

Incorporated March 12, 1738

TINICUM TOWNSHIP
Bucks County
BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

GARY PEARSON, CHAIRPERSON
NICHOLAS C. FORTE, VICE-CHAIRPERSON
VINCENT J. DOTTI, SUPERVISOR

TINICUM TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE MEETING
AUGUST 7, 2012

Chairperson Gary Pearson called the meeting to order at 7:30 p.m. Vice Chairperson Nick Forte was present with Supervisor Vincent Dotti, Township Engineer Tom Fountain, Solicitor Stephen Harris and Manager Linda McNeill. There were approximately 35 persons in the audience.

PLEDGE OF ALLEGIANCE: Pearson led those present in the Pledge of Allegiance.

PUBLIC SESSION:

Pearson invited comments from the public for non agenda matters.

Norm MacArthur asked if there was an update on the progress of the Jugtown Hill Road Bridge. Pearson said that the abutments had been poured on both sides and that the contractor said he was one week ahead of schedule. He said that the targeted completion date was October.

Pearson announced that the Canal was being filled with water past Lodi Hill Road.

A. Old Business:

B. Reports from Police, Emergency Services & Public Works:

Tinicum Township Police:

Police Chief Sabath said that on July 31st, at 12:30 pm., a distraction burglary took place in the Township. He said that the homeowner was distracted by one individual while two others entered the house. He said that the people in the house were caught, but the other left in a brown pickup truck. He said that the department placed an announcement on the website and published a press release to warn residents.

The Chief warned that if anyone comes to your house uninvited, do not let them in.

Dotti said that there was a similar incident in Hunterdon County and he would forward the press release to the Police Department.

Delaware Valley Volunteer Fire Company:

Fire Chief Chevalier said that the Company responded to 28 call, 16 fire 9 QRS and 3 fire police in July. He said that calls were increased in July and there was a river rescue as well. He said that Engine 96 was out on a house fire, so another engine was moved to that area to cover for that.

Chevalier said that the Fire Company's annual bicycle tour fundraiser was held last weekend and there had been approximately 150 riders, which was about the average for the past ten years. He announced that the spaghetti dinner was scheduled for Friday. Chevalier also announced that the DVFC would be hosting a car show in September and the details were posted on their website.

Office Hours: Mon. Tue. Thurs. Fri. 9am-5pm, Wed. 9am-Noon

Phone: (610) 294-9154

Fax: (610) 294-9889

C. New Business:

Announcement of the July 30th Enactment of Ordinance 214, an Ordinance that authorized the incurrence of electoral and non-electoral debt by the Township of Tinicum, Bucks County, Pennsylvania (The "Township") pursuant to the issuance of the General Obligation Notes, 2012 series (Collectively the "Participant Note") in the aggregate principal amount of \$7,505,000 and approves a certain capital project; approves the negotiated sale of the participant note to the Delaware Valley Regional Finance Authority.

Dotti said that the Township held a meeting on July 30th, to enact this ordinance so that it could take advantage of the first opportunity to refinance the existing principal 5,565,000 Open Space debt (September 4th) . He said that the Commonwealth would need thirty days to review this. He said that refinancing to a 2.384 percent fixed rate with Delaware Valley Finance Authority would enable the Township to save approximately \$7000 per year and receive a 1.9 million dollar cash out that would be used for Open Space Conservation with no increase in taxes.

Harris said that the Township has done what was necessary following the adoption of the ordinance, so there was no additional action for the Board to take at this time.

Pearson asked the Manager to thank Lewis for gathering the data and interacting with the Delaware Valley Finance Authority.

Proposed Stipulation and Settlement Agreement between Tinicum Township and the Estate of Richard DeGroot:

Harris said that the DeGroot property has been a problem for the Township for a long time. He said that there were a number of lawsuits and violations initiated by Mr. DeGroot including; a condominium use without Township land development approval; some building that was done without permits; a mobile home with an unusual septic system; etc. . . He said that during all of this, Mr. DeGroot died and that was about the time Harris joined the Township as its Solicitor. He said that he started looking at what could be done to clean this matter up. He said he spoke with Mike Carr, the attorney for this property who made it very clear that Mr. DeGroot's estate had no money and nothing could be done until the property was sold. He said that recently a prospective buyer approached the Township and asked if the pending litigation could be resolved so that the property could be rehabilitated. He said that Carr submitted proposals to the Township for negotiation. He said that as a result of those negotiations, a settlement stipulation was generated that contains what the proposed buyer would like to do on the property and what the Township thought would solve this litigation. He said that it was made clear to Mr. Carr that this would not be signed or approved until the public had a chance to comment on the stipulation.

Harris said that the stipulation requires that the DeGroot estate undo the illegal condominium and return the property to fee simple ownership. He said it requires the removal of the modular and septic that serves the modular. It requires removal of the additions that was constructed without permits and requires inspection to confirm that the building meets the requirements of the Township's building code. He said that in 1978 there was a Zoning Hearing Board decision that permitted a building on the property to be used for tourist related retail sales and office use. He said that building would still be able to be used as permitted by the ZHB. He said that the agreement did however require that the septic system serving that building be brought up to the current standards under Act 537 and allows for a temporary holding tank to be used until that system was constructed. He said that the agreement would allow one of the buildings on the site to be used as a Bed and Breakfast, which was a conditional use allowed in that district. He said that it allows for an accessory cooking school that must be operated under the Bed and Breakfast, not as a separate use and must be in existing buildings as no additional buildings can be constructed. He said that an additional dwelling would be permitted if built in conformance with flood plain requirements. He said that no additional buildings would be permitted in accordance with the Bed and Breakfast requirements. He said that 24 wedding or similar functions per year were allowed with a maximum of 24 per year and maximum of 150 attendees at each event.

Harris said that the 1978 ZHB decision required 32-50 parking spaces behind the retail building. He said that this agreement allowed parking in front of the building provided that no one would back out onto River Road. He said that this could require a permit from PennDOT. Harris said that the applicant would be required to comply with stormwater regulations.

Harris said that the future owner wanted a restaurant and the Board expressed concern about the restaurant use. He said that the applicant has the right to ask the Board for restaurant use, but that would have to go through the normal approval process and the public would have the right to attend the discussions.

Harris said that renovations would have to comply with the historic and scenic requirements. He said that this agreement was drafted so that this parcel could be rehabilitated and improved from its present condition, but the Board wanted the public to have input.

Harris said that nothing in the agreement was cast in stone and was on the agenda for discussion.

Attorney Mike Carr with Eastburn and Gray was present for the review. He said that he had represented Mr. DeGroot for years. He said that Harris explained the situation very accurately. He said that the estate at first appeared to have equity, but that was not the case. He said that they have had only one serious buyer and this was for half the original asking price. He said that the buyer would move back from the west coast and that the cooking school use would be for one or two dozen people maximum. He said that if the Bed and Breakfast were in the house, the buyer would like to have a separate residence for themselves in the barn.

Pearson asked for comments and questions from the audience.

Damon Aherne said that his mother received a letter from the Township, however it did not contain attachment A (the 1978 ZHB decision), so that the public did not get to review all of the documentation. Harris said that the decision was a matter of public record and he summarized it. He said it permitted conversion of the barn and outbuilding into tourist specialty shops, allowed a 4x 8 sign on the west side of River Road conditioned upon PennDOT approval of the parking facilities.

Aherne said that at that time, this was a much larger property. Harris said that the use of those buildings had nothing to do with the acreage. He said that the ZHB found that 50% of the uses were lawful non-conforming uses prior to the zoning ordinance and allowed an expansion up to 100%. Aherne said that the prior non-conforming use was associated with the farming use on that property at the time. Harris said that the non-conforming use was selling produce that was not grown on the farm, so that made this a simple retail use. Harris said that the farming use and acreage of the property had nothing to do with the retail use.

Carr said that paragraph six of the decision specifically stated that the area for use was approximately 2 acres. Harris said that the Board was attempting to settle litigation and there was no notice requirement to allow public input. Carr said that there had been a number of discussions in public about this matter, but also as it is pending litigation, some discussions were held in executive session. Aherne said that the public should be given the 1978 decision and the discussion should be tabled to allow the public time to review it.

Dotti said that the property was 10.9 acres and only a fraction of the property has been used for retail sales. He said that this stipulated agreement did not abrogate in any way the 1978 ZHB decision. Aherne said when the ZHB approved the tourist shop use, the property was roughly 40 acres in size. He said that zoning requires a minimum acreage size for each use and with the 10 acre current lot size there were more uses than there are acres available. He said that the Board was now allowing more uses on a much smaller property. Dotti said that the area affected was specifically noted as two acres and the Board was not enlarging the number of retail and office uses. He said that the proposed stipulation specifically backs up the 1978 decision. He said that the B & B use along a Nationally recognized scenic corridor was in line with what should be done with a property in that area. Dotti said that the only enlargement in use as he saw it, was the cooking school.

Harris said that any stipulation that ends litigation was a compromise. He said that the Township was recognizing that we either have someone who appears to be a responsible buyer, or we have a property that ends up in foreclosure. He said the question was whether this compromise made sense.

Guy Polhemus was present with his wife Amy McClellan. He said that what he was most concerned about was the events. He said that events include lighting and music and in the area of Headquarters and River Road, the topography was like an amphitheater. He said that this was one of the most beautiful properties in Tinicum and there were people who want to buy it just to restore it. He said that if the property was approved for all these uses and events, the Board was setting a precedent for other people to hold events in the area. He said that cooking schools eventually lead to restaurants. He said that the property next door would want events and the number of events would go from 24 to 48.

Forte said that this property had been on the market for a long time and no one had shown interest. Carr said that they used the most aggressive realtor they could find. He said that the realtor was also instructed that any number would be considered.

Pearson said that only one party had been interested and was talking to the Township about what they could do with the property.

Harris said that events do not include concerts. He said that he understood the concern about events, but a B & B was an allowed use, and the proposal was to allow an accessory cooking school. He said that weddings could be cut off at 10 pm or 11 pm. He said the Township did have a noise ordinance but that it made sense to require that sound be turned off at some point.

Polhemus said that he objected to any outdoor wedding function other than a neighbor holding a one time wedding. He said that the noise of 24 events on that flat plain would really carry. Pearson said that the police shut down events when the noise ordinance was not abided by. Polhemus said that he expected they would just pay the fine since the weddings would be making money.

Forte said that Aldridge Meade had a small cooking school and there were only 12 people at a time. He said that the Board had a responsibility for employment opportunities, tax base and aesthetics of the community.

Attorney Stephan Markin said that he was present to represent Amy McClellan, wife of Guy Polhemus and owner of the 29 acre adjacent property. He said that the basis of the stipulation was an expansion of rights. He said that this property was originally listed for over a million and they now have an offer of \$600,000. He asked if the property had been offered for sale at \$600,000. Markin asked what the property was listed for prior to this agreement of sale. Carr said that he could not remember the exact number, but he believed it was approximately \$800,000. Markin said that there would be many more interested buyers if the property had been listed for \$600,000.

Dotti said that this was not relevant. He said that this could not be characterized as enlargement of rights. He said that this agreement included removal of non-permitted structures, holding tanks, historic restoration, flood plain requirements, and no additional buildings, all post 1978. He said the characterization of this as enlargement of rights was unfair. Markin said that DeGroot did not comply with the terms of the resolution, so that approval was retired. Markin said that the 1978 decision should have been in the notice that was sent.

Pearson said that there was no legal requirement to send any notification. He said that the fact that a public document was not included in the notice was not an issue. Pearson said that the Board did this out of courtesy to the residents. Markin said that the Board failed to give full disclosure by not including the 1978 decision.

Dotti gave Markin a copy of the 1978 Zoning Hearing Board decision. Pearson directed the Manager to post the 1978 decision on the website.

Evelyn Aherne said she would love to see the property enjoyed and improved. She said that the house and the barn and shops were a bargain for \$600,000 without weddings. She said that the biggest noise she had on River Road was PennDOT and her neighbors, but tents lights, 24 events per year was too much. She said that if her neighbor had a wedding for a family member, it would not be 24 times in one year. She asked if the property would not be purchased without everything in this agreement.

Carr said that he called the buyer to ask this, and the buyer said he needed the events as it was a large portion of the revenue he needed for the property. He said that the buyer had tried to give the Township much leeway and control weddings if they became an adverse impact on the public.

Pearson said that the Evermay can already do weddings currently. Aherne asked how many acres the Evermay had. Harris said that he believed it was in the ten acre range. Aherne said that the difference was the trees and buffering. She said that in 2007, when she moved in, Evermay had not done anything. She said that she thought that the village of Erwinna was more protected. She said that the increase of traffic, the noise and the lights were all a problem for the residents of Erwinna.

Mark Cunningham of 911 River Road was present with his wife Tammy, and daughter Katy. He said that they were adjacent to the property. He said he did not have a problem with anyone having a party once in a while. He said that Evermay had weddings, but there was a lot of buffering on that property. He said that he wanted DeGroot's to be fixed up. He said that the Board did not know the facts. He said that the Margots owned that property before DeGroot and it was a producing farm and in the winter they sold other stuff. Harris said he was referring to what the Zoning Hearing Board found in 1978 as he was not around then. Cunningham said that he did not have a problem with some events if the noise and light was buffered, but 24 per year seemed like too much. He said that he also felt that the driveway was in a dangerous area for that number of vehicles. He said that River Road had a ton of traffic and that he didn't think the property could maintain 150 people. Cunningham said that the modular home that the agreement required to be removed had already been removed about 2 weeks ago.

Dotti asked Cunningham what he thought was reasonable. Cunningham said a couple per month. He said that the number of people attending the events was a lot for the danger of River Road.

Kim Rosamilia said that due to the historic nature and need for rehabilitation of the property. She asked if the Supervisors had considered purchasing the property with the help of the County Riverfront Property Fund. She said that if various funds were joined with Township funds, the Township could purchase the property. Pearson said that the Board has not. He said that the Township would have to dump hundreds of thousands to remove the non-conformities.

Harris said he did not believe the Open Space Funds could be used to buy a home, and barn and retail shops. He said that the funds to rehabilitate the property could not come from Open Space or County money.

Melissa Gustafson said she shared a property line with this property. She said that with weddings, comes alcohol and people wandering around. She said that she had children and did not want that. She said that she had a problem with the weddings/events.

Barbara Faure of Geigel Hill asked who would cater the events. She asked if they wanted to develop into having a restaurant on the site. She said that also with a restaurant, came a liquor license. Harris said that the Board was not comfortable with the restaurant portion, so the agreement required the buyers to come to the Board and go through the same process as anyone else. Faure asked if there was a regulation about how close liquor licenses could be to one another. Harris said that there was no Township regulation, but he did not know PA Liquor Control Board rules. Forte said that the number of licenses was related to the population of the township. He said that there were six in the past, and there were four now. Harris read the stipulation to clarify that the agreement did not give approval for a restaurant. Damon Aherne and Trevor McNeill of the Planning Commission disagreed. Pearson asked Harris to strengthen the language in the stipulation.

Christopher Vinal of Hager Hill Road said that 24 events per year, during the wedding season would become an event every weekend and he felt that was too much. Harris said that there was nothing in the agreement that was cast in stone. Harris said that he would take the Board's opinion back to the negotiation table. He said that he would strengthen the restaurant language, but the other issues would be the number of weddings, lighting and noise and buffering.

Forte said that he heard too many, too big from the neighbors. He said that the maximum Evermay had was 50-60 people. Harris said he thought the limit for Evermay was 75 people. Faure said 75 was pushing it and asked if the Township was going to count people.

Cunningham said that he was concerned about the value of his property being lowered by what happens at this property. Harris said that the reality was that if that place was fixed up in a historic manner, the property value may go up. Cunningham asked Harris if he had a big parking lot next to his house and said that a potential buyer for his house may not buy it if there is an event going on. Pearson

asked if the neighbors would prefer the building to fall down. Harris said that the Township sends the zoning officer to inspect these events, so there would be a check on the numbers for these events.

McNeill said he was not familiar with the zoning officer ever going out to wedding events as they took place on weekends. Harris said that the Zoning officer inspects before an event. McNeill said that the Township has had some bad planning resulting from stipulated settlements. He said that the planning process is to consider the unique character of a property. He said the barn was right up against the property line such that uses inside the barn could impact the neighbors. He said that the lawn was not mowed, but the buildings were not falling down. Carr said that they were. McNeill said that this was a doubling of the uses on the property. He said that the uses would total ten, although some were accessory uses. He said that B&B's were permitted as long as the owners reside in the residence but this allowed an additional residence. He said that the settlement did not speak to additions - only additional buildings. Dotti said that the language could be made stronger. McNeill said he believed this to be a precedent setting issue. He said Mr. DeGroot had a history of filing appeals that were groundless. He said that the current permitted uses were daytime uses. He said that a B&B, cooking school, and weddings transformed the property to evening hours and weekend uses. He asked why the process was obviated for settlement of litigation that had no substance. He said that he was curious as to why the restaurant paragraph was even included if the Board was not considering allowing this without land development. Dotti said that the restaurant use was a non-issue. He said to characterize this as merely settling litigation was a complete mischaracterization and this goes above and beyond settlement of litigation. McNeill said he disagreed fundamentally.

McNeill said that wedding use at Aldridge Meade, even with all the buffering, was a terrible impact to the community and the Township shut it down. He said that there was no way to buffer the barn from the neighbors, as it was too close to the property line.

Forte said that he would like to hear something positive. McNeill said that he could not think of anything positive. He said he was concerned that this was being negotiated with an absentee straw party that it knows nothing about. Dotti said the Board would do what was best for the community. Pearson said that Mr. Carr's client was the estate, not the prospective buyer. McNeill said that if Dotti was interested in the best thing for the Township in that district, why not tell the prospective buyer to come forward with an application to develop the property as they would like.

Carr said that he was advising the buyer to give his bottom line and not come back to ask for more later. He said that the buyer has told him what he wanted to do with the property and he was putting that out to the Board. He said that this was completely up to the Board.

Dotti said that Stipulated Settlement was a last resort to be used very infrequently, but this was complicated situation that goes back to 1978. He said that the agreement was overwhelmingly in favor of protections granted to the Township and the neighbors and provides for something really good for the community. He said that the Board would revisit the wedding/event language. McNeill said he fundamentally disagreed.

Pearson said that he personally was not interested in more than four events per year and he would ask Harris to amend the language to clarify that no approval was given for any restaurant use. Aherne said that there was a theme. The process he saw for approval was separate and distinct from the existing published land development and subdivision process and the Board and its professional staff retained all rights of approval. He said he could not understand why the Township would be motivated to accept this. If an event was applied for, it was a deemed approval if not reviewed within 30 days. Harris said that this was to give a reasonable time period for people to do things. McNeill said it was covered under the building code, and asked why was it added as a separate condition to the agreement. Aherne said that this was removing review of the grading permit by advisory boards and removing public notice and input. Harris said that there was an issue of timing and the Township Engineer and Zoning Officer would be the people involved in that review. He said that there had been compromises made to come to a resolution. Aherne said that there was a reference to historic standards but the historic standards references in the zoning ordinance were better. He said that he was familiar with spot zoning and how that was considered bad. He said that this was even worse - and was individual buyer's zoning, where the Township intervenes

to affect the individual property owner value. He asked what was wrong with letting foreclosure happen and letting the responsible purchaser clean up this property.

Pearson said the Board was trying to do its best for the Township. He said that he did not have a lot of confidence in foreclosure departments coming in with what was best for the community. Aherne asked if the Board ever did this before. Pearson said no. Aherne asked if the Board had more confidence in their ability to work it out. Pearson and Forte asked Aherne if he had anything positive to say.

Forte said that part of the Board's responsibility is to help the community move in the right direction. He said that if you drive River Road, the Evermay was closed down, thank goodness the Golden Pheasant was renovating and reopening. The DeGroot property was falling apart.

Aherne said that this was putting the Board into the real estate business. Forte said that government was supposed to be a partner to the community.

Mrs. Aherne said that she would like the Board to be a partner to the homeowners. She said she understood that the Board was trying to solve something, but it was devaluing her property and taking her neighborhood. Pearson said that he was going to amend the agreement to four weddings per year if possible. Aherne said that she did not want any weddings. She said that currently she sees a big empty field and would have to wait 35 years for a buffer to grow. She said that the Board did not help her buy her property.

Dotti said he was not seeing things from the applicant's side. He said that he was more interested in land use. He said that this meeting sounded like the Board was approving a catering hall. He said that he agreed that there needed to be a limit on wedding events, but this was an improvement for the Township and the River corridor. He said that this was a scenic corridor and he did not believe that the Board can say there can be no weddings - it can only regulate how many, how large and the hours. Dotti said that the Board would also look at buffering requirements.

Dotti said that he wasn't talking about the entire field being parking. He said that dividing usage throughout the day and night was a well respected planning principle. He said that there were many well-respected guidelines and this was a significant acreage with relatively small building space, so he objected to the characterization of this as some sort of rampant intensification of the use of the property. He said that the Board needed to come to some agreement so that Carr can return to the prospective buyers.

Carr said that he was hoping that this would have been worked out months ago. Pearson said that he believed that the Carr should tell the buyers that the Board would not agree to 24 events and it would like to discuss a much lower number. He said that other concerns and comments discussed above could also be brought back to the buyers by Carr. Forte said that 150 was too much and he thought maybe 8 events per year with no more than 2 per month was reasonable.

The Board told Carr that they were interested in eight events per year- no more at two per month. He said that they would also like to see a maximum of 75 attendees at one time.

Katy Cunningham said that if the Board said every other weekend, eight weddings per year and 75 attendees was reasonable. Dotti said that the agreement shold address the concerns about access on to Headquarters Road and have an explicit time limit for outdoor events.

Harris suggested continuing this matter to September 4th. He said that he would amend the agreement based on the above discussion and recirculate it. Carr said that he would return to the buyers with the counter offer.

Aherne asked if weddings held in the barn were anticipated. Pearson said that this has never come up.

Covered Bridges Bicycle Ride, hosted by the Central Bucks Bicycle Club and request of Bedminster Township Board of Supervisors seeking authorization for use of Ottsville Fire Police for traffic control at the intersection of Route 113 and Center School/Hill Road during the Covered Bridge Bicycle Ride to be held on Sunday, October 7, 2012 from 9:30 a.m. – 2:00 p.m.

Pearson said that from his experience there were more people on this ride than live in the Township and he did not see much benefit to the Township. Forte asked how many riders there were. Sue Quade, introduced herself as the President with Joyce McGettigan, the Secretary of the Central Bucks

Bike Club. They said that 1500-1900 riders come to Tinicum to do this ride. Chief Sabath said that the Police receive many complaints from people about the riders taking over the Township and not letting drivers get around them. Sabath said that generally the CBBC has been having the police officers perform traffic control at some of the areas such as Uhlerstown Hill and Headquarters Road at the Canal. He said that the Township uses the Erwinna fire police to augment traffic control in some of those areas. He said that the Ottsville Fire Police usually are called for traffic at Center Hill and 113 in Bedminster.

Sabath said that he the Township had enforcement and safety issues with the event. He said that he thought that there needed to be more education with the bike club with some enforcement. Pearson asked if Tinicum should let Ottsville's fire police go to Bedminster, or did Tinicum need them. Sabath said that the Erwinna fire police number was down and it was possible that Tinicum might need Ottsville. He suggested that the bike club contact Bedminster Police department and pay for the overtime.

Pearson said that the only way to authorize this was if Tinicum did not need them for this event.

Quade said that Linda Salkovitz, the director of safety was not able to be present, but her request was only for one officer for that location at 113 and Center School. Pearson said that fire police must be requested from the home municipality and only for certain things. Dotti said that the Township was not sure that it had enough fire police in the Township for an extra 2000 people.

Motion by Pearson, seconded by Forte to advise Bedminster Township and copy it to Ottsville Fire Company that Tinicum was only authorizing the use of the fire police in Bedminster if the Tinicum Police Chief did not need them in Tinicum.

John Cole said that it was hard logically for the club to plan if they did not know.

Pearson said that he thought the club should plan to speak to Bedminster about providing police services for this event. He said that Tinicum manages this to the best of his ability.

Harris said that the event was in October.

Chief Sabath said that the groundwork should be laid with Bedminster for police services for this event. Cole said that the Board should say yes or no, so that the bike club can plan. Forte said he understood. Quade said that this was just one officer at one intersection. Harris said that the Township had a very limited number and may not be able to send what it has to Bedminster.

Quade said that part of this outreach was to have better safety and communications. She said that she knew last year that the police were going to start ticketing riders if they did not observe the rules of the road. Chief Sabath said that bicyclists and motorists both have responsibility. He said that he would propose another officer dedicated that entire day for problems.

Liz Bowman of the Herald asked what happens if there was a large fire in the area and they were all busy. Fire Chief Chevalier said that they were committed and the township needing fire police would have to get them from elsewhere. Pearson said that was why he was concerned if the fire police from this area where all busy, it may take 20 or so minutes to get some from elsewhere.

Voted upon and passed.

John Cole asked if two riders abreast was allowed in Pennsylvania. Chief Sabath said yes, but the one on the right must be all the way to the right and they may not impede the flow of traffic. He said that all of the rules for motorists apply also to the bicycles. He said that they must obey the traffic signals and stop at all stop signs, which has been a problem in the past. He said that they run stop signs in mass.

Pearson said that he could not get from his home anywhere that day without running into packs of bikes. Forte said that this would all work out. Dotti asked the police if they receive calls from bicycles that have been buzzed by motorists deliberately. He said that the number of these events has exploded. Chief Sabath said he has received complaints and has cited people.

Pearson said he understood that the club donated to local charities. Quade said that they have donated to a number of charities. She said she would email the form for a grant to the Township so that it could apply for a grant. McNeill suggested that cameras for the bridges may be a good fit for a grant application. Forte said that Tinicum was interested.

Chief Sabath asked that the bicycle club remove all markings that they place on the road after the event. Quade said that they would and said that they provide a check in escrow in the event that they do not. McNeill said that she has not received an escrow check in the past.

Nockamixon Township Board of Supervisors requests authorization for the use of Township Fire Police during the Nockamixon Community Day event to be held at the Bucks County Horse Park, September 15, 2012 to control traffic from 8:00 a.m. to 6:00 p.m.

Motion by Forte seconded by Dotti to authorize the use of the Township Fire Police for the above event. Voted upon and passed.

Nockamixon Township Board of Supervisors requests authorization for the use of Township Fire Police for traffic control at the Palisades High School Varsity Football games on the following dates: August 31, September 21 and 28, and October 12 and 19, beginning at 6:00 p.m.

Motion by Forte seconded by Dotti to authorize the use of the Township Fire Police for the above event. Voted upon and passed. Pearson voted against. He said he was very frustrated about the way the district treats the emergency services providers in the area.

1) MINUTES:

Motion by Forte, seconded by Dotti, to approve the Minutes of the Meeting of July 17, 2012 as written. Voted upon and passed.

2) TREASURER'S REPORT & BUDGET RECAP:

Motion by Pearson, seconded by Forte, to accept the Treasurer's Report and Budget Recap for June. Voted upon and passed.

3) PAYROLL REPORT:

Motion by Pearson, seconded by Forte, to approve the Payroll Report for the period of July 14, 2012 and ending July 27, 2012. Voted upon and passed.

4) DISBURSEMENTS:

Motion by Pearson, seconded by Forte, to approve the below listed disbursements:
General Fund: Valero \$1,479.02; Keystone Municipal Services Inc \$1,800.00; Ricoh Americas Corp \$300.93; Ricoh Americas Corp \$235.58; Staples \$126.96; Gary Bickel's Garage \$475.26; Merry Maids \$94.34; Frontier \$749.60; NAPA of Ottsville \$224.97; Wehrung's \$1,037.79; Exxon Fleet Services \$141.92; Justine A. Gregor \$160.00; DCED \$284.53; Personal Protection Consultants \$55.00; Earth Link \$21.94; Gall's Inc. \$277.45; Harrow Wash Station \$35.00; Cooper Mechanical \$119.75; Merry Maids \$94.34; Keystone Municipal Engineering \$2,591.20; Ricoh \$87.67; Keystone Municipal Services Inc \$2,400.00; Gary Bickel's Garage \$38.00; Verizonwireless \$236.72; Selective Insurance \$14033.00; Met-Ed \$21.64; eftps \$2032.05 & 2060.19.
Payroll Fund: Payroll for pay periods ending 7/16/12 & 8/1/12; eftps Fed \$7,082.10 & \$5,151.69 State \$1,141.64 & \$826.78.
State Fund: Armour Electric \$400.00; Letterco \$312.50; Wehrung's \$91.84; Michael's Garage \$50.00.

Voted upon and passed.

5) A. PLANNING:

B. SUBDIVISION & LAND DEVELOPMENT:

6) ZONING:

7) POLICE:

8) PUBLIC WORKS:

Bridges on Red Cliff Road and Tohickon Valley Road:

Engineer Fountain said that he agreed with the Manager about establishing a weight limit on the Tohickon Valley Road Bridge.

He said that he was going to contact DEP about the Red Cliff Bridge to see if he could get this permit moving forward.

Roads and Bridges:

McNeill said that the person who hit and damaged the wall on Lodi Hill Road was insured by Safe Auto who was refusing to pay for the wall. She said that the owner of the property where the wall was hit submitted an estimate of \$2900 for replacement.

Harris said that he thought Paul Pugielli, the Township's agent was going to look into this and if this could not be worked out through them, he would go after the person for payment to replace the wall as it was prior to the accident.

Forte said he would send a personal email to PennDOT and the Representatives about the meetings he had with them and our representatives last month to get an update Headquarters Road bridges and report back to the Board with the results.

Pearson said that after the contractor for the Cafferty Road bridge replacement left large chunks of concrete from the construction which were now in the creek along Headquarters Road. He directed the Manager to contact PennDOT to have their contractor removed from the creek. He directed the Manager to add this to the next agenda so that the Township did not lose track of it.

Dotti said that the Township was given June of 2012 was the timetable for initiation of the 106 process for the Headquarters Road Bridge at Sheephole Road. Forte said he was told that the project engineer had resigned and someone new had taken over.

McNeill said that PennDOT had a meeting with the Point Pleasant Community Association but had not responded to the Township's letter. She said that the Community Association has invited the Township to a meeting on Wednesday August 22nd at 7:30 in Point Pleasant Baptist Church about the Point Pleasant Bridge project.

9) ZONING HEARING BOARD APPLICATIONS:**10) MISCELLANEOUS:**2000 Ford Crown Vic Patrol vehicle:

Motion by Pearson, seconded by Dotti, to accept the high bidder for the 2000 crown victoria on Municipibid. Voted upon and passed.

Park & Recreation Board:

Motion by Forte, seconded by Dotti, to appoint Phil Szymanowski to the Park and Recreation Committee. Voted upon and passed.

Community Block Grant Application to benefit the Easter Upper Bucks Seniors:

Motion by Forte, seconded by Dotti, to endorse the application by Nockamixon Township to pledge their community block grant to the Upper Bucks Senior Center. Voted upon and passed.

Erwin Cemetery:

Pearson said that he saw a request from someone for assistance to repair the Erwin Cemetery.

McNeill said that Robert Sukup bought the River Road property with a separate parcel that includes the Erwin Cemetery. She said that the heir to the Erwins recently assisted the Sukups with cleanup as the cemetery had been overgrown. She said that they requested volunteers to rebuild some walls at the cemetery and to do tree work. She said that she forwarded this request to the Historical Commission and some other groups. Pearson said that this request for volunteers could go on the Township's website and maybe this would help them find interested volunteers.

Harris said that settlement was made on Marshall Island on August 1st and the Port Authority now owned it. He said he spoke with them about acquiring riverfront and their representative thought the authority would be interested. He said that he wanted to make sure that they did not need the riverfront for any reason and also that there was nothing in the grants that would prevent the authority from transferring ownership. Harris said that they have requested a letter inquiring about the purchase for the file. Pearson made small change to the letter asking them to sell or donate to the Township. Harris agreed and said he would send the letter tomorrow.

Pearson said that the Township would need to reapply to use the Riverfront Funds for this purchase if the authority was willing to sell.

Pearson recessed the regular meeting at 10:15 p.m. to discuss matters of litigation and personnel.

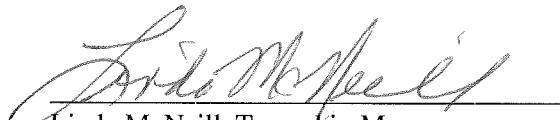
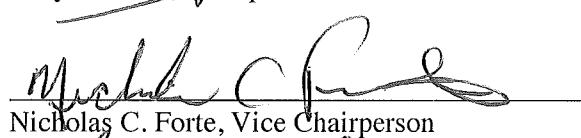
Pearson reconvened the meeting at 11:18 p.m. Harris announced that matters of litigation actual and threatened and matter of personnel had been discussed. There was no action to report at this time.

11) ADJOURNMENT:

Motion by Pearson, seconded by Forte, to adjourn the meeting at 11:18 p.m. Voted upon and passed. The next regularly scheduled Supervisors' meeting is September 4, 2012 at 7:30 p.m. in the Township Building.

TINICUM TOWNSHIP SUPERVISORS

Attest:


Linda McNeill, Township Manager
Gary Pearson, Chairperson
Nicholas C. Forte, Vice Chairperson
Vincent J. Dotti, Supervisor