier Lease
Service Electric Cable TV	\$279.13	Service Electric Cable TV
Allied Administrators for Delta Dental	\$800.54	Allied Administrators for Delta Dental
United Healthcare Insurance Company	\$14,053.20	2022 Monthly Health Insurance
Aflac Business Services	\$145.64	Supplement Insurance withheld
E. Breslin	\$108.41	Rain Barrel Expense reimbursement
Wynn Associates	\$5,604.44	Engineering Services August
Ricoh Americas Corp	\$308.00	Copier Lease & Service
Keystone Municipal Services	\$4,161.00	Bldg. & Zoning Services 8-15 - 8-26
RR Donnelley	\$23.93	Printing – Police
Hartford Life Insurance	\$601.32	Life and Disability Insurances
Uniform Gear	\$56.49	Police Uniform Supplies
Payroll Fund		
Account Edge Payroll Service	\$31,701.89	Pay period end 8-12-22
Account Edge Payroll Service	\$30,612.44	Pay period end 8-26-22
State Fund		
Suburban Propane	\$437.34	Diesel Fuel
H & K Materials	\$5,720.47	9.5 MM Asphalt
Michael's Garage	\$898.85	PWD Inspections and Repairs
Vanderlely's Truck Sales & Serv	\$2,369.10	Fleet Repairs- Parts
Callahan Bearings	\$42.00	Vehicle repair parts V-belt
Wehrung's	\$90.07	Shop Supplies
Escrow Fund		
Stacy Morgan and Brett Kendall	\$4,325.52	Reimbursement septic construction escrow

E. Zoning/Planning

Tretton Farmstead 31 Creamery Road, Ottsville.

Harris stated that a wedding was held at the Tretton Farmstead on August 27, 2022. He said the Township has issued enforcement notices for Zoning (for the event) and Building Code (for the use of barn) violations. Harris said Tretton has 30 days to appeal and the burden falls on the Township to prove that a wedding took place. He said the Trettons claim the event was a party, not a wedding, but the event was advertised as a wedding on the internet along with Google reviews of the venue, DJ, etc. Harris said that there was a wedding scheduled for October 1, but after contacting Dan Lyons, attorney for the Trettons, it was moved to another venue.

Helms and Rosamilia asked how it would affect the agreement. Harris said that it becomes a question of the Land Development review. He said the Township has taken the position that if Tretton has violated the Zoning Ordinance, they have violated the settlement agreement. Harris said the Township was currently awaiting the Township Engineer's review of the plan and ordinance to determine if there are

significant issues with the plan. He said the Township Manager requested that the engineer review the application in that light.

Harris said that if the Trettons continue to hold wedding events, the Township would file an injunction, which would make the wedding illegal without zoning approval and code compliance. He said if the court agreed, then court-ordered penalties can be imposed.

Breslin explained that this is a commercial business that it does not have a certificate of occupancy, has not gone through the land development approval process, has not had any building inspections, is a structure that could accommodate close to 200 people, and the Township wants to be sure that anyone going there is safe. Rosamilia said the Trettons had assured the Township that nothing would take place until all the appropriate plans were submitted and approvals had been granted.

John Cole, Planning Commission, stated that the Land Development and Conditional Use applications are scheduled for Planning Commission review on October 26. He asked if this violation would delay the review. Harris stated that the review cannot be delayed due to the time limits set forth in the PA Municipalities Planning Code. Lewis said that the engineer will review the application as if there was no settlement agreement so that the Board and the Planning Commission can see clearly how the plan complies. Harris stated that the engineers review will be completed before the PC review on October 26.

F. Zoning Hearing Board

ZHB Appeal 2022-2: Davidson

TMP 44-033-013-005, 72 Walters Lane, Point Pleasant.

Variance relief requested from side yard setbacks, floodplain overlay, riparian buffer, and for the sewage disposal area in the riparian corridor.

- Tincum Township Planning Commission reviewed on May 24, 2022.
- Board of Supervisors reviewed on June 21, 2022.
- Zoning Hearing Board review on July 14, 2022 was continued to September 22, 2022.

Harris said no updated plan had been received and at this juncture he will be attending the Zoning Hearing Board meeting as previously instructed by the Board.

G. Subdivision / Land Development / Conditional Use

SD 2022-2: Minor Subdivision of Mojjis Trifiro

TMP 44-030-008-002, 44-030-008, 44-030-008-003, 26 Cafferty Road, Point Pleasant.

Proposes minor subdivision as part of multi-step process to extinguish condominium.

- Application received on June 28.
- Planning Commission review on July 26.
- Board of Supervisor review on September 6.

Representing the applicants were Christen Ponzio, attorney, and Eric Clase, engineer. Ponzio briefly reviewed the history of the multi-step process to extinguish the shared condominium and separate the two properties. She said the current application reflects four waivers with a will-comply with all comments from Township Engineer's review. Regarding the waivers, Ponzio explained that, technically, the applicant must show existing features within 500 feet, natural features, encroachment and road improvements. But because no construction or improvements are proposed, those requirements are not applicable.

Breslin asked if the first waiver from section 411.B 13 of the SALDO, was a waiver from providing a plan showing all significant manmade structures within 500 feet and within the site — or just the ones within 500 ft. Clase confirmed it was within 500 feet of the site. Ponzio said all of the features within the site were identified on the plan.

Breslin said she had asked Harris about the right-of-way documents that will be prepared at a later time. Harris said one of the items of the will-comply is dedicating the ultimate right-of-way and that Clase will prepare the right-of-way legal description for submittal to the Township Engineer for approval. Harris said once he gets the approved documents, he will prepare the deed of dedication and submit it for signature. Ponzio said that was agreeable.

Motion to approve the SD 2022-2 Minor Subdivision of Mojjs and Trifiro with: compliance with the conditions set by the Zoning Hearing Boards approval; compliance with the conditions set by Township Engineer, Wynn Associates, which includes the dedication issues; and approval of the four waivers.

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

LD 2022-2: Land Development of Spinio

TMP 44-011-008-003 & 44-011-008-004, 3632 Bedminster Road, Ottsville.

Proposes construction of four (4) warehouses with parking.

- Application received August 15.
- Planning Commission review on September 27. Township Engineer representative will attend.
- Board of Supervisor review on October 18.

Luke Sorensen, resident, said that the area along the creek was identified by the Bucks County Planning Commission as a future greenway. He requested that designation be accommodated during the review. Helms said the initial site development showed the buildings were well beyond the overlay setbacks and the flood plain area. He added that it would be a major area of review by the PC.

Rob Galdo, resident, asked if the proposed warehouses would store any hazardous material. Harris replied that it is unknown, but that each warehouse will require an occupancy permit and the Township will receive notification of the materials being stored. Galdo asked if the Township could conduct an annual inspection of the stored materials. Harris said that there was nothing in the Building Code that allows for inspections. Harris said the Township would have to have a separate maintenance code, which the Township does not currently have in place.

CU 2021-2: Conditional Use Application of Watson

TMP 44-006-017, 25 Tammany Road, UBE.

Requests Conditional Use approval for driveway intrusion in the wetland corridor and riparian buffer overlay districts.

- Application received on August 16.
- Planning Commission review on September 27.
- Board of Supervisor review on October 4.

LD 2022-3: Land Development of Tretton

CU 2022-1: Conditional Use of Tretton

TMP 44-001-022-002, 31 Creamery Rd, Ottsville.

Proposes Land Development to renovate barn as a wedding venue.

Requests Conditional Use approval to construct stormwater management facilities in steep slope and permit substantial property improvement within the Tohickon Creek Watershed overlay.

- Applications received August 16. (60 Day Waiver Letter received for Conditional Use.)
- Planning Commission review on October 26.
- Board of Supervisor review on November 15.

Harris explained that typically after Township Engineer and Planning Commission review, the applicant will often need to go back and address the issues raised, which frequently requires requesting an extension in order to have time to make the recommended changes.

H. Public Comment Session

Cindi Gasparee, resident, asked if there was a way to put a direct link to Zoom to make it easier for those livestreaming the meeting. Lewis said she would look into it, along with getting microphones for the Board to improve the quality of the livestream audio.

Anita Nolan, resident, said the main concern for the bridge is not whether it is one or two lanes, but that residents do not have to pay for it, and that school buses, fire trucks, emergency equipment, delivery trucks and cars can cross the bridge. She said that she was very troubled that the meeting with PennDOT was not made public. Rosamilia said it was a fact-finding discussion only, no decisions were made, and that if anything moves forward, the public would be invited to participate.

Breslin said that the Board has been very cognizant of the Sunshine Act and asked Harris if the Board had been in compliance. Harris said that the meeting complied with the Sunshine Act. He reiterated that it was only fact finding and no decisions or deliberations took place. Harris added that the last time the Township wanted to have a public meeting with a PennDOT representative, PennDOT would not attend. Rosamilia added that he had to assure PennDOT Engineer Chuck Davies that it was not a public meeting.

Steve Gidumal, property owner, said that if everyone wants a bridge, they should all agree to a one-lane bridge. Rosamilia said that when the Township did a survey in 2011, the majority of the people said they wanted a two-lane bridge, not because it had two-lanes, but because they did not have to own it.

I. Adjournment

Motion to adjourn the meeting at 9:20 PM.

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

The next meeting of the Board of Supervisors is scheduled for September 20, 2022 at 7:30 PM.

TINICUM TOWNSHIP BOARD OF SUPERVISORS



Richard Rosamilia, Chairperson



Jim Helms, Vice-Chairperson



Eleanor Breslin, Member