

February 21, 2023 @ 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  
Dennis Arthur, Commissioner  
Lisa Edmiston, Commissioner  
Roger Joseph, Commissioner  
David D. Schreiber, Manager  
Sam Auslander, Esq., Solicitor  
Dennis O'Neill, Engineer

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

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**ON A MOTION** by Patrick Barr and second by Lisa Edmiston, the minutes of the January 2023 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 Roger Joseph 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 February 2023 will be distributed to all members at the end of the month. There being no questions;

**ON A MOTION** by Patrick Barr and second by Roger Joseph, the bill list will be paid for the month of February 2023 by a unanimous voice vote.

**Public Comments on Agenda Items:**

Mr. Zurdi Dobi, 200 Powhattan Avenue, Lester, made the following comments:  
Regarding Item 9, Adoption of International Fire Code, asked if this Code addressed in-home or automobile batteries. Regarding Item 12, Retirement of Police Superintendent Simpkins, stated that the Board should not accept Mr. Simpkins retirement as there were several cases yet unresolved. Mr. Dobi also asked what the retirement date is and what Mr. Simpkins retirement benefit would be.

Asked the Solicitor for an update on the Sunoco litigation, Wu litigation, Delaware County Health Department litigation. Asked the Township Engineer for an update on the development at the airport and how that affected the Township's Waste Water Treatment Plant.

Mr. Art Perdun, 210 Powhattan Avenue, Regarding Item 7, Waiver of Provisions of the Storm Water Management Ordinance, asked the Board to deny the waiver request and advise the applicants to comply with the ordinance.

**COMMITTEE REPORTS:**

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

**PHL Taxiways Y and U Rehabilitation and Storm Water Management**

Prior to voting on this item, the Township Engineer stated that the area this project affects drains storm water to the Delaware River under Hog Island Road and does not drain towards residential areas. Mr. O'Neill stated that any projects that do drain towards residential areas are required to provide for all required mitigation including infiltration basins.

**ON A MOTION** by Patrick Barr and second by Dennis Arthur the Board voted unanimously via roll call vote to grant applicant Philadelphia International Airport's request to waive Sections 308-20 (Groundwater Recharge), 308-21 (Water Quality), and 308-22 (Stream Bank Erosion) of the Township's Storm Water Management Ordinance for the project pertaining to the rehabilitation of Runways Y and U at the Airport. The Applicant has offered a contribution of \$125, 648 to the Township's Stormwater Management (MS 4) fund for other mitigation projects. Said waiver request has been reviewed by the Township Engineer's office and does not object to granting the waiver.

**Appointment to the Board of the Tincum Township Sewer Authority**

**ON A MOTION** by Dennis Arthur and second by Patrick Barr the Board voted unanimously via roll call vote to appoint Mr. Matthew Brady of Essington to the Tincum Township Sewer Authority Board for a three (3) year term ending December 2025.

**Adoption of International Fire Code of 2018 Via Ordinance 2023-917**

**ON A MOTION** by Roger Joseph and second by Patrick Barr, the Board voted unanimously via roll call vote to adopt Ordinance 2023-917 implementing as Township protocol the International Fire Code of 2018 governing and regulating the safeguarding of life and property from fire hazards.

**Replacement of Chain Drive and Links at Water Treatment Plant**

ON A MOTION by Dennis Arthur and second by Patrick Barr the Board voted unanimously via roll call vote to approve the expenditure of funds for the refurbishment of the primary treatment tanks at the Township Waste Water Treatment Plant. The approximate cost is up to \$757,000 and will include the tank's chains, flights, shafts, and associated drives, machinery and motors.

**Approval of Memorandum of Understanding for Public Works Superintendent George Hinkle**

ON A MOTION by Lisa Edmiston and second by Roger Joseph the Board voted unanimously via roll call vote to approve an employment memorandum of understanding outlining the employment parameters and benefits for the Superintendent of Public Works George Hinkle.

**Retirement of Superintendent of Police James Y. Simpkins**

ON A MOTION by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to accept the retirement notice of Police Superintendent James Y. Simpkins after 34 years of service.

**COMMITTEE REPORTS**

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

**January 2023 - The Code Enforcement Officer Issued:**

**47 Certificates of Occupancies for a total of \$ 6,850**

**12 Building Permits for a total of \$ 6,049**

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

**Police Report: January 2023**

Township Fines: **\$ 2,612** Of that amount, a total of **\$ 75** were Parking Tickets.

The department handled **504** incidents and made **18** criminal arrests

**18** of those criminal arrests were adults

**00** of those criminal arrests were juveniles. Out of those juveniles

**00** of the juveniles were handled within the Department and Released.

**00** animals were taken into custody

**Fire Company Report: January 2023**

Building Fire	04 (1 Working Fire)
Vehicle Fire	04
Dumpster Fire	01
MVA w/Injury	06
MVA w/o Injury	04
MVA w/ Entrapment	01
Assist EMS	01
Gas Leak	01
Fuel Spill	02
CO Alarm	01
Assist Police Dept	02
Cover	01
Auto Fire Alarm	11
Total Calls	39

**Fire Marshal Report January 2023**

**Plan Reviews:**

1. International Plaza 4<sup>th</sup> Fl. Relocation and Replacement of 100 Sprinklers
2. International Plaza 3<sup>rd</sup> Fl. Relocation and Replacement of 24 Sprinklers

**Fire Inspections and Acceptance Tests:**

1. International Plaza II Suite 640
2. UPS at 1 Hog Island Road
3. Fed Ex Ground at 1 Tinicum Island Road
4. Delta Hotel
5. Lehman's Tavern
6. PHL Terminal A West
7. 200 Stephens Drive, AmeriHealth Caritas
8. Lehman's Tavern fire restoration follow up

**Fire Company Assists:**

1. Dumpster Fire at 4<sup>th</sup> and S. Gov Printz
2. Heater fuel tank lead on Saude Avenue

**Ray Lonabaugh, Fire Marshal**

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

**Trash removal for the month of January 2023:**

Regular Trash	176	Tons
Bulk Trash	14	Tons
Yard Waste	8	Tons

- Filled Potholes along Rt. 291 Bridge towards New Bartram Ave
- Power Washed Gazebos at Gov Printz Park
- Repaired Sump Pump at Town Hall
- Leveled and Mulched Playgrounds at Gov Printz Park
- Removed Graffiti from Playground Sets
- Removed Graffiti from Township Signs

**George Hinkle, Superintendent**

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

**Tinicum Township Wastewater Treatment – January 2023**

Total flow	42,573,000 gallons	
Average Daily Flow	1,373,000 gallons	
Total sludge	54,300 gallons	(3.17 solids)
Methane Gas	97,874 cu ft	

- Cleared sewer clog at Manor Pump Station
- Installed new sump pump at 4<sup>th</sup> Avenue Station
- Updated program on computer unit at Manor pump station
- Serviced sludge pumps at main plan

**Louis Clark, Jr., Superintendent**

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

Mr. Barr congratulated Jim Simpkins on his retirement and thanked Jim for his 34 years of service. Mr. Barr also congratulated Bill Righter on his pending promotion to Superintendent. Mr. Barr commented that the Township is lucky to have a Township resident in the top police officer position.

**Solicitor’s Report: Sam S. Auslander, Esquire**

Mr. Auslander reported that the Wu litigation is still in discovery and additional depositions will be taking place over the next 30 days including members of Wu’s team and the Township Engineer’s office. Depositions to date include the Township Manager and members of the Architecture firm. The litigation regarding the County Health Department is scheduled for a review by Judge Angelos during the early part of March 2023.

**Engineer’s Report: Dennis O’Neill, P.E.**

Mr. Dennis O’Neill reported the West Cargo Development project proposed by the Airport will generate 150,000 to 200,000 gallons per day to the intake at the Township Waste Water Treatment Plant. The Plant is rated for 2.8 million gallons per day and averages 800,000 to 1,000,000 currently.

The Engineer's office is reviewing what, if any, upgrades will be necessary to the Plant as a result of this project.

The Engineer's office is preparing a report for the Airport's construction team addressing the turning movements between the current and proposed Tinicum Island Road and Hog Island Road. Mr. O'Neill's office is preparing a bid package for the Township's 2023 street paving program and for sanitary sewer replacement along the 600 block of the Jansen Avenue alley.

**Manager's Report: David D. Schreiber**

The Township Manager reported that the highway occupancy permit for the proposed new Wawa at 291 and 420 (issued by PennDOT) appears to be approved. The Township met with representatives of the private corporate airplane hangars at the airport to discuss a potential project to expand the capacity of the Berwind Aviation hangar. An application is expected sometime in the spring.

**Secretary's Correspondence** – The Township received a request on behalf of Walley Park to install a 72" aluminum fence around Walley Park's facility. This request is borne out of several thefts of catalytic converters from customer vehicles. The current fence ordinance allows for only a 42" fence. The request is asking for relief from the Board to install the 72" fence.

**ON A MOTION** by Roger Joseph and second by Patrick Barr the Board voted via unanimous roll call vote to approve the request of fencing contractor Michael Patterson to install a 72" security fence around the perimeter of Walley Park parking. The current fence ordinance only allows for a 4" fence.

**Other Business** – Mr. McCarthy put on record that at the Township's February 14, 2023 Public Workshop Meeting, the Board of Commissioners unanimously passed the following motion:

**ON A MOTION** by Patrick Barr and second by Roger Joseph the Board voted unanimously via roll call vote to accept applicant Robert Cicconi's grant of an extension of time by which the Board must render a decision on the applicant's Application for a Subdivision of the property at 3<sup>rd</sup> Avenue and South Governor Printz Blvd until March 21, 2023. Said Application is to convert three existing lots into four lots.

**Adjourn the Business Portion of Meeting**

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

## **Public Participation**

Mr. Charles Monteith, Jr., 552 Jansen Avenue, asked the Board when he will be allowed to return to school. Mr. McCarthy responded that he has contacted the School District and the School District advises that they see no reason Mr. Monteith cannot return to school. Mr. Monteith Sr. disagreed and stated that Charles Jr. was “threatened with arrest” by Tinicum Officers if he entered upon school property. Mr. McCarthy again stated that the School District stated there is no reason Charles Jr. could not return to school. Mr. Monteith Jr. requested to see the “dashcam” video of the police car that went past him on February 20, 2023.

Mr. Charles Monteith, Sr., 552 Jansen Avenue, referred to what he stated were numerous police reports of various types claiming that no action was taken on them by the Township Police Department. Referred to what he claimed were “abandoned” vehicles at the former Town Hall building and stated that no action against them is being taken. Stated that Commissioners do not take the actions that the Commissioners said they would and stated that he (Mr. Monteith) would run for Commissioner.

Mr. Zurdi Dobi, 200 Powhattan Ave., asked if the deceased person found in the John Heinz Wildlife refuge was identified and how he died. The Board responded that the person has been identified, but the cause of death had not been stated. Asked if the payment release paid to Wu in November 2022 “is being deducted” from the amount being sought in Wu’s lawsuit. The Board responded – Yes. Mr. Dobi referred to a 2020 letter dismissing Wu from the Lazaretto project. Asked if the injunction imposed by the court regarding the Township Engineer as arbiter was still in effect. The Board responded Yes. Stated “the website” says that Mr. Herb MacCombie was deposed in the Wu litigation. Mr. Auslander asked which website and stated that Mr. MacCombie has not been deposed.

Referring to the Delaware County Health Department lawsuit and the testimony regarding the “hole in the budget” Mr. Dobi accused the Township Manager of perjury. Mr. Auslander cautioned Mr. Dobi about accusations of perjury and stated that since the Township’s injunction action was successful, the Township has not experienced any losses.

## **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