

Incorporated March 12, 1738

TINICUM TOWNSHIP

Bucks County

BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

ELEANOR BRESLIN, CHAIRPERSON
JOHN COLE, VICE-CHAIRPERSON
MICHAEL KAUFFMAN, MEMBER

TINICUM TOWNSHIP BOARD OF SUPERVISORS EXECUTIVE SESSION JULY 1, 2025 AT 6:00 PM – Real Estate

TINICUM TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING MINUTES JULY 1, 2025 7:00 PM

Call to Order

Pledge of Allegiance

Role Call: EB YES, JC YES, MK YES, SH YES, CG YES, JD YES

Rules of Engagement & Community Engagement Standards Apply at all Meetings.
All Public Comment should be reserved for Public Comment portion of the meeting.
Please come up to the microphone and write your name on the sign-in sheet.

In attendance: Eleanor Breslin, John Cole, Michael Kauffman, Judith Danko, Curt Genner, Engineer, and Scott Holbert, Township Solicitor, were present at the meeting.

Chairperson Breslin called the public meeting of the Tinicum Township Board of Supervisors to order at 7:03 PM, followed by the Pledge of Allegiance. The meeting, held in the Tinicum Township building meeting room, was live-streamed on Zoom and recorded. There were approximately 35 people present, and 11 people viewed it online.

A. Announcements (video time: 19:05:44)

1. Executive Sessions were held on 6/5, 6/12, 6/18, 6/19, 6/26, 7/1: A Special Meeting was held on 6/20/25 at 12:00 in the Township Building which was advertised and posted. The recording is available on the Township website.

B. Continuation of Public Hearing (video time: 19:06:13)

1. Consideration of the Conditional Use Application (CU#1-2025) for 140 Bunker Hill Road, TMP No. 44-005-013. This CU application was continued from both the 6/5/25 and 6/3/25 Board of Supervisors Meetings.

Mr. Holbert said that since this is a continuation of a conditional use application, certain items were added into the record already: the public notice required by the MPC, the affidavit of posting, as well as the applicants' application were already admitted as exhibits. With this being a continuation of a public hearing, the Board of Supervisors will be acting like a Zoning hearing board. The applicants will be presenting testimony and evidence to support their conditional use request, which is for seeking qualified improvements within the critical biodiversity area overlay, the agricultural soil overlay, Tinicum Creek watershed overlay, critical recharge overlay, the Delaware River wild and scenic overlay, and the woodland and hedgerow overlay districts. Mr. Holbert added that any person can also seek party status at this hearing, meaning they can be either supporting or challenging the application for conditional use, present testimony as well as cross examine any witnesses. It is not necessary to seek party status if one only wants to provide general comment. He asked if anyone present would seek party status, which no-one did.

Mr. Edward Wild, attorney, representing the applicants and owners of the property at 140 Bunker Hill Road, Bob and Kristy Kreuscher, presented the applicants' case. He also introduced Mr. Wayne Doyle, a professional engineer from the offices of Kammer and Associates, Mr. Israel Berrios, who conducted a biodiversity review of the property, and Max Russick from VW Consultants who did the wetlands study and the Prime Agricultural Evaluation of the soil study.

Mr. Wild stated that as known there are a number of overlay districts involved. The applicants wish to subdivide their property, which covers about 56 acres and asked Mr. Doyle to put the property map up on the easel for everyone to see. Mr. Holbert asked which of the people Mr. Wild brought to the hearing did he plan on having testify. Mr. Wild said because of the six overlay districts, he pre-marked the exhibits he wanted to introduce for discussion, and if the Board allowed, he would like to proffer the testimony of all the people he had mentioned and make them available to answer specific questions. Ms. Breslin and Mr. Holbert agreed and had all five people sworn in. Mr. Wild then handed out the pre-marked exhibits to the members of the Board.

Mr. Holbert read the detailed listing of the exhibits and stated these would all be accepted as evidence.

Mr. Wild gave the backgrounds of the people giving testimony. He said the proposal is to subdivide the property into lot 1 as a 40-acre track on the left side of the property, and to the right would be an undeveloped lot of approximately 15 acres. The applicants are not proposing presently to improve lot 2, but plan to ultimately put a single-family dwelling on it. The building envelope is in the middle of the property which could support a single-family dwelling and meet all the limits of disturbance for a single-

family dwelling. A prototype of a house is included in the plan and a house of that type and size would fit on the property without any unusual circumstances.

This hearing is needed because the ordinance requires a hearing of conditional use for disturbance in the various overlay districts that affect the property. Mr. Wild said Mr. Wayne would testify that in the critical recharge overlay district the ordinance requires the applicant demonstrates they meet half of what otherwise would be the required impervious ratio. The normal impervious surface ratio is 10%, but since the lot is in the overlay, it is limited to 5%. The disturbance shown on the plan is around 1.6%, showing that they would have no difficulty meeting the criteria of 5%.

Mr. Wild pointed out that Sheet 6 of the plan is highlighted throughout to demonstrate that when the plans are recorded there are notes on the plan that demonstrate that each of the particular overlay criteria are integrated into the property for when it would be developed in the future. Mr. Wild said Mr. Doyle would testify that both of the lots would meet the criteria. There is no disturbance proposed on lot 1, and for now, no real disturbance proposed on lot 2.

The second overlay district is the woodlands and hedgerow overlay. Qualifying improvements in that district require that the applicants demonstrate that the woodland removal is the minimum necessary to reasonably utilize the property for the proposed use. A conditional use is a permitted use, whereby the burden shifts to the applicant to meet the specific criteria, and if the applicants meet the specific criteria, the burden shifts to anybody who would oppose the application to show that it would have more of an impact than the governing body when a single-family dwelling had been allowed as a recognized use in the RC district. The declaration of covenants easements and restrictions that were marked as exhibit C would require the filing of a building application when the size and exact location of that dwelling is identified, the owner would have to submit the appropriate tree disturbance plan and show that it meets the requirements for any trees to be removed. Mr. Wild pointed out that this is not an issue now, but if the house is developed in a different spot in the future, the property owner would comply with the applicable performance standards.

Mr. Wild said Mr. Doyle would note that the disturbances are minimal and as necessary to develop the property with a dwelling. The track is subject to the applicable forestry requirements. A management plan would be prepared for the declaration. Mr. Doyle would conclude that there is no effective meaningful impact by putting a single-family dwelling on the lot. Tree replacement would apply as applicable.

As to the Delaware Rier wild and scenic overlay, an applicant has the burden to show that all permitted buildings and structures are sited to preclude adverse environmental impacts. Mr. Wild said he would incorporate the testimony of Mr. Berrios who did a biodiverse review of the property and concluded that but for an imposed condition to limit when tree removal should take place, there is no biodiverse impact by putting in a single-family dwelling. The sensitive portions of the property, if any, are far away from the future location of the house. There is some possibility of a bat habitat and some possibility that the property would be capable of development of certain fauna and flora, none of which is disturbed. Mr. Berrios would conclude that the property meets

or satisfies all the criteria of section 17 related to the Delaware River wild and scenic overlay.

Mr. Wild stated Mr. Doyle and Mr. Berrios would incorporate that the declaration make the obligations of a person who holds the building permit.

Mr. Berrios would explain his qualifications and say that he examined the property and did a very comprehensive review, his report is marked as exhibit E, habitat evaluation report. He would conclude in his expert opinion that there would be no negative impact on any critical biodiversity concerns, no flora or fauna that have been identified as threatened or endangered would be impacted, with the exception of when trees are being cut down, there would be no meaningful impact on the criteria of section 8.15B1

As to the prime agricultural soil overlay conditional use, Mr. Wild stated he would call Mr. Russick, who would identify his professional qualifications. He is a soil scientist, and he oversaw the wetland study on the property (Exhibit G), he did the prime ag evaluation (Exhibit D), he oversaw the Bucks County testing for the on-site septic that would qualify on lot 2, which would be a sand mound. The tests passed the component 1 testing as all the soils have been found suitable as overseen by the Bucks County health department. The property is required to be mapped for a field survey. No more than 25% of the prime ag soil should be developed, and the limits of disturbance on the property are 2%, which is well below the 25% threshold. Mr. Russick would conclude that the development of a single-family dwelling on the 15-acre lot would meet or satisfy all the criteria of section 8.16D.

As to the Tinicum Creek overlay, Mr. Wild stated that Mr. Russick and Mr. Doyle would testify and conclude that all of the qualifying improvements meet the criteria for the Tinicum Creek watershed overlay in section 8.12D. Section 8.12C requires compliance with section 8.12D whereas all buildings and structures be required to be located in areas that have the least impact on surface water resources and ground resources. Mr. Wild said that the location of the potential house and the driveway at the northeast corner of the property would limit disturbance.

Mr. Wild stated that he put in the proposed declaration to be recorded and offered as a condition as part of the plan approval. He proposed to record that declaration which requires a storm water management plan to be submitted as part of the building permit application to be approved by the township engineer, and to be a BMP in accordance with the requirements in that section.

Mr. Wild stated that both Mr. Russick and Mr. Doyle would conclude that the proposal meets or exceeds all criteria in section 8.12. Also, all tests have been submitted to the BCHD. There is no absorption area within 150 feet of the top of the bank. It is a sand mound, and there would be no meaningful impact on any change in the hydrology of the property.

This concludes the final overlay district in terms of the conditional use.

Mr. Wild stated that Mr. Doyle would go through the general standards in section 1201B, noting the general conditions that it is consistent with the township ordinance, it is a permitted use as a conditional use.

Both lots are being proposed from restriction of future subdivision in the proposed declaration. It is a 56-acre lot that yields two dwellings. Mr. Doyle would testify that there is no public health safety or welfare concern under the proposal, that it is suitable for the lot, that it is in accordance with general standards of sound subdivision and land development practices, that it is otherwise applicable with the requirements of the ordinance. The waivers they would ask for the development approval are typical or standard waivers. Every effort would be made to minimize any adverse environmental impact. The proposal is in conformance with any groundwater resource provisions or sections of the ordinance. It is suitable for on-lot sewage disposal and it otherwise meets or exceeds all criteria in section 1201 in Mr. Doyle's expert opinion.

Mr. Wild then collected the witnesses' approval. Mr. Doyle agreed to what had been presented on his behalf. Ms. Breslin asked that for the critical recharge overlay district, attorney Wild said that it meets the criteria based on the size of the house, but the size of the house is not known, and whether there was a maximum footprint of the house whereby the criteria would not be met? Mr. Doyle explained that lot 1 has an impervious coverage of 0.79%, lot 2 with a prototypical house similar to the size on lot 1 is at 2.79%, with the maximum being 5%. You could put a much larger house on there, but still governed by the 5% max coverage. A much larger house could be put on there, but it would still be governed by the maximum of 5% impervious coverage. The engineering answer is there will be a point where other improvements, i.e. the storm water management and septic system, will restrict the size of the house. In his professional opinion, the size of the house shown on the plan is appropriate for the parcel and the ordinance. Although the exact square footage of the house is not noted on the plan, it is close to the house on lot 1, which is 3,000 square feet. Ms. Breslin asked to clarify that the footprint of the house on lot 1 is about 1,500 square feet, and that is what the plan is for the future house on lot 2, which Mr. Doyle confirmed. The house will be of similar size and shape. Everything is taken into account: driveway, swimming pools, sidewalks, outdoor fireplaces, patios, anything that is considered impervious, at a maximum of 5%.

Mr. Holbert added that this is noted on the plans.

Mr. Wild then asked Mr. Berrios if his answers would have matched the summary Mr. Wild had provided to the board on his behalf, which he confirmed. Mr. Berrios added that he would note the timing restriction for tree clearing should be from May 15 to August 15. He would also add that there is suitable habitat for a plant of concern that was identified in the habitat evaluation that PA DCNR had potential concerns about. Although he did not identify the plant on the actual site, he did identify suitable habitat identified, which is associated with Beaver Creek. It is pretty far from any potential development envelope, and in his professional opinion this should not directly or indirectly impact the plant species of concern. Ms. Breslin asked whether the plant mentioned is the Pineland Pimpernel, which Mr. Berrios confirmed. She asked if there are any improvements envisioned in the floodplain, and Mr. Berrios said no closer than 450 feet. He also confirmed that the property slopes down and that it is currently wooded. Ms. Breslin asked for the reason of the tree removal restriction, and Mr.

Berrios confirmed that the US Fish and Wildlife tends to restrict the tree removal period to lessen any potential impact to flightless bats during the pup rearing season.

Mr. Wild then asked Mr. Russick if his answers would have matched the summary Mr. Wild had provided to the board on his behalf, which he confirmed. Mr. Russick clarified that for the calculation of the percentage of agricultural soil being disturbed he took a conservative approach. While the prescribed denominator for the calculation is the entire property, he used the specific lot, and still met the requirements of less than 25%.

Mr. Wild stated that the owners of the property Bob and Kristy Kreuscher, authorized him to submit the declaration to the township solicitor, that they offer that declaration and agreed to that. Mr. Kreuscher told the planning commission that his father is the expected purchaser of the lot and that it would, at least initially, be held as an estate asset, and that there presently no intention to put a dwelling on it. The subdivision is done for those purposes. He then asked them the same questions and whether they were represented correctly. Mr. Kreuscher confirmed and added that his father is going to put the house in trust for his children to support them later on. The intention is for his father will pay him for the purchase and keep the estate in the family. Mr. Holbert asked whether Mr. Kreuscher was familiar with the township engineer's letter and whether he is comfortable to meet any conditions mentioned in that letter. He confirmed and added that neither his father nor his daughter is going to build on the lot any time soon, and it will probably be a home for his daughter 20 years from now. He agreed that anything that was deferred here today will be done in the future.

Mr. Wild added that he submitted a waiver letter, marked exhibit H, and he submitted exhibit I requesting that the application be treated as a minor subdivision. He said that subject to the waivers being granted, there would be no widening the road, not putting in a sidewalk, not putting in street trees or street lights, things that he deems customary for every subdivision in Tinicum. Mr. Holbert clarified that those waivers are for the potential subdivision not necessarily for the conditional use, which Mr. Wild confirmed.

Mr. Wild stated that he concludes the presentation by way of testimony. All exhibits have already been marked and accepted.

There were no questions from the Board for Mr. Wild.

Mr. Holbert asked whether Mr. Wild would object to the letter from Wynn & Associates dated May 15, 2025, also being added as an exhibit to the record, which Mr. Wild had no issues with. Mr. Holbert said this would be Exhibit 6.

Mr. Genner said Mr. Wild mentioned waivers that were requested, it should mention deferrals and waivers. Mr. Holbert agreed and said this would be handled in the subdivision portion of this agenda item.

Since there were no further questions from the Board, Mr. Holbert closed the testimony portion and allowed for public hearing on the application for conditional use.

Public Comment on this application (video time 19:42:41):

Mr. David Upmalis, chair of the Tinicum Township Planning Commission, spoke about the waiver for a major versus minor subdivision. That was the one recommendation the PC did not make, since they felt they needed legal and engineering comment on that. The statute says clearly that if it has been subdivided already, the next division is a major subdivision. He was not sure whether a waiver is permitted and wanted to leave that up to Board of Supervisors.

Mr. Michael Wieder, resident, lives on 166 Bunker Hill Road, which is adjacent to the parcel in discussion. He said he has been to every meeting of the PC, and always sensed that they were not getting what they were looking for. E.g., requests made, and they were submitted, but not to the PC. The PC was appointed by the BOS to vet applications for the township to make sure that things are in compliance with zoning and the ordinance. He feels that was not done in this case. He stated that before the current applicant bought this property, he and his wife had looked at buying it from the original owners, and hired an engineering firm to do their due diligence. They deemed that parcel as undevelopable because of overlays. They also concluded that it had to be a major subdivision. Given the costs associated with all that, Mr. Wieder and his wife were not interested in pursuing that, mainly because it did not seem like any possibility of a home being built back there. Now it seems like there are so many waivers being considered to allow this to move forward, which really troubles him. He has lived in Tinicum for over 20 years, has done a number of projects and met every ordinance and complied. He also said we heard testimony that nothing will happen until 20 years from now, but it could happen next year. Plans change and when will the waivers stop? He believes that it is not in the best interest of the township to grant this to go forward.

Ms. Cindy Biehl, resident, lives with her husband on 152 Bunker Hill Road. She said they felt compelled to add public comment even if it may cause bad feelings with the neighbors. They recognize that the owners can use their land however they see fit. But the Township has ordinances and codes are for a reason, which is to prevent overdevelopment. If the township consistently grants waivers and variances of these ordinances, that may set a precedence for future petitions. They recognize that some conditional uses do not pertain to Bunker Hill Road, so they could be granted, but others are valid. They ask that all improvements that residents make be in complete compliance with township zoning and ordinance requirements to protect and preserve the nature of Tinicum Township that is valued by all.

Mr. Holbert closed the public hearing and wait for the Board's action on the conditional use application and address the sub-division and waivers later on.

Discussion:

Mr. Kauffman said he does not want to approve anything besides the subdivision without knowing exactly what is going on here. He does not want to give relief to anything the Board is not aware of as there are a lot of issues that are being decided. The owners are certainly allowed to subdivide their land and convey the land as they

see fit, but the Board is not obligated at this juncture to greenlight anything that is not known at this time.

Ms. Breslin asked the township manager whether all documentation were given to the PC. Ms. Danko said she could comment that all documentation that were received in a timely fashion to make it to the PC, was given to the PC. If things were submitted late, they would have been provided to the BOS and PC at a later time.

Dr. Upmalis added that he believes that at one juncture there was correspondence between Mr. Wild and Mr. Holbert, and the PC did not see any of that. Mr. Holbert said the only thing was the sample declaration, which was the only written correspondence, but the requirements of that sample declaration were contained in Wynn's letter dated May 15th. Dr. Upmalis stated he has no knowledge of that.

Mr. Holbert said that the Board is voting only on the conditional use application at this time. They are meeting all necessary requirements of the zoning ordinance and agreed to meet the requirements. The subdivision application is a separate vote, and for that he will say that the waiver requests are really partial waivers in that they want to defer them. They are still going to meet all requirements save for the street improvements that are not going to be applicable, and that is where the declaration comes in as well.

Mr. Genner added that the zoning ordinance built these mechanisms into the ordinance as far as a conditional use, whereas they are permitted but the applicant must address certain additional criteria. The applicants testified tonight that they have met the additional criteria under each conditional use that is being requested. He believes that the applicants are following what the ordinance requires.

Mr. Cole added that there are some building permits that require no special review, but conditional use ones do. He emphasized that the BOS is not allowing to do something that is outside the ordinance. When the ask is to build something on a property that is environmentally sensitive, when there are certain overlay districts that need to be addressed in conditional use, there is a review to make sure that these areas are not being infringed upon.

Mr. Genner agreed, adding this process is much more intensive, and that is why there are so many professionals here tonight to testify.

Why are we doing the conditional use before the waiver? Need conditional use for the subdivision to be completed, need to be zoning in place. Requirement of the subdivision approval is they meet all the other requirements.

Ms. Breslin asked why the discussion about the conditional use was before the subdivision. Mr. Holbert responded that when a subdivision application needs any special exceptions, conditional use, or variances, these need to be put in place first, because a requirement of the subdivision approval is that they meet all the other requirements of the ordinances as well. Ms. Breslin added that the conditions that are put on are not waivers of any provisions of the zoning ordinance, they are simply deferments of the application of the zoning ordinance until such time that the house is built. Mr. Holbert confirmed.

Public Comment:

Mr. Wieder, resident, said it seemed to him like the cart goes before the horse. He understands what Mr. Holbert is saying and respects that. But he does not understand how a home can be approved here when the situation is so nebulous. For example, the applicants are not meeting the fact that there is supposed to be a well on the property to demonstrate the property will provide water. And there are a number of other things. It is clear not that these are not waivers, but he does not understand how this can be approved where the details are not defined.

Mr. Cole responded that they will have to go through a building permit later, when these things will be addressed. Even if they are approved for the conditional use allowed based on the conditions tonight, when they apply for the building permit, they will still have to prove again that they meet the criteria. This is not an approval for any type of a building, it is a lot that is adequate for building a home.

Mr. Wieder asked whether some of those criteria also required for the second part of this which is a major subdivision, to which Mr. Cole responded we are not there yet.

Mr. Genner added that the subdivision application was based on a house footprint. This is to show that a single-family residence is feasible to construct on the lot. This might not be the house that eventually gets built but it is showing that there is one that can be built. There is also going to be restriction documents and conditions in place that the applicants will have to demonstrate to the township in the future that they can meet all applicable requirements before permits are issued and before construction commences. Mr. Wieder added that all that will be memorialized, which was agreed.

Motion to approve the conditional use application subject to the conditions contained in Wynn's letter dated May 15, 2025, was made by John Cole seconded by Michael Kauffman. All in favor (3).

I. BOS Action Item #1. Occurred here in the agenda. (video time: 20:01:30):

1. Consideration of Land Development Application for 140 Bunker Hill Road, TMP No. 44-005-013.

Mr. Holbert stated that the BOS would now discuss the subdivision application portion for 140 Bunker Hill Road. Mr. Wild said there were not many things to add, but there were a few items he would like to highlight or address.

He said that the Board just noted that most of what has been talked about is deferrals. He said that if one was worried about disturbance, one would consider it a good thing that a house on a 15-acre lot may or may not be built in the immediate future. It could be tomorrow, or in 15 years. There are no plans to do that. But why would the owners not put plan for a single dwelling home at this time. When the time comes, the applicants will have to go through a rigorous application process and all those things will have to be satisfied, same as if they did it now.

He addressed the comments about the applicants getting special treatment, and said the property will meet or exceed all requirements of the ordinance. The township engineer

does a rigorous review. The building permit application will get a full review, and if it does not get approved, the house will not be built. They will comply in general with engineer's letter. He then spoke about the distinction between a major and minor subdivision and whether this application should be treated as a major subdivision where the plan is to subdivide 56 acres into two lots and put a no further subdivision restriction on it and do not put any current structures on it. There was a rigorous debate with by the planning commission about ordinance 256, which says that if a previously subdivided property is subdivided again, it might be treated as a major subdivision. If that were applied literally, every subdivision in Tinicum would be a major one. Every property in Tinicum has already been subdivided. Most ordinances with that kind of provision have it with a time period, saying that if the property is subdivided within a certain period, a subsequent subdivision is a major subdivision to avoid parceling of a lot over a period of years. Mr. Wild added that in this case, they asked the PC several times what is it that you do not have if this were a major subdivision that we could give you to satisfy some idea of substance. other than process. They received no answer. He said that there is nothing that the PC does not have that they would need or want if this were a major subdivision to divide a 56-acre property into 2 lots and restrict it from further subdivision other than the process itself. The applicants will demonstrate full compliance with the ordinance. They put a waiver letter in the package and ask respectfully that the BOS consider the waivers and deferrals, and with the recorded declaration the BOS have full compliance in his opinion. The waiver letter included three sections.

Mr. Holbert said the BOS have waivers for 3 sections, a partial waiver with arial photographs, sections that are dealing with street and sidewalk applicable to this subdivision, waivers for major versus minor subdivisions, encroachment map, erosion, and storm water management plan that are better described as deferrals than waivers and they will comply at the time building permits are submitted. Mr. Wild added that some of the waivers are waivers only in a hyper-technical sense.

Mr. Holbert added that most of these are "will comply" or deferrals and the actual waivers relate to any time of street widening, sidewalk improvements which the Board may deem as really not applicable to this application. Mr. Wild agreed with that assessment.

Ms. Breslin asked to start at the top of the letter of April 21 as revised on May 20, and indicate what is being deferred and what is will comply.

Mr. Holbert agreed and proceeded to go through the details:

Section 411B regarding providing an arial photograph in lieu of mapping out all features within 500 feet of the site – will comply

Section 411C is providing a natural features map: requested to be deferred until building permits and improvements are being made

Section 411D: Encroachment map – deferred as above

Section 505: Preparation of the erosion and sediment control plan – deferred

Section 507: Improvement of existing street widening – a formal waiver

Section 519: Sidewalk improvements – a formal waiver

Section 604: Related to streets, widening, proper markings

Section 605: Putting up appropriate street signs

Section 606: Street lights

Sections 608 and 609: Sidewalk and Curbing requirements - formal full waivers

Section 610: Preparation of stormwater management plan – deferral

Mr. Wild added that by recording a declaration, it becomes a public requirement Nobody could apply for a building permit without satisfying the requirements in the declaration because it becomes a public record.

Mr. Genner added that the applications would have to follow the same requirements as everyone else.

Mr. Cole said he anticipates that these requirements may carry on in the deed, so should the owners decide to sell a lot, this is protecting the property independent of who owns it. Mr. Wild agreed, added that anybody that would buy the property would get a title report and be bound by the recorded declaration.

Mr. Holbert asked Mr. Genner, if they completed these now, a future owner could change plans for the house and would have to go through this again, which Mr. Genner confirmed.

Mr. Wild asked the BOS to favorably act on the request to subdivide the property and grant waivers and deferrals as noted in exhibit H.

Ms. Breslin asked to clarify whether the deed restriction for no further development was for both lots, which Mr. Holbert confirmed, adding that it is in the declaration.

Mr. Holbert stated the BOS have to address the major versus minor subdivision. Mr. Wild has set forth his argument in a letter, which also includes the request and the alternative. It would be an additional waiver request. He asked Mr. Genner whether there is anything in the major subdivision needed for this application that has not yet provided? Mr. Genner responded that per his understanding, if the BOS is willing to grant the requested waivers, there would be nothing else needed in addition. Mr. Holbert asked whether the detail data part of the process for a major subdivision would include the improvements to the street. Mr. Genner agreed, adding that the applicants also asked for waivers of those even if this were considered a major or minor subdivision, and by the word of the ordinance this is a major subdivision. He suggested the township should look into putting a time limit on the ordinance, but for this application he does not believe there is an impact.

Mr. Holbert asked if the Board were to waive also section 364 (large lot subdivision), this would not change what was submitted to the township or provide any additional process review. him. Mr. Genner said he does not believe so as long as they follow the

minor subdivision requirements. He does not know whether just that section could be waived.

Mr. Wild elaborated that they took the position that the large lot subdivision was neither a major nor a minor subdivision. He did not know that they would need a waiver, but out of an abundance of caution they asked for a waiver.

Mr. Holbert agreed with Mr. Genner, saying it falls under a large lot subdivision. It is a subdivision application, and the BOS have the power to waive, he recommends that out of abundance of caution to set forth that these provisions do apply also in the future, the BOS consider the waiver for this one as well.

Ms. Breslin said her understanding was that if this is a large lot subdivision, and the BOS should treat it as such, therefore no waiver would be needed.

Mr. Genner said he agreed with Ms. Breslin. If the BOS treat as major subdivision and grant the waiver, there would not be anything else needed.

Mr. Holbert agreed it can be treated as a large lot subdivision, but out of an abundance of caution for any future application, there does seem to be a discrepancy between that language and maybe the major subdivision does apply. He concluded that the waiver may not necessary because it does not fall under the other definitions.

Mr. Genner added that by the ordinance definition it falls under a large lot.

Mr. Holbert said if it is considered as a large lot subdivision, no additional relief is granted, no additional waivers and all the requirements of the subdivision and land development ordinance have been complied with to the extent the deferments are being made.

Ms. Breslin said that for consideration is whether the BOS grant the large lot subdivision, which Mr. Holbert confirmed.

Discussion:

Mr. Genner asked Mr. Wild if he saw anything different in the process that would be required with a major subdivision. Mr. Wild responded that the only difference would be when there are more than four lots, the substantive difference becomes about water issues. He went through the ordinance and noted that when you get to 5 lots it becomes a whole different world.

Mr. Genner said that there is a discrepancy in the ordinance that needs to be addressed.

Mr. Wild agreed and added that out of an abundance of caution he did it both ways

Mr. Cole said it appears to be a large lot subdivision as opposed to a major subdivision, where multiple lots are being carved out at one time as opposed to one lot out of a big property like this one.

Public comment (video time: 20:24:16):

Mr. Todd Quinby, resident, stated that the township is getting 56 acres preserved, and land preservation is very important to the township. By leaving the deferrals in place keeps that in place for the next go-around, and he thinks this is a win for the township.

Motion to grant a large lot subdivision given that they are deed restricted against any further subdivision and deferring the additional requirements until such time as a building permit application is made, was made by Michael Kauffman, seconded by John Cole. All in favor (3).

Mr. Wild summarized that the subdivision is approved and the waivers were granted subject to the deferrals and the requirements contained in the law.

C. Public Comment (video time 20:25:50)

Ms. Jess Carter, resident on River Road, said she sent an email because she was very concerned about the Sand Castle Winery becoming an event space. They had event last year and was terrible, very loud. She has seen them doing work, which looks like a landslide of rocks that probably should not be in the canal. She asked the BOS to not let them become an event space and ruin our environment.

Mr. Ben Goodwyn, resident on Headquarters Road, lives adjacent to the winery. He walks along his property most days, and has seen them with concrete pump trucks, do demolition on the property; there are huge piles of concrete in the yard, they are constantly moving earth, there might be ordinances that relate to the disposal of concrete and chemicals. He hears the noise, he has not complained much, but the helicopter advertisement to bring people to this location pushes the limit of what is acceptable. They have trespassed on his neighbor's property and cut down hedges, bushes and old trees. They are not abiding by the law, do not seem to care about being good neighbors, the nature of the community, and the noise factor is a big issue. Ms. Breslin asked to share the helicopter advertisement with the Board.

Ms. Maria White, neighbors of Sand Castle Winery, heard the music, and does not want to listen to somebody's else's music playing. She hopes the BOS will help.

Ms. Danko added that complaint forms are at the meeting as well as on the website for residents to fill out and email them. Residents can provide photographs, and any pertinent information for a specific address. These complaints should be sent to the zoning officer and the code enforcement officer.

Mr. Steve Gidumal, resident, said he received an email from his attorney today who forwarded an email from Scot Holbert on his effort to condemn his property. He said he will fight hard, the township will not get it, and if, it will take years.

Ms. Stana Lennox, resident, read about the Wine Castle Winery. Her concern is what the traffic will be like around here. When the cars come down, or hit the bridge and River Road does not have great roads with shoulders and bridges are for one car where you take turns. She cannot imagine if they have 2-3 events a weekend what the traffic will be like. There is so much traffic even going by their place on Headquarters Road now, it is unimaginable if they have lots of events, and will they have buses? The roads cannot support the increase in traffic.

Mr. John Stevenson, resident on Cedar Lane, says he lives on a dead-end street and he had a sign out saying "stop this is not the winery", but still he saw cars pulling up and turning around at a neighbor's driveway. There was a traffic jam and there is really nowhere to turn around.

Ms. Kathryn Auerbach, resident, said she had a chance to drive over bridge 365 at Beaver Run, which is now open. She said it is an abomination; it goes against wild and scenic and against any treatment of historic properties. She expressed concerns before. She thinks the township needs to make a strong comment about it to go on record even though it is now finished. Some of the actions could be reversed to restore the bridge back. She does not understand why this was done to the bridge, they spoiled the setting and even made the road more narrow by 2 feet. They also drilled holes into the side concrete to affix the post for the guiderail, which is what caused the Headquarters bridge to accelerate the deterioration. All this has been adverse to the preservation of the bridge. She prepared an outline of the concerns as far as the inadequate work and future deterioration of the bridge, including an action plan for the township, and she will email to the BOS.

Mr. Mark Baran, resident, said he echoes the comments about the winery situation. He attended the meeting about the Durham Springs property and the developer that was trying to slate micro-cabins on the property. He wondered how the winery has been able to go this far if the law does not allow for it and to encourage do what can be done asap so it does not get further afield so we get in a situation like Durham Springs. An event space causes stress for the community with added traffic and the need for ambulances and fire engines.

Mr. Vladimir Salamun, resident, said he recalls a meeting where Craig DeGroot came up and said that there is activity at the winery and as far as he knew no permits had been given and the township would issue a cease and desist. Ms. Breslin said they will provide an update later on.

D. Police Chief's Report (video time: 20:42:57) - postponed until August BOS meeting.

E. Manager's Report (video time: 20:43:00)

Ms. Danko stated the following:

- These roads have been tarred and chipped: Cafferty Road (Upper) Ropewalk Road, Rockridge Road, Tammany Road, Clay Ridge Road, Beaver Run Road, Sunset Drive and one Cul-de-sac.
- Be sure to attend this local community event: the Tinicum Arts Festival set for July 12-13 10am-6pm Saturday and until 5pm on Sunday. Ms. Breslin stated the BOS will be attending on Saturday from 12-2 pm volunteering at the gate. Mr. Cole asked for people to go to the website and sign up to volunteer.

- Computer Systems update: Over 17,000 files with the PW computer system alone were copied to the cloud. Township IT project is a huge undertaking & updates are going well, email has been updated, ALL new equipment is in place & our server files were uploaded to the cloud to increase our storage and security.
- We are currently working on our financial software change over with new data entry of DCED Chart of accounts for local government...more to come.
- There are several openings on our Township Committees: Parks and Recreation (2) openings, Historical Commission (1), and Land Preservation Committee (2), please see our township website for more information.
- Submitted a grant for Delaware Valley Fire Company for a new generator and fire suppression systems.
- Continuing to pursue Grant application submission for a \$1 Million dollars for our Municipal Complex Addition/Renovation.
- Continuing work on Escrow Accounts and reimbursements, Office Clean-up & organization, creating efficiencies.

a. **Public Work's Report** - Items included in Manager's Report.

G. Solicitor's Report (video time: 20:46:56):

Regarding the Sand Castle Winery, and the comment on unpermitted work, Mr. Holbert said that there is some work going on the interior that has been permitted. The outside work has not been permitted. A stoop work order was issued, and they ignored it. We filed with the court for an injunction and have a hearing on Monday. It has been a tough process, he thinks we will be in front of a good judge, so we can move forward to stop the work on the outside until they have all permits required and deal with some of the other issues as they relate to storm water and the effects of their work that they are clearly not taking into account.

He said they had not heard about the neighbor whose trees were removed, and he asked for the information to be passed on to the township manager. He added that there is not a lot the township can do with that per se, this is more of a private action, but if the neighbor has any questions, he would be happy to talk to him.

With regards to the Headquarters bridge, where we heard the results of the special meeting.

Ms. Danko added that DCNR and the county conservation district have also been alerted about what has been taking place at the Sand Castle winery property.

Ms. Breslin added that the township is continuing to issue violation notices. Mr. Holbert said that they have been appealing those, and on the agenda tonight is whether to send him or Gerry Smith to oppose their zoning hearing board applications related to the notices of violation as well as one for a zoning determination.

Mr. Cole asked Mr. Holbert to elaborate on the condemnation process. Mr. Holbert said that the township has been talking with Mr. Gidumal about these temporary construction easements for over nine months, and unfortunately, we had to go that way. When everything finished with the turnback agreement, they had finished with their litigation regarding their condemnation actions and the permanent easements got transferred over to the township. This is about temporary easements for the staging of equipment during the construction and to fix any erosion on Mr. Gidumal's property. For any future maintenance, we already have the right of way. Mr. Gidumal was upset that PennDOT left that to us, but we prefer this way so we can do it right, protect our bridge, and the roadway.

Mr. Cole asked if the township could get by without these easements? Mr. Genner responded for the bridge itself; it is possible to construct it without the easements we seek condemnation for due to non-cooperation. It could make the project take longer because the work area is restricted, there would be more staging, and not every contractor might be willing to work within these tight constraints. Mr. Genner said that is why the township held a special meeting to authorize that condemnation process so that could run concurrently while the bids are underway.

Ms. Breslin pointed out that a recording of that meeting is available on the township website. The meeting was on June 20 at noon, it was a short meeting, and the BOS considered a resolution which lays out the history and adopted the resolution. Mr. Holbert added that it was time to move forward.

H. Engineer's report (video time 20:53:18)

Mr. Genner said the only item on his report was an update on the Headquarters Road bridge. The bid package was finalized and posted on June 10, 2025, and it was advertised on June 10 and 17, 2025, in the newspaper. The special BOS meeting was held on June 20 to authorize the condemnation process for the temporary easements. The mandatory pre-bid meeting was held on June 24, 2025, at the township building.

We had an extremely large turnout. 14 different contractors were represented; a lot of the major bridge contractors that have done historic rehabilitation work were present and are actively interested in submitting bids.

The township is in the process of writing an addendum to address some minor questions that were brought up with the bid package, mainly to include corten weathering steel for the structure mounted railing system instead of painted or galvanized material.

Mr. Genner said that a major concern was to get the structure to look and be similar to the historic one. He met with different quarry representatives and took several field trips to different stone sources, and they found the mix to be a red argillite stone which is hard and has similar color characteristics as the stone used on the structure. They also looked at shale sources, and while that material is not as strong a material and a little more brittle, there are some shale components on the structure placed in areas that are

not structurally important, and they are confident that they could identify and prequalify the source of the material. All this is included in the bid package.

The contractors could use other materials if they are suitable and less expensive, and in the bid documents the township can qualify the material even further.

Mr. Genner said the question period ends on July 18, the bids are due and the opening is on July 22 at 10AM. Township could consider the award of bids at BOS meeting at the BOS meeting on August 5, or push it to the September meeting.

I. Consent Agenda Items for Consideration by the Board of Supervisors: (video time: 20:57:47)

[Items of business and matters listed under the Consent Agenda are considered to be routine and non-controversial and will be enacted by one motion and one vote. There will be no separate discussion of these items. IF discussion is desired by Board Members, that item will be identified and removed from the Consent Agenda and will be considered separately at the appropriate place on the agenda.]

- a. Consideration of the Board of Supervisor's Business Meeting Minutes from June 3, 2025 and the Special Meeting Minutes from June 20, 2025.
- b. Treasurer's Report for May 2025.
- c. Payroll Report for May 15, 2025 to June 13, 2025 in the amount of \$68,843.60.
- d. Disbursements for June 2025: General Fund \$356,726.65, State Fund \$896.07 and Escrow Fund \$7,008.02, Escrow Management Fund \$1,004.34.
- e. Consideration to authorize Tinicum Township Fire Companies fire police personnel assistance if available to assist with traffic control and parking for Tinicum Civic Association for the Open House event, Stover Mill 852 River Road on August 31, 2025 from 1-5pm.
- f. Consideration to authorize Tinicum Township Fire Companies fire police personnel assistance if available to assist with traffic control for Dublin Volunteer Fire company Fireman's Fair for July 11-12 and July 15-19, 2025.

Motion to approve all Consent agenda item numbers #1 – 6 in one motion was made by Michael Kauffman and seconded by John Cole. (All in favor, 3).

J. Action Items for Consideration by the Board of Supervisors: (video time: 20:57:46):

1. #1. Consideration of Land Development Application for 140 Bunker Hill Road was moved to the beginning of Agenda after Conditional Use hearing.
2. Consideration of the amended Deed of Conservation Easement for 567 Cafferty Road, TMP NO. 44-014-046-004, the Breslow property.

No-one was here to present this item.

Motion to table this item was made by Eleanor Breslin and seconded by Michael Kauffman. (All in favor, 3).

3. Consideration of Stormwater Facility Operation and Maintenance Agreement for 76 Rock Ridge Road, TMP No. 44-006-021.

Mr. Holbert elaborated that there was a building permit application for a residential addition. There is a total increase in the impervious surface of 686 square feet, which is for the installation, maintenance and operation of the stormwater facilities that have to be installed in accordance with this building permit application. Mr. Genner added that this was a nonstructural BMP woodland preservation and requirements to guarantee that the woodlands are preserved.

Motion to approve the Stormwater Facility Operation and Maintenance Agreement for 76 Rock Ridge Road, TMP No. 44-006-021 was made by Michael Kauffman and seconded by John Cole. (All in favor, 3).

4. Consideration for the Solicitor and/or the Zoning Officer to represent the Township for the Zoning Hearing Board meeting ZHB#2025-2 regarding Sand Castle Winery, TMP No. 44-015-071 and 44-015-072.

The date of this hearing is TBD. Mr. Holbert said this application of appeal of a notice of violation and he would recommend for both Gary Smith and himself to attend. Ms. Breslin added that the notice of the date for this meeting will be put on the township website.

Motion was made to send the Solicitor and the Zoning Officer to represent the Township for the Zoning Hearing Board meeting ZHB#2025-2 regarding Sand Castle Winery, TMP No. 44-015-071 and 44-015-072, was made by John Cole and seconded by Michael Kauffman. (All in favor, 3).

5. Consideration of the appointment of Grim, Biehn & Thatcher Law Firm as the Township's UCC Appeals Board Solicitor.

Ms. Breslin said that this UCC board of appeals is a low activity board. They only convene when an appeal has been filed. Typically, municipalities appoint a solicitor to represent the township's interests at the UCC board of appeals hearings at the beginning of the year at the organizational meeting. This has not been done since Ms. Breslin has been on the board in 2022. Mr. Holbert added that it is not common because of how infrequent the appeal boards meet. In his entire career practicing municipal law, he has never had a client have to have something appealed to the UCC, so this happens very

infrequently. These are appeals from determinations related to building permit applications when these are denied.

Motion was made to appointment of Grim, Biehn & Thatcher Law Firm as the Township UCC Appeals Board Solicitor was made by Eleanor Breslin and seconded by Michael Kauffman. (All in favor, 3).

6. Consideration to advertise the Ordinance to amend the Police Pension Plan administered by the Pennsylvania Municipal Retirement System (PMRS) pursuant to Article IV of The Pennsylvania Municipal Retirements Law confirming the member contribution of 3% for years, 2024 and 2025 Uniform Plans.

Ms. Danko said this is to make sure that our ordinances are in conformance with what the contributions are. This should be done on an annual basis.

Motion was made to advertise the Ordinance to amend the Police Pension Plan administered by the Pennsylvania Municipal Retirement System (PMRS) pursuant to Article IV of The Pennsylvania Municipal Retirements Law confirming the member contribution of 3% for years, 2024 and 2025 Uniform Plans and was made by John Cole and seconded by Michael Kauffman. (All in favor, 3).

7. Consider of authorization of the PennDOT plan submitted for the detour for Bucks County Bridge #361 over Tinicum Creek for Sheephole Road while construction repairs occur with the submission of a road occupancy permit and/or post financial security for adjacent roadways during the project.

Mr. Kauffman asked whether this will impact Headquarters Road bridge at all, and Mr. Genner responded that the timing would not be impacted, but it would be a similar detour to what is already in place. Ms. Danko added that it was the recommendation of the township engineer to have the road occupancy permit and post financial security for the roadways. Mr. Genner added that they are proposing to use some County and some township roads, so his recommendation is that they apply for the road occupancy permit and financial security for the roadway during the project. The amount for the financial security is only \$1,000 for the township roadway. Mr. Genner said that we need to tell them they need to apply for the permit per the township ordinance and here is the fee schedule.

Motion was made to authorize the submitted PennDOT plan for the detour for Bucks County Bridge #361 over Tinicum Creek for Sheephole Road while construction repairs occur with the submission of a road occupancy permit and the posting of

financial security for adjacent roadways during the project was made by John Cole and seconded by Michael Kauffman. (All in favor, 3). A letter and the fee amount and escrow should be sent to PennDOT for damage or wear and tear that may happen to Ridge Valley Road or other roads due to the detour.

Sean Sanders, Tinicum Township resident, suggested to do the construction from this side for Headquarters Road bridge, but it has already been decided.

Ms. Auerbach asked about the proposed work on the county bridge and whether the township has plans for that. Mr. Kauffman said that this was covered in the April 14th meeting of the historical committee. The permit was already in place at that time. It is some railing work to the approach of the bridge and some deck work to the bridge. He said they do not have plans to his knowledge. Ms. Auerbach said she requests that the township has a chance to review the plans given the horrible outcome of Beaver Run and to please let her know when they get them.

8. Consideration for the Township Manager to hire/employ Driver/Laborer open positions for the Public Works Department.

Motion to authorize the Township Manager to hire/employ Driver/Laborer open positions for the Public Works Department was made to made by John Cole and seconded by Michael Kauffman (All in favor, 3).

9. Consideration for the Township Manager to advertise/list/auction and sell two police vehicles: 2013 FORD Interceptor and 2016 FORD F150 via Municibid auction website.

Motion was made to authorize the Township Manager to advertise/list/auction and sell two police vehicles: 2013 FORD Interceptor and 2016 FORD F150 via Municibid auction website and was made by Eleanor Breslin and seconded by John Cole. (All in favor, 3).

10. Consideration of the Groundwater Ordinance providing Board of Supervisor recommendations to the Planning Commission for review.

Ms. Breslin elaborated this is a draft ordinance of the Bridgeton Nockamixon Tinicum Groundwater Management Committee. The question is whether the BOS should review that ordinance and make recommendations to the Planning Commission to help guide their review of that ordinance.

There was a discussion between Mr. Upmalis and Ms. Danko about a redline version but the PC would provide the BOS something. They had not received anything. The ordinance is massive, so the redline version would have been helpful. Mr. Upmalis said

that the groundwater commission had made one presentation to the PC with online personnel which did not work very well. They will have to have more meetings to discuss. Ms. Breslin suggested the township ask the two Tinicum members of the groundwater committee to attend a PC meeting and help talk through it since they know the current ordinance very well. Mr. Upmalis agreed.

No Motion was made. The Planning Commission will review the Groundwater Ordinance with the Board of Supervisors.

11. Consideration for the Planning Commission to review and make recommendations to the BOS regarding accessory dwelling units.

Mr. Cole said this has been a topic that has been discussed for a long time, where people have barns and such structures that they turned into apartments and rent out. There were some good suggestions brought to the BOS by Carl Ruthard, a former member of the PC, and he suggests for the BOS to investigate this in order to have some more affordable housing in the township. However, there are some caveats that the township needs to look out for, mainly the septic systems, access to the buildings, parking, fire protection, sprinkler systems, etc. He asked the PC to work on that to figure out if this would be wise or feasible, which means looking at what other townships are doing. Mr. Upmalis asked if there was something in writing, and Mr. Cole said he had the suggestions from Mr. Ruthard, which Ms. Danko will provide to Mr. Upmalis. Ms. Breslin added that the purpose in asking the PC to look at this is to bring the ordinance in line with what we consider an ADU should look like in relation to the primary house and what is reasonable.

No Motion was made. The Planning Commission will review accessory dwelling units.

12. Consideration of appointments to the Parks and Recreation Township Committee.

This item was tabled.

13. Consideration to draft a resolution ensuring sustainable Emergency Medical Services (EMS) for Tinicum Township.

Mr. Cole informed residents and BOS about the latest on the EMS services for Tinicum Township and gave the following updates:

The context is that UBREMS wants the township to have some sort of definitive statement to them to let them know where they stand. He does not know how they do not

know already, and also for us to identify who we may wish to have as our EMS service, similar to what Nockamixon did at their meeting last month in June.

At this point he is not sure that it is not a moot point, because late this afternoon, Mr. Cole received an email from Anthony Mills, the president of UBREMS. They and St. Luke's emergency and transport services are nearing the end of coming to an agreement to have St. Luke's buy them out to provide high quality emergency medical care to residents of Bedminster, Bridgeton, Durham, Haycock, Nockamixon, Richland Burrough, Springfield Township, Tinicum Township, and Riegelsville Burrough. The timeline is as follows: July 1 for a letter of intent, a preparation of definitive agreements on August 15, and execution of those agreements and closing on September 1, 2025. At that point, the service box will basically be in St. Luke's hands, and we can choose to go with Central Bucks as Nockamixon has, but the question is whether Central Bucks will be willing to come up here and service just Tinicum and Nockamixon. Having spoken to Chuck Presler last week, Mr. Cole said, the answer to him is no, they probably will not do that. He may change his mind or he may have a different solution, it is not clear. He needs at least one more entity, he would like to have Springfield also.

Mr. Cole then spoke about other things that have happened. Mr. Cole, Ms. Danko and Mr. Kauffman had a meeting with St. Luke's. They explained their position, what resources they have, and what their plans were. Their plans are to put an ambulance in Haycock Township, in Springfield Township, and in Nockamixon Township in Revere, operating all three of them 24/7 at no additional cost to us. All they are asking us to do is to pay what we currently pay to UBREMS. Central Bucks has a similar offer. A slight difference is that they are not saying that they are not going to raise the cost in two years, Central Bucks is saying that they will review this in a couple of years to see if they need an increase. St. Luke's made no indication they were going to do that, but they also made no guarantee they would not either.

Mr. Cole said we do not know exactly where we stand with that, but people coming up here and saying this could be a bait and switch, they are coming in here to raise our rates right after it is two years from now, he is not confident UBREMS would not do that either. Nobody is coming in here from UBREMS saying they will not raise the rates for 10 years or however long, and he has been upset with the way they have assessed us right from the get-go. He thinks it is inaccurate. Either we are being overcharged or others are being undercharged, one or the other. When Mr. Mills stood up here and said they did a hybrid of the call volume and per capita and the numbers came out the same, his head nearly exploded. At that point he just stopped talking to him, because he does not know how that could be when you are having townships that they service twice as much as us, but they only pay 20% more. That is fuzzy math to him. But it seems the end is near for UBREMS anyway.

That is the status as of right now. He met with township representatives from Riegelsville, Springfield, and Haycock last Wednesday in this building, where they

discussed these options, what they know, what we know, and their idea is to continue to talk with Central Bucks, the idea being that having two separate services up here is better than none. But that is all reliant on whether it is financially feasible or sensible for Central Bucks to come up here, if they want to come up here under those conditions. It does not make a difference to Mr. Cole which service we will use, but suffice it to say that this process has been moving along now for six months. It has been a long, strange trip we have been on and it is coming to an end very soon with ambulance services that you can depend upon at the same cost we are paying right now as opposed to \$108,000 a year, we will be paying \$26,000 a year.

There are those who said just pay them, we need our ambulance service, we will raise our taxes. That was curious to him that people came in here more or less demanding to raise their taxes. It is phenomenal, that is the only way to describe that. It was very strange to hear that. But we have done our due diligence and worked hard now over the last six months to get the residents a service and reasonable prices and he does not anticipate any kind of increase in our EMS taxes. And this would be a definite 24/7 service with a lot of back-ups from both. Both have resources to do backfilling, which is when their ambulance goes out on a call from station 142, they will have another ambulance here. He thinks St. Luke's has a better capacity to do that, especially if they have their ambulances in Springfield and Haycock already, they can move one of those into a more centralized location at any time. Central Bucks would have to move it up here from Doylestown somewhere and that would be a little more difficult to pull off. Mr. Cole said we had another option from Point Pleasant, but he doubts as to whether Point Pleasant has the resources to do what these other two organizations do. Early on they gave us an offer, but it was only for 12-hour service and it was \$140,000 they were going to charge us for a year, and he thought that was not acceptable at all, so they did not pursue that any further. Since then, there has been another offer from him, but he does not know where that is coming from exactly. There was talk of them merging with UBREMS, with Mike Tuttle taking over the operation at UBREMS and Point Pleasant, but he does not know where that came from because UBREMS for a while now has been working with St. Luke's to merge. They have also been working with Central Bucks to merge since January. They had an agreement with Central Bucks that they would merge, should it appear that they were not getting their goals of getting all these townships on board, they would then begin a "smooth transition" in January with this organization and Chuck Presler gave him an extra couple of months to work things through with the townships, and now he has turned around and decided to go with St. Luke's instead. That's for Anthony Mills to wrestle with his conscience.

That is where we are right now, and the residents will have service, it's that simple. There has been a lot of fearmongering that somehow, we are not going to get service, which is just not true, it was never true. We had a meeting with 911 a long time ago who said "No, you will always have a service up here. Somebody is going to be up here and

you are not going to be uncovered.” It is just that the service boxes move according to what service is where. Ms. Danko added that the boxes have to do with timing of where people are located and how the ambulances are going to get them. Mr. Cole said they are formulated according to response time.

Hopefully we are coming to the end here and we are going to get a good result by just biding our time and doing our due diligence and working at getting all these different services in here. He remembers saying “we have options” and someone in the back jeered out “what options?” and at that time he already knew we had three of them. But we did not want to get too deep into it until we knew what is going on and what options we had.

Ms. Breslin said she wanted to acknowledge the exceptional level of professionalism exhibited by both Chuck Pressler of CB EMS as well as Mike Tuttle at Plumstead. They did not have to jump in and try to help figure out for our community and our neighboring townships. They are public servants through and through, and it is just their nature to jump in and help and figure it out even with the shifting sand and UBREMS’ development of a relationship with St. Luke’s, which is a potential positive for our communities, and recognizing in light of that, Chuck Pressler’s and Mike Tuttle’s willingness to help and try to figure this out, it did not waiver, and that is important to recognize.

She also appreciates that we now have this additional option of St. Luke’s, which is quite something that they are contemplating three stations within the same coverage area, whereas we have had two, to have all three of these stations to be running 24/7, which we have not had, and for no additional costs, that is pretty remarkable. She is interested in hearing some data, so she is inviting residents to let the BOS know when they are receiving medical care or seeking it, are they heading towards Doylestown or to the Lehigh Valley. Because she thinks that if St. Luke’s is the provider of the EMS, we will all be heading to the Lehigh Valley, and if that is where you go, that works really well. But if you are used to go into Doylestown for emergency medical care, she wonders if that will still be an option.

Mr. Holbert added that people could also go to Grand View now. Mr. Cole said that people go to Grand View now anyway because it is the closest trauma center. And regardless of who is carrying you, if you have a real serious emergency, you will go to Grand View.

But St. Luke’s said to the BOS that it is patient choice. If you get picked up by whomever, unless it is trauma, they will take you to your choice. And Grand View will be owned by St. Lukes and be part of their system.

Ms. Breslin asked if now was the time to draft a resolution, and Mr. Cole suggested to wait and see how this develops.

Mr. Kauffman added that the key word in the agenda here is seeking a “sustainable” EMS, and Mr. Cole said we will be in a position now where we are going to be obtaining a sustainable emergency medical service.

Ms. Breslin thanked Mr. Cole and Ms. Danko for their hard work on this.

14. Consideration of Resolution 11-2025 in opposition to General Assembly of Pennsylvania House Bill 502 (HB502) session of 2025.

Ms. Breslin gave an explanation as to why this Resolution matters to our Township and all Townships across Pennsylvania. There is a house bill being circulated in Harrisburg that would amend parts of the State statute relating to environmental resources. It purports to have been drafted with the recognition of the present and predicted growth in energy demands in this Commonwealth and HB502 would establish a state-wide procedure for the selection and use of building sites for reliable energy generating and storage facilities. The terms “reliable energy generating facilities” as well as “storage facilities” are defined in HB502. HB502 fails to acknowledge that the predicted growth in energy demands in this Commonwealth is largely based on anticipated development of privately owned, energy intensive data centers and artificial intelligence facilities and not simply the growth of electric utility consumption by public consumers. HB502 would establish a new board that will serve the state, called the “reliable energy sighting and electric transition board”, the RESET board, for the purposes of facilitating the development of new sources of reliable energy in this Commonwealth, while purportedly limiting adverse effects on human health, safety and the environment.

Ms. Breslin said the bill is not that long, it is available online, HB502 PA house 2025. It has a number of really troubling provisions in it, but the one that causes her a lot of alarm is that it creates this RESET board and then it gives the RESET board the authority to issue certificates of reliable energy supply that enable the prompt construction of a proposed reliable energy generating facility or storage facility anywhere within the Commonwealth except on property that is zoned only for residential use. Agriculture zones would be fair game. Mr. Holbert added that there are very few districts left throughout different towns, municipalities, that are residential only. We see the growth of multi-use, multi-development properties, which is largely going to preempt a lot of local regulation. Ms. Breslin agreed, saying that any village center that has some residential and some commercial use, it would all be fair game. HB502 seeks to eliminate virtually all local zoning protections, controls, processes, municipal oversight, and citizen voices. This meeting tonight highlights what we would lose if HB502 passes, because how many residents did we hear from on the conditional use and the subdivision, and the Sand Castle Winery? Those channels of being able to make public comment, being able to have a locally based elected board, that the residents in the municipality can hold accountable if they do not like what they are

doing, all of that would be gone and these decisions would be made by the RESET board. The bill identifies the composition of the RESET board. In our State constitution we have the environmental rights amendment article 1 section 27, which guarantees that all people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. And that Pennsylvania's natural resources are the common property of all the people, including generations yet to come. Under article 1 section 27, every level of government has the duty to make sure that article 1 section 27 is not violated. The creation of the reset board and the activity they would be engaging in would make it impossible for any municipality to fulfil our duty under the state constitution. This proposed House Bill is illegal in many ways and it violates a number of constitutional provisions.

The primary sponsor of this house bill is a Democrat from the western part of the state. Most of the co-sponsors are Democrats in the state house. It does have a fair amount of bipartisan support, but it is troubling in so many ways. It would surprise her if any of the co-sponsors have had a position like the BOS members are holding, where you can understand at the ground level the importance of local decision making. Thinking about what would be the top three things that we would want to protect and carve out of HB502, which cannot be done statewide because every municipality is different. We have different geological features and restraints.

Ms. Breslin said she thinks that it is likely that most of the legislators who are in support of this are unaware of HB502's unlawful terms and the unconstitutional results that will be visited on the residents of Tinicum Township and all citizens of the Commonwealth if passed. However, good intentions do not excuse non-compliance with our laws and our constitution.

It is a long resolution which can be put on the township's website if decided to approve it and then send it to State Representative Shelby Labs, State Senator Jared Coleman, and anyone who is willing to receive it.

Mr. Quinby said he had briefly read it, and asked how it would affect if the house wanted to go off the grid, because when you generate any kind of electricity you have to put the surplus back in. Ms. Breslin it said it does not have anything to do with that, it is all about these reliable energy generating facilities, like data centers and AI and that technology. Mr. Holbert added that the idea is for these to get the energy they need and Pennsylvania has been predicted to get rolling black outs in the next five years due to these data centers just like California. Ms. Breslin added that the Pennsylvania governor had a press conference within the past 10 days regarding tens of billion of dollars

investment for data centers, one is projected to land in Falls township and one is in Luzern County. This is an issue for us here, and we have a lot of open space.

Motion was made to adopt the Resolution 11-2025 in opposition to General Assembly of Pennsylvania House Bill 502 (HB502) Session of 2025 was made by Eleanor Breslin and seconded by John Cole. (All in favor, 3).

K. Public Comment (video time 21:48:50): None was made.

L. Supervisor Comments (video time 21:48:52):

Mr. Cole noted that Gary Chase, councilman from Riegelsville Burrough expressed how nice the Township roads were cared for and the good condition that they are in and Mr. Cole expressed his gratitude to our Public Works employees which is currently a staff of two hardworking and dedicated people. Thank you to our Public Works Department.

M. Adjournment

Motion to Adjourn at 9:51 p.m.

The Board of Supervisors next Business Meeting is scheduled for Tuesday, August 5, 2025 at 7:00 pm in the Township Building.

DATE: 8/06/2025

ATTEST TO:


Judith Danko, Township Manager/Secretary

TINICUM TOWNSHIP BOARD OF SUPERVISORS


Eleanor Breslin, Chairperson


John Cole, Vice-Chairperson


Michael Kauffman, Member