

Incorporated March 12, 1738

TINICUM TOWNSHIP

Bucks County

BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

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

Tinicum Township Board of Supervisors Meeting Minutes April 18, 2023

Supervisors Eleanor Breslin, Jim Helms and Richard Rosamilia were present with Township Manager Teri Lewis, Police Chief Nicole Madden and Township Solicitor Steve Harris. The meeting, held in the Tinicum Township building meeting room, was live-streamed on Zoom and recorded. There were approximately 10 people present and 7 viewed online.

Chairperson 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. Old Business

Headquarters Bridge Update

The Board stated that the pier and abutment investigation work is tentatively scheduled for May.

B. New Business

Fire Police Request: Haycock Township

Motion to authorize any available Fire Police to assist Haycock Township on Sunday, May 21, 2023 at 6:45 AM for the Independence Triathlon and August 6, 2023 at 7:00 AM for the Steelman Triathlon at Nockamixon State Park.

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

2022 Real Estate Tax

Harris said that an affidavit form would be available for residents experiencing tax penalty problems as a result of or caused by the previous tax collector, Michael Clement, who was replaced in 2023 by Deborah Yerger. He said the Township would then submit the affidavit to the County, which has the responsibility to decide whether or not to waive the penalty. Harris noted that the affidavit was only for Township taxes, not school taxes. Additionally, the penalties would not be waived for residents that were simply late paying their taxes.

C. Announcements

Executive Session

The Board announced at the beginning of the meeting that an executive session was held prior to the meeting from 6:00 to 7:20 PM to discuss personnel and potential litigation.

Tinicum Earth Day Fair

The Environmental Advisory Ad Hoc Committee is planning an Earth Day Event on Saturday, April 22, from 10 AM to 2 PM, at the Tinicum Township Community Park. Rain date is Sunday, April 23.

Tinicum Township Community Park Clean Up Day

The Board said the event held on April 15th was a huge success and acknowledged the contributions made by Park and Recreation Board Chair Terry Johnson and member Ed Basford, Township Manager Teri Lewis, Planning Commission members Neil Sullivan, John Clement, Carl Ruthardt and John Cole,

Environmental Advisory Committee member Cindi Gasparee, Zoning Hearing Board Chair Eric Hinrichs, and community members Craig DeGroot, and Adam, Harriet, Samuel, and Madeleine Meshkov.

Resignation of Mikayla Fasone, Environmental Advisory Ad Hoc Committee
 The Board thanked Mikayla Fasone for her contributions to the EAC.

Grant Subcommittee Creation

The Board discussed the idea of a committee or subcommittee that could develop ideas/projects and investigate grant funding that would be comprised of a representative from each of the existing Township committees and possibly other volunteers. It was suggested that the Board contact the existing committees for ideas and feedback by the next Board of Supervisors meeting.

Janine Black, Historical Committee Chair, said that the Historical Committee and the Tinicum Civic Association would be interested in participating in the grant committee.

Luke Sorenson, Land Preservation Committee Chair, said that many committees have overlapping interests and that the committees would like to work together on inter committee projects. He suggested that the committee also seek individuals with grant writing experience and the time to work on the applications.

D. Regular Business

Minutes

Motion to approve the Board of Supervisor minutes of April 4, 2023.

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

Treasurer’s Report & Budget Recap

Treasurer’s Report and Budget Recap for March was presented and posted on the bulletin board.

Payroll Report

Motion to accept Payroll Reports for the period ending April 7, 2023 in the amount \$33,692.40.

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

Disbursements

Motion to approve the following disbursements as written.

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

General Fund

PMRS	\$2,995.10	QTR 1 Uniform
PMRS	\$6,748.69	QTR 1 2023 Non-U
Gatehouse Media (Intelligencer)	\$610.06	Intelligencer Public Notices
Help Now	\$75.00	Police IT
Leaf	\$308.78	Police Copier
Merry Maids	\$169.00	Janitorial - Police and Admin
Staples Credit Plan	\$233.11	Supplies
Harris and Harris	\$4,289.25	Legal Services March
Earth Link	\$71.90	Web Hosting 2 months
ReadyRefresh	\$160.54	bottled water March
Keystone Municipal Services Inc	\$4,570.00	Zoning and Bldg. 35734
DelGuericco’s Disposal Service	\$155.00	Trash Removal
Met-Ed	\$288.59	Electricity - PWD
Met-Ed	\$449.80	electricity pol and admin
Met-Ed	\$33.97	Electricity Park xxx 298
Staples Credit Plan	\$138.14	Police Supplies
Ricoh Americas Corp	\$93.00	Ricoh Americas Corp
Gall’s Inc.	\$162.27	Police Supplies 5470733
Met-Ed	\$129.33	Electricity traffic light
United Healthcare Insurance Company	\$12,884.91	Employee Health Insurance

PSATS UC GROUP TRUST	\$944.14	QTR 1 Unemployment Ins
Payroll Fund	Amount	Memo
Account Edge Payroll Service	\$33,055.69	Payroll for pay period end 4-7-23
State Fund	Amount	Memo
Garden State Highway Products, Inc	\$849.04	Sign Supplies
Jacob's Auto Supplies	\$214.86	Vehicle Repair Supplies Mack
Wehrung's	\$100.84	Shop Supplies
U.S. Municipal Supply Inc.	\$420.49	6207194 Sign Supplies
PPC Lubricants	\$308.29	Hydraulic Supplies
NAPA of Ottsville	\$253.97	Fleet Parts & filters
STTC	\$549.70	STTC - Equip - Tires
ATCO International	\$201.10	PWD - Buster – Fleet

E. Public Works

Annual Seal Coat Maintenance Bid Award

The Board awarded the 2023 bid for annual seal coat maintenance Sector 1 to Asphalt Maintenance Solutions at a \$1.66 per square yard.

F. Zoning

Zoning Hearing Board Application #2023-1 of Voss /Kannehkeril

804 River Road, Erwinna. TMP 44-017-009 and 44-017-003.

Applicant seeks to increase square footage with a second story addition, elevate the existing single-family home in the floodplain, and requests relief from side and rear yard setbacks for septic.

Application received April 14, 2023.

Application withdrawn April 18, 2023.

G. Conditional Use / Land Development/ Minor Subdivision

LD 2022-3: Land Development of Tretton

CU 2022-1: Conditional Use of Tretton

Property Owner: Zachary and Margaret Tretton

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

Applicants propose to renovate a barn as a wedding venue.

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

A court recorder was present and transcribed the proceedings.

Township Solicitor Steve Harris reviewed the application process to date:

- August 8, 2022: Conditional Use and Land Development Applications were submitted.
- October 25, 2022 and continuance meeting January 3, 2023: Tincum Township Planning Commission reviews both applications. At the end of the January 3rd meeting, Dan Lyons, attorney for the Trettons, agreed to suspend the 60-day clock and present an updated Land Development Plan and Conditional Use applications at the next meeting.
- March 2, 2023: No updated applications had been presented and Dan Lyons submitted a letter extending the time waiver to April 30, 2023.
- April 18, 2023: The last Board of Supervisors meeting prior to April 30th.

Harris submitted the following Exhibits:

- Exhibit CU 1: Tretton Conditional Use Application dated August 8, 2022.
- Exhibit CU 2: Lyons Extension Letter/Amended Addendum dated March 2, 2023.

Harris stated that Conditional Use and Land Development applications must be reviewed within the timeframe set forth in the PA Municipalities Planning Code. As no new plans, additional applications or extension letters have been received by the Township, the Planning Code requires the Board to act

on both applications at the April 18th meeting, otherwise the applications would be deemed approved. Harris requested that the Board begin with the Conditional Use Hearing.

Motion to open the Conditional Use Hearing of CU 2022-1 Tretton, 31 Creamery Rd.

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

Harris stated the following:

- The initial conditional use application request was to permit the construction of stormwater management facilities in areas of 15% to 25% steep slopes and to permit substantial property improvements within Tohickon Creek Watershed Overlay District.
- Subsequently, the application request was amended to permit a replacement sewage system in an area otherwise prohibited by township ordinances and to permit a future reserve septic system, stormwater system and outlet structure, a portion of the parking lot and retaining wall located in Zone 2 and 3 Riparian buffers.

Harris asked if anyone was present on behalf of Tretton Farms to present evidence in the Conditional Use Hearing. As no representative was present and no evidence was produced to support the conditional use application, Harris recommended that the application be denied for the reasons set forth in the Planning Commission minutes and the Township Engineers review letter, and because no evidence had been presented to establish compliance with any of the four conditional uses requested.

Motion to deny Conditional Use Application CU 2022-1 Tretton, 31 Creamery Road.

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

Harris asked if anyone was present on behalf of Tretton Farms to present evidence in the the Land Development Hearing. No one was present.

Regarding the Tretton Land Development application, Harris reviewed the following:

- On October 25, 2023 the Tincum Township Planning Commission reviewed the Tretton Land Development application.
- Revised plans were submitted and reviewed by the Township Engineer, Steve Baluh, in his memo dated December 12, 2022.
- Based on that review the plan returned to the Planning Commission for review on January 3, 2023. At the conclusion of the Planning Commission review, Dan Lyons agreed to suspend the 60-day clock and present an updated Land Development at the next meeting, which was sent on March 2, 2023.

Harris stated no additional applications or letters of extensions had been received by the Township to date.

Harris submitted the following exhibits:

- Exhibit SALDO 1: Land Development and Conditional Use Application submissions dated August 8, 2022.
- Exhibit SALDO 2: Tincum Township Planning Commission minutes of October 25, 2022.
- Exhibit SALDO 3.A: Township Engineer's Land Development Plan review letter dated December 12, 2022.
- Exhibit SALDO 3.B: Township Engineer's Engineering/Drafting Detail Review letter dated December 9, 2022.
- Exhibit SALDO 4: Tincum Township Planning Commission Minutes of January 3, 2023
- Exhibit SALDO 5: Lyon's letter dated March 2, 2023 granting a review extension through April 30, 2023.

Harris stated that the applicant must demonstrate compliance with all Township Zoning Ordinance and Subdivision and Land Development Ordinance (SALDO) requirements. He said if the Board denies the application, the Township is required to write a decision itemizing the sections of the Zoning and SALDO Ordinances that the application failed to comply with.

Harris asked the Board to make a motion to deny the Land Development Application LD 2022-3 based upon the compliance deficiencies with the Zoning Ordinance and SALDO, as itemized in the Township Engineer Review letters dated December 12 and December 9, 2022, as noted in the January 3, 2023 Planning Commission review, and those itemized in the Bucks County Planning Commission review.

Motion to deny Land Development Application LD 2022-3 Tretton, 31 Creamery Road.

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

SD 2023-1 Minor Subdivision of Luck

Property Owner: Donna Luck

Vacant lots located on Headquarters and Center Roads, Pipersville. TMP 44-015-008 & 44-014-078.

Applicant seeks a two-lot subdivision.

Application review dates:

- February 28, 2023: Planning Commission review.
- **April 18, 2023:** Board of Supervisors review.

Attorney John Hartzel, of Hartzel & Bush, and Surveyor Adam Crews, of Crews Surveying, LLC, were present to represent applicant Donna Luck.

Crews reviewed the application as follows:

- 39 total acre property located in the RA – Residential Agriculture District.
- Two lot, minor subdivision proposed as follows:
 - 29 acres on the west side of Center Road.
 - 10 acres on the east side of Center Road.
 - Application is to split the property as they are split along Center Road.
- No improvements are proposed on either property, however, there is interest in the 10-acre lot.
- Preliminary zoning applications were submitted for purposes of feedback on variances.
- Township Engineer Steve Baluh review letter dated February 21, 2023.
- Bucks County Planning Commission review letter dated February 27, 2023.
- A revised waiver request letter providing more details on road widening, street signs, grading, etc. at the request of the Planning Commission.

Crews reviewed the physical characteristics of each lot, regarding slopes, woods and creek. He then discussed the waivers requested on the Bucks County Planning Commission letter.

Crews said there were some issues as to the order of steps for the sewage facilities planning modules regarding subdivision. Harris provided Crews with an email from Suzanne Banks, PA Dept. of Environmental Protection, to the Township regarding proposed note that no permit will be issued for septic unless the Township and DEP has approved the sewage facilities plan.

Crews reviewed the Engineer Steve Baluh's review letter dated February 21, 2023.

- Requested waivers in greater detail.
- Sewage facilities.
- Rights of way dedication.
- Monument locations and number.
- Certification of plan.

- Net lot area be located next to gross lot area on plan.
- Mapping location from 500 feet from the lots.
- Natural feature map using the National Wetlands map, but an actual investigation of the lot would be conducted.
- Encroachment waiver.
- Planning modules waiver based on adding the note proposed by the DEP to the plan.
- Improvements to existing streets waiver as no development is planned.
- Waiver of street and sidewalks improvements.
- Waiver of street signs, lights, etc.
- Waiver of environmental impact assessment as no disturbance planned.

Helms stated regarding the natural features map the plan should include the Township's wetland map. Crews said they would comply.

Breslin asked about Natural Resource calculations for the individual lots for steep slopes to determine how that would affect the 10-acre lot. Harris said that he understood Crews intended to comply with Baluh's request to show the calculations on each separate lot on the final plan for signature.

Breslin noted that although Crews is stating there are no plans for development, there is a potential buyer that has already applied for and been denied on zoning, grading, stormwater, and driveway permits. Crews said that the potential buyer understands that he will have to comply with steep slopes, woodlands, etc. if he proceeds with the purchase.

Harris asked Crews if the applicant would be willing to place a condition on approval of the minor subdivision plan that if they propose to develop the property that they will be required to comply with all township ordinances as a condition on the issuance of a building permit. Crews said they would.

Harris stated that the Board must review/consider the application based on whether or not the application meets the requirements of the Township's Zoning and Subdivision Ordinance. The Township can require conditions such as the note on sewage.

Resident Vladimir Salamun stated that he owned 333 and 335 Headquarters Road and requested that the property in question not be labeled as 333 Headquarters Road in the future. Crews said it was not noted on the plan. Harris said that it must be corrected with the Board of Assessment by Crews.

Resident Kathryn Auerbach noted the multiple overlays that would require variances and asked if the applicant should be allowed to subdivide into two nonconforming lots if the creation results in a self-imposed hardship. Harris stated that precedence shows that knowledge of the hardship does not preclude the owner or new owner from applying for a variance. If the property changes hands after subdivision it cannot prevent a future owner from asking for a variance. However, there is no guarantee the variance would be granted. Harris said they must meet certain standards.

Auerbach noted that property owners on Center Road had rights to access the spring along the property. Harris said that if there are such rights noted on the deed, the neighbors' deeds, or other documents at the Recorder of the Deed, those rights continue regardless of the subdivision.

Rosamilia asked Harris if there was any law or ordinance that would prevent the subdivision of the property based on the evidence presented that evening. Harris said that based on case law, if the Township subdivision ordinance required a zoning permit or required a zoning officer to determine whether or not a house could be built on the property that could have merit. However, he and Baluh reviewed the ordinance and did not see that such a provision was present. He said he believed the applicant to be entitled to a subdivision, which would be conditioned on:

- compliance with the Engineer's letter of February 21, 2023;
- compliance with the sewage note required by the Banks/DEP;
- compliance with all ordinances including zoning, subdivision, flood plain, stormwater, grading, driveway, etc. in the event a person obtains the necessary variance to build a house;
- the applicant notifying the Bucks County Board of Assessment regarding the address correction of the property;
- the applicant paying all of the Township's costs of reviews; and
- the request of waivers being granted subject to the addition of the Township Wetlands map, as well as the National Wetlands map on the plan.

Harris said all of the conditions must be met prior to the signing and recording of the property subdivision.

Motion to approve Minor Subdivision SD 2023-1 Luck 44-015-008 & 44-014-078 based on the conditions outlined by the Township Solicitor.

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

H. Public Comment Session

Lewis notified the Board that earlier in the day she received an estimate of approximately \$4,000 from Sullivan Design Engineers for the addition/improvement to the Township offices. Funding for the improvements would come from the American Rescue funds.

Breslin said she is on the Infrastructure Committee of Bucks County Association of Township Officials, and had received an email over the weekend from the Executive Director with an invitation to join an application for regional EV charging stations throughout Bucks County. She said if interested, the Township would need to send an email response by Wednesday, April 19. Rosamilia said he would be in favor of the Township expressing interest in the application.

Motion to join the regional application of the Delaware Valley Regional Planning Commission Regional Charging and Fueling Infrastructure Program on behalf of Tincicum Township.

Motion by: Breslin. Second by: Rosamilia. Open for discussion.

Property owner, Steve Gidumal, stated that there is no ongoing maintenance program for charging stations around the country and asked who was going to support it. Rosamilia said that the Board was only considering sending a letter of interest. He said there would be a lot of questions that would need to be answered, but they did not want to lose the grant opportunity.

Motion to join the regional application of the Delaware Valley Regional Planning Commission Regional Charging and Fueling Infrastructure Program on behalf of Tincicum Township.

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

Breslin said there had been recent articles about communities under pressure for warehouses and how they may affect neighboring rivers. She requested that the Planning Commission review the Township ordinances to address this topic. Helms said that they had previously asked the Planning Commission to look at this as part of the industrial use. Harris noted that the Township must make available all types of uses, otherwise a curative use can be filed and they cannot preclude a valid business. Rosamilia noted that the only PI – Planned Industrial area within the Township is a very limited area along Route 611. Breslin said that there are a number of vacant parcels in the Planning Industrial area. Lewis said the largest parcel has an easement on it. Helms said it was worth looking at it and limiting the number of uses.

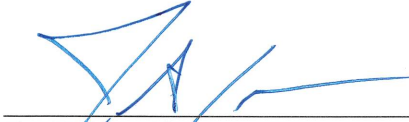
I. Adjournment

Motion to adjourn the meeting at 8:10 PM.

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

The next meeting of the Board of Supervisors is scheduled for May 2, 2023 at 7:30 PM.

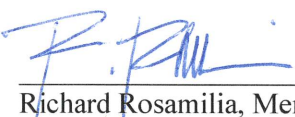
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