

May 16, 2022 @ 6:30 P.M.

The Township Board of Commissioners held their regular monthly meeting on the above date and time at 97 Wanamaker Avenue, Essington, PA 19029 with Patrick K. McCarthy, President, presiding. Present:

- Patrick K. McCarthy, President
- Patrick Barr, Vice President
- Lisa Edmiston, Commissioner
- Roger Joseph, Commissioner
- David D. Schreiber, Manager
- Sam Auslander, Esq., Solicitor
- Dennis O’Neill, Township Engineer
- Absent – Dennis Arthur, Commissioner

President McCarthy called the meeting to order and all rose for the Pledge of Allegiance to the Flag.

\* \* \* \* \*

**ON A MOTION** by Lisa Edmiston and second by Patrick Barr, the minutes of the April 2022 Commissioners Monthly Meeting were accepted and approved, by a unanimous voice vote.

Board President McCarthy reported that all members had received copies of the Treasurer’s and Secretary’s Report of Receipts. There being no questions;

**ON A MOTION** by Patrick Barr and second by Lisa Edmiston, the reports were accepted and approved as submitted, by a unanimous voice vote.

Mr. McCarthy reported that the bill list for May 2022 will be distributed to all members at the end of the month. There being no questions;

**ON A MOTION** by Roger Joseph and second by Lisa Edmiston, the bill list will be paid for the month of May 2022 by a unanimous voice vote.

**Public Comments on Agenda Items:**

Mr. Zurdi Dobi, 200 Powhattan Avenue, Lester, made the following comments:  
Regarding Item #8, Land Development for Proposed Wawa, Mr. Dobi referred to the a 2021 court case in which the Township’s Conditional Use decision has been challenged and suggested this item be tabled until the matter was resolved. Mr. Dobi also referred to the previous challenge to the Zoning Hearing Board decision appealed to the Commonwealth Court and objected to this item being voted upon.

Asked for the time period on the “Preliminary Approval” being sought in Item #9. Asked for comment from Commissioner Joseph on the “hole in the budget” referenced in the pending court

case regarding the challenge to the Delaware County Health Department, the cost incurred during this action, and an update and clarification from the Township Manager on this case.

Mr. Joseph and the Township Manager stated that since the matter of the Townships' challenge to the County Health Department is now a matter in court, it would be inappropriate to make any statements or comments outside of those made within Judge Angelos' court.

Art Perdun, S. Gov Printz Blvd., objected to the vote on Item #8, Land Development for Proposed Wawa. Mr. Perdun referred to his comments at the Zoning Hearing Board hearing, is concerned about safety issues at the intersection of Rtes. 291 and 420, and the viability of the existing Wawa.

**COMMITTEE REPORTS:**

**ADMINISTRATION, LAW, ORDINANCE, PUBLIC SAFETY AND FINANCE – Patrick K. McCarthy Chairman**

**Awarding of Bid for Township's 2022 Street Resurfacing Project**

**ON A MOTION** by Lisa Edmiston and second by Roger Joseph, the Board voted unanimously via roll call vote to award the bid for the Township's 2022 street resurfacing program to Gessler Construction of Media, PA. Said bid is in the amount of \$322,155 has been reviewed by the Township Engineer and the following streets are proposed:

- LaGrange Ave between Powhattan Ave and the Railroad
- Third Avenue between Powhattan Ave and the Railroad
- Saude Avenue between Second Street and Third Street
- Warwick Avenue between Third Street and the Railroad
- Delaware Street approximately 750' East and North from Jansen Avenue
- Saude Avenue between Front Street and Second Street
- Third Avenue between Delaware Street and dead end north of Chippewa Street
- Bartram Avenue between Third Street and Fourth Street

**Land Development Application of 500 Wanamaker Ave. LLC**

Prior to voting on this item, the Township Engineer commented that he and the Township Solicitor have drafted various conditions of approval and the plans are in satisfactory order for a vote to be taken. The Township Solicitor highlighted some of the conditions of approval, including the resolution of any pending actions before construction could proceed.

Commissioner Barr commented by referring to his previous comments and concerns regarding the location of this project at such a busy intersection, the viability of the adjoining gasoline station and the existing Wawa. Mr. Barr stated that although he believes Wawa to be a good company and has no objection to them in general, the proposed location was not a good fit for this project.

**ON A MOTION** by Roger Joseph and second by Lisa Edmiston, and by a 4-1 majority vote, the Board voted roll call to approve applicant 500 Wanamaker Ave. Partners LLC land development application to construct a Wawa food market and associated gasoline station on the corner of Wanamaker Avenue and Rt. 291. Said approval will be subject to the conditions set forth in the Board of Commissioners Conditional Use approval of November 2021, the Zoning Hearing Board decision of April 2022, the Township Engineer's letter of May 9, 2022 and as set forth within Resolution 2022-005 attached hereto.

Commissioner's McCarthy, Arthur, Edmiston, Joseph vote AYE. Commissioner Barr votes NAY.

### **Land Development Application of Ivy Airport Property, LLC**

Prior to voting on this item, the Township Engineer commented that while his office is not in a position to recommend a Preliminary/Final approval, the plans have progressed to a point where Preliminary approval can be entertained as outlined within the conditions set forth. Many of the items still to be addressed revolve around internal vehicle circulation, truck traffic to and from Jansen Avenue, and some concerns about Federal Express trucks using the Old Island Road entry/exit from the site.

The Township Solicitor also commented that most of the conditions do pertain to traffic concerns. In addition, the Solicitor stated that the applicant will be seeking an extension of Final approval until September 2022.

**ON A MOTION** by Roger Joseph and second by Patrick Barr, the Board voted unanimously via roll call vote to provide Preliminary Approval of the land development application of Ivy Airport Property, LLC at 10 Industrial Highway. Said land development consists of the demolition of all existing buildings upon the site and for the construction of a proposed warehouse/distribution facility to be completed in 2 phases: one building of approximately 1 million sq. ft. and one building of approximately 750,000 sq. ft. Preliminary approval is subject to the conditions set forth in Resolution 2022-006 dated May 16, 2022 attached hereto.

### **Appointment of Crossing Guards**

**ON A MOTION** by Lisa Edmiston and second by Patrick Barr, the Board voted unanimously via roll call vote to appoint Ms. Tammy Corcoran of S. Gov Printz Blvd, Ms. Victoria Cebek of Jansen Avenue, Ms. Brittany Conrad of Powhattan Avenue and Ms. Helen Pilgrene of Jansen Avenue as alternate Crossing Guard on an as-needed basis as a rate of \$13.50 per hour.

**Tax Assessment Appeal of 504 Front Street (Folio 45-00-00457-00)**

**ON A MOTION** by Patrick Barr and second by Lisa Edmiston, the Board voted unanimously via roll call vote to authorize the Board of Commissioners to approve the settlement of the tax assessment appeal for 504 Front Street fixing Delaware County's assessment of \$10,000 for tax year 2021 and 2022.

Said Settlement Agreement has been reviewed and recommended for approval by the Interboro School District and accepted by the property owner.

**Tax Assessment Appeal of 0 3<sup>rd</sup> Avenue (Folio 45-00-01441-01)**

Prior to voting on this item, the Township Solicitor stated that this property and the one in the next motion were jointly assessed at \$700,000. With these settlements, the combined assessment is \$911,000

**ON A MOTION** by Roger Joseph and second by Lisa Edmiston, the Board voted unanimously via roll call vote to authorize the Board of Commissioners to approve the settlement of the tax assessment appeal for 0 3<sup>rd</sup> Avenue fixing Delaware County's assessments for 2019 and 2020 at \$101,745 and for 2021 at \$286,640.

Said Settlement Agreement has been reviewed and recommended for approval by the Interboro School District and accepted by the property owner.

**Tax Assessment Appeal of 332 S. Governor Printz Blvd. (Folio 45-00-01156-01)**

**ON A MOTION** by Patrick Barr and second by Dennis Arthur, the Board voted unanimously via roll call vote to authorize the Board of Commissioners to approve the settlement of the tax assessment appeal for 332. S. Governor Printz Blvd fixing Delaware County's assessments for 2019 and 2020 at \$305,235 and for 2021 at \$625,300.

Said Settlement Agreement has been reviewed and recommended for approval by the Interboro School District and accepted by the property owner.

**Engagement of THC, Inc. Professional Noise Consulting Services**

**ON A MOTION** by Roger Joseph and second by Lisa Edmiston, the Board voted unanimously via roll call vote to authorize the Board of Commissioners to engage in an arrangement with THC Inc., for professional noise consulting services to review, interpret, and advise on any noise and/or sound studies conducted or provided by the Philadelphia International Airport as it relates to the relocation of Tinicum Island Road and the development of the proposed West Cargo Development project. THC's professional services rate is \$285 per hour and is expected to be no more than 50 hours of service.

**Extension of Land Development for 336 Bartram Avenue (Applicant Edward Heron)**

**ON A MOTION** by Lisa Edmiston and second by Patrick Barr, the Board voted unanimously via roll call vote to authorize the Board of Commissioners to accept applicant Ed Heron’s request to grant the Board an extension of time by which the Board must consider Mr. Heron’s land development application at 336 Bartram Avenue. Said land development application is for a proposed twin dwelling and associated improvements. The extension shall be until October 31 2022.

**COMMITTEE REPORTS**

**Code Enforcement Report – Roger Joseph, Chairman**

**April 2022 - The Code Enforcement Officer Issued:**

**45 Certificates of Occupancies for a total of \$ 6,450**

**33 Building Permits for a total of \$ 33,620**

**Police, Fire, and Buildings: Patrick K. McCarthy, Chairman**

**Police Report April 2022**

Township Fines: **\$ 3,019** Of that amount, a total of **\$ 800** were Parking Tickets.

The department handled **581** incidents and made **30** criminal arrests  
**29** of those criminal arrests were adults  
**01** of those criminal arrests were juveniles. Out of those juveniles  
**01** of the juveniles were handled within the Department and Released.  
**00** animals were taken into custody

**Fire Company Report - April 2022**

|                  |    |                   |
|------------------|----|-------------------|
| Number of Calls: | 38 |                   |
| Building Fires   | 04 | (3 Working Fires) |
| Vehicle Fire     | 02 |                   |
| Assist EMS       | 02 |                   |
| MVA w/ Injury    | 04 |                   |
| MVA w/o Injury   | 11 |                   |
| MVA w/Entrapment | 01 |                   |
| Fuel Spill       | 01 |                   |
| Investigation    | 02 |                   |
| CO Alarm         | 01 |                   |
| Cover            | 01 |                   |
| Water Rescue     | 01 |                   |
| Auto Fire Alarms | 08 |                   |

Avg No. of Responding Personnel 07

**Fire Marshal Report                      April 2022**

**Plan Reviews:**

1. PHL Terminal ‘A’ West, review plan for relocation of a vendor at the terminal.
2. Cargo City, replacement of smoke detectors in building C-2

**Fire Inspections and Acceptance Tests:**

1. McGillicuddy’s Tavern & Tenant Rooms at 211 East 2nd Street
2. Flashbacks Tavern & Tenant Rooms at 401 Powhattan Ave.
3. Follow up re-inspection at Travel Lodge 43 Industrial Highway

**Training:**

1. Reduction on Concrete Carbon Footprint.
2. Fire Alarm Submittal Requirements from Specifications to Shop Drawings.
3. Various NFPA on-line trainings

**Meetings:**

1. Met with representatives of various towns regarding Crozer paramedic service.

**Ray Lonabaugh, Fire Marshal**

**Public Works, Highways, and Railroads: Lisa Edmiston, Chairperson**

**Trash removal for the month of April 2022:**

|               |      |      |
|---------------|------|------|
| Regular Trash | 186  | Tons |
| Bulk Trash    | 13.5 | Tons |
| Yards         | 13   | Tons |

- Removed debris and locked gate on end of Iroquois St.
- Made repairs to Township marina
- Moved various files from former Townhall to new Townhall
- Cleaned up Log Cabin area for Easter Egg Hunt
- Service ball fields
- Landscaped various Township properties
- Cleaned out wooded areas at “Greenway Trail” along Powhattan Ave.
- Removed trees along Manor Field fence line

**George Hinkle, Superintendent**

**Sanitation: Dennis R. Arthur, Chairman**

**Tinicum Township Wastewater Treatment – April 2022**

|                    |            |                                    |
|--------------------|------------|------------------------------------|
| Total flow         | 42,408,000 | gallons                            |
| Average Daily Flow | 1,414,000  | gallons                            |
| Total sludge       | 207,201    | gallons                            |
| Methane Gas        | 94,836     | cu ft                              |
| Sludge Hauled      | 27,500     | gallons Of which 3.2 % were solids |

#### Equipment Repairs

- Repaired mounting brackets on bubbler at Comfort Inn Pump Station
- Serviced all plant equipment

Respectfully Submitted,  
**Robert J Bernauer**

#### **Health & Recreation: Pat Barr, Chairman**

Mr. Barr reported that T-Ball, baseball, and softball are under way and thanked the individuals running the respective programs. On Wednesday, June 15, the 10<sup>th</sup> annual Farmers Market will begin. On June 25<sup>th</sup>, the Township will celebrate Independence Day with activities at Manor Field during the day and fireworks in the evening.

Mr. Barr pointed out the good work that the Health Inspector, Code Officer and Fire Marshall are doing to improve conditions at the local hotels and motels.

#### **Solicitor's Report: Sam S. Auslander, Esq.**

Mr. Auslander reported the following: Two hearings have been held in the matter where several Townships have filed an action regarding the Delaware County Health Department. In April, 2022, the Common Pleas Court issued a temporary injunction against any further inspections in the filing Township's by the DCHD until at least May 25<sup>th</sup>, when another hearing is scheduled.

Regarding the Wu litigation, the depositions scheduled for May 2022 have been postponed due to scheduling conflicts. A new date has not yet been set. Discovery for the matter is now due in September 2022.

#### **Engineer's Report – Dennis O'Neill P.E.,**

Mr. Dennis O'Neill reported that United Parcel Service will be submitting a plan for their Ground Service Equipment project for a Conditional Use hearing in June. UPS is currently working on cleaning up some other issues prior to their submission. The Engineer's office has met with Philadelphia International Airport officials regarding a new building the airport is considering at one of the Cargo City buildings. The airport will need to come before the Board for a Conditional Use hearing and Land Development.

#### **Manager's Report – David Schreiber**

The Township Manager reported the following: the Township met with PennDOT regarding PennDOT's proposed projects to replace the Rt. 420 bridge over Darby Creek and the 291 bridge over the Conrail Railroad tracks on the approach road to the airport. Both of these projects are now scheduled to be awarded by the end of 2022 and construction to begin in the spring of 2023. The Township has been involved in several meetings regarding Crozer/Prospect Health's plan to discontinue para-medical service unless municipalities pay for the service. There has been no resolution yet to this issue and the communities continue to discuss their options.

### **Secretary's Correspondence**

There was no correspondence this month.

### **Other Business**

The Township has received a request to waive Land Development from applicant America's Pie (206 Powhattan Ave.) for the applicant's proposal to construct a storage building to contain an auxiliary freezer and refrigerator as well as an expansion of the existing building for access to the auxiliary freezer and refrigerator.

**ON A MOTION** by Roger Joseph and second by Patrick Barr, the Board voted unanimously via voice vote to authorize the Board of Commissioners to allow the Board to add this item to tonight's agenda.

Subsequent to and stemming from the pre-ceding motion: **ON A MOTION** by Roger Joseph and second by Lisa Edmiston, the Board voted unanimously via voice vote to grant applicant (America's Pie, George Reed, proprietor) a waiver of Land Development to construct a proposed storage building to contain an auxiliary freezer and refrigerator as well as an expansion of the existing building for access to the auxiliary freezer and refrigerator.

### **Adjourn of the Business Portion of Meeting**

**ON A MOTION** by Patrick Barr and second by Lisa Edmiston to adjourn the business portion of this meeting by a unanimous voice vote.

### **Public Participation**

Zurdi Dobi, 200 Powhattan Avenue had the following comments: Believes the public should know about the testimony given in court regarding the Delaware County Health Department. Thanked Commissioner Barr for his "nay" vote on the proposed new Wawa. Objected to the "aye" vote on the Wawa from the remaining Commissioners. Stated that an "aye" vote would not have been given if the adjoining gas station was still owned by the previous owner. Objected to the RACP grant being extended since 2010 without a public vote.

Art Perdun, S. Gov Printz Blvd, had the following comments: Objected to the "Aye" vote for the proposed new Wawa. Thanked Mr. Barr for his "nay" vote. Stated his concern regarding the possible closing of the existing Wawa. Asked Mr. McCarthy to close Federal Express and referred to the agreement with Federal Express and their conditions of approval.

Mr. McCarthy stated that the Township will be meeting with Federal Express regarding their ingress and egress points.



Richard Powley asked when the last meeting took place with representatives of the Airport and asked that the public be made aware of any public Airport meeting, either in person or virtual. Mr. Powley referred to a recent news interview with Commissioner McCarthy and the possible impact of storm water and flooding in the Township. Asked if the City of Philadelphia has the right of eminent domain within the Township. Asked if 4<sup>th</sup> Avenue was a state highway and if the Township can control traffic. The Board responded that 4<sup>th</sup> Ave is a state highway and that the Township will enforce the truck traffic from the Industrial Park.

Mr. McCarthy responded that the Township works closely with all of the engineers and the Airport officials to limit any storm water impact on the community. Mr. McCarthy also referred to all of the important leg-work Mr. O'Neill has done in this regard already. Commissioner Arthur stated that the City of Philadelphia does not have the right of eminent domain within the Township.

Debra Cellich asked if "...Amazon is coming" (to Tinicum Township)? Commissioner McCarthy stated that no tenants have been announced yet for any development within the Township. Ms. Cellich asked if (warehousing) development would affect traffic in town, specifically on Jansen Avenue. The Board responded, Yes.

Walt Ludwig asked about the traffic pattern on the two bridges scheduled to be replaced in 2023. The Board responded that there will two lanes northbound on 420 and one southbound at all times. Lanes will shift positions from time to time. On the 291 bridge, there will be one eastbound and one westbound lane maintained at all times.

Ed Rubillo asked if the relocation and construction of Tinicum Island Road will affect Hog Island Road. The Board responded, No, but a right hand turn onto Hog Island Road will be added.

Ms. Marian Matuliwich stated that she has purchased her Township Parking Sticker, but many cars on her block do not have them and stated that it's not her job to inform the police. The Board responded that the police will investigate.

### **Adjournment of Meeting**

**ON A MOTION** by Roger Joseph and second by Patrick Barr this meeting was adjourned by a unanimous voice vote.

Respectfully Submitted,

David D. Schreiber  
Manager/Secretary