

May 17, 2021 @ 6:30 P.M.

The Township Board of Commissioners held their regular monthly meeting on the above date and time both at 97 Wanamaker Avenue, Essington, PA 19029 and via a recorded ZOOM session 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'Neil, Township Engineer

Commissioner Dennis R. Arthur was absent from this meeting.

As a result of the COVID 19 and Corona Virus Emergency Declaration issued by Federal, State, and Local Governments, the Board of Commissioner's Workshop and Commissioner's meetings were held remotely using electronic video and audio technology. The Board of Commissioners and essential personnel were remotely present to participate in the meetings.

Agendas for both the Monthly Workshop Meeting and Monthly Commissioner Meeting were posted to the Township's website at least 24 hours in advance of the scheduled meetings at www.tinicumtwpdelco.com/meeting-minutes. Members of the public wishing to participate in the meetings were asked to submit their questions or comments on Township matters by written email directed to the Tinicum Township Board of Commissioners at either admin@tinicumtownshipdelco.com or tinicumtwpdelco@gmail.com.

All virtual or remote meetings will be recorded and will be made available on the Township website for public viewing after the meeting. While the Township Commissioners regret this inconvenience, they believe their good faith effort permits a reasonably accessible method for the public to participate during this difficult time in our community.

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

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ON A MOTION by Patrick Barr and second by Roger Joseph the minutes of the Commissioners April 2021 Monthly Meeting were accepted and approved, by a unanimous voice vote.

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

President McCarthy reported that the bill list for May 2021 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 2021 by a unanimous voice vote.

Public Comments on Agenda Items:

Mr. Zurdi Dobi, 200 Powhattan Avenue, Lester submitted various comments which are hereby incorporated herein as Attachment A:

COMMITTEE REPORTS:

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

Special Use Application to Relocate Taxiway “P” at Philadelphia International Airport

ON A MOTION by Roger Joseph and second by Patrick Barr, the Board voted unanimously via roll call to approve the Special Use Application of Philadelphia International Airport to make improvements to the existing Taxiway “P”. Said improvements will realign a portion of Taxiway “P” to provide adequate separation from Runway 9L-27R to provide less restrictions and safer operation and to meet current FAA standards.

Approval is granted subject to the conditions set forth in the written decision of the Board of Commissioners dated May 17, 2012 attached hereto as Attachment B

Agreement of “Gift Acknowledgement” with Swedish Colonial Society

ON A MOTION by Patrick Barr and second by Lisa Edmiston, the Board voted unanimously via roll call to execute the Acknowledgement of Gift with the Swedish Colonial Society for the Swedish Farmstead Cabins at Governor Printz Park.

Pennsylvania Department of Environmental Protection Consent Agreement

ON A MOTION by Patrick Barr and second by Roger Joseph, the Board voted unanimously via roll call to enter into a Consent Agreement with the Pennsylvania Department of Environmental Protection settling various civil penalties assessed by the DEP with regard to excess limit discharges from the Tincum Township Waste Water Treatment Plant for the period covering January 2016 to June 2020.

Said Consent Agreement and civil penalties amounting to \$18,624

Adoption of Tinicum Township Zoning Ordinance 2021-911

PUBLIC COMMENT: Mr. David Daniel, Esq., representing ownership of the Sunoco Gas Station on SR 291, requested that the Board table this item for the time being to allow property owners another opportunity to comment on the subject. Mr. Daniel noted that “a couple” of business owners expressed their concern at the Board’s May 2021 Workshop Meeting. Mr. Daniel requested that the Board provide an opportunity for a meeting to allow input and participation with local businesses.

Mr. Raj Sing, proprietor of the Sunoco Gas Station, stated that the passing of this ordinance will adversely affect “other gas stations” within the community. Mr. Sing stated that the Board is favoring “Wawa” and expressed his opposition to the passing of this ordinance.

Mr. Zurdi Dobi, 200 Powhattan Ave., expressed his opposition to the passing of Ordinance 2021-911 in his written comments to the Board attached hereto.

Commissioner Pat Barr stated that this Ordinance is not about accommodating any one property owner or proposed business. The Township has been working on a revised comprehensive Zoning Ordinance for some time, over 10 years. Its focus is to accommodate as many property owners as possible by taking into account the existing businesses and their current bulk area. The existing ordinance is requiring 4 acres of property and was thought to be too restrictive, considering many of the businesses, including the current gas stations, were already not conforming in that manner. Mr. Barr stated that any thought that this Ordinance was conceived or passed to accommodate any one particular business or a proposed Wawa is false.

Solicitor Auslander reviewed the process the Township took to arrive at the point of passing this ordinance. Mr. Auslander stated that the ordinance is not about any one property or section of town – it is about the entirety of the town. Mr. Auslander stated that the steps taken to arrive at this point were done in accordance with the Municipal Planning Code (MPC) including working with and a publicly advertised public meeting by the Tinicum Township Planning Board, working closely with the Delaware County Planning Department, the required publicly advertised public meetings, posting notices of public meeting in multiple areas and districts of the Township. All of the public were provided the opportunity to voice their concerns and all public comment was recorded. Mr. Auslander further stated that since no substantial changes were made to the proposed ordinance that was presented to the public at the public meeting of March 24, 2021 no additional public meetings to review the ordinance were required by the MPC and that the required advertisement of a summary of the proposed ordinance was advertised on May 5. Mr. Auslander re-iterated that this proposed ordinance has been in the works for some time and that it was done in accordance with all required regulations.

ON A MOTION by Patrick Barr and second by Roger Joseph, the Board voted unanimously via roll call to adopt Township Ordinance 2021-911, Tinicum Township Zoning Ordinance of 2021.

Adoption of Tincum Township Ordinance 2021-912

ON A MOTION by Roger Joseph and second by Lisa Edmiston, the Board voted unanimously via roll call to authorize the Board of Commissioners to adopt Township Ordinance 2021-912 authorizing the placement of a Stop sign on the southbound corner of Wanamaker Avenue and Second Street.

Summer Seasonal Employees

ON A MOTION by Lisa Edmiston and second by Roger Joseph, the Board voted unanimously via roll call to hire Mr. Conor Quinn of Lester as a part time seasonal employee beginning in June 2021 at an hourly rate of \$ 12.50

Extension of Non Uniform Employee Contract between the Township and the Department of Public Works and Waste Water Treatment Plant

ON A MOTION by Lisa Edmiston and second by Roger Joseph, the Board voted via majority (3-1) vote to enter into a 5 year extension of the current contract between the Township and Non Uniform Employees of the Public Works and Waste Water Treatment Plant Departments. Under this extension, the current contract that runs until December 31, 2021 will be extended until December 31, 2026, will contain wage increases of 3% annually, a minimum call in of 4 hours, and offer employees the first opportunity to provide additional services to the Township for special events, emergencies or general public services. All other terms and conditions will be "as is".

Said extension to be endorsed by the Board of Commissioners after ratified and signed by the Non Uniform Employees Association.

Ms. Edmiston, Aye. Mr. Joseph, Aye. Mr. McCarthy, Aye. Mr. Barr, Nay.

COMMITTEE REPORTS

Code Enforcement Report – April 2021 Roger Joseph, Chairman

The Code Enforcement Officer Issued:

96 Certificates of Occupancies in April for a total of **\$ 14,275.**
04 Building Permits in April for a total of **\$ 24,136.50**

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

April 2021

Township Fines: \$ 2,677 Of that amount, a total of \$ 1,606 were Parking Tickets.

The department handled 513 incidents and made 22 criminal arrests

22 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
into custody

Fire Company Report – April 2021

Total Calls:	40
Building Fires	05
Vehicle Fire	01
Assist EMS	06
MVA W/ Injuries	07
MVA w/o Injuries	01
MVA w/Entrapment	01
Elevator Rescue	01
Watercraft Rescue	02
Fuel Spill	02
Gas Leak	02
Dispatch/Cancel	01
Investigation	01
Auto Fire Alarms	10

Avg No. of Responding Personnel	07
Time in Service	33 hrs.

Fire Marshal Report April 2021

Performed the following Building Plan Reviews:

1. Econo Lodge Room 226 Fire Damage Renovation
2. UPS Fire Sprinkler System Under Conveyors.

Final Acceptance Inspections and Tests:

1. Esstech Warehouse, 48 Industrial Highway, Final acceptance test and inspection of the new fire sprinkler system.
2. PHL Fuel Oil Tank Farm final fire alarm acceptance Inspection and test and retest.

Inspections and Follow Ups:

1. Continued to coordinate with UPS regarding their exterior canopy proposal for their site and the requirement for a rated exterior wall shutter door and closing device.
2. Econo Lodge / Follow up on corrections on the parking problem, whereas, emergency vehicle cannot get around the building
3. La Quinta Inn / Continue to follow up on the required fire alarm and fire sprinkler system inspection and test. Confirmed the Fire Alarm Contractor who will be doing the repairs.
4. Followed up a call in reference to Century Collision & Repair 355 N. Governor Printz Boulevard to check on reported paint fumes in the area. The final acceptance inspection and test completed for the paint booth is still pending
5. Performed a follow up inspection for the propane fuel tank relocation at the Clarion Hotel. All is fine with the new location.

Ray Lonabaugh, Fire Marshal

Public Works, Highways, and Railroads: Lisa Edmiston, Chairman

Trash removal for the month of April 2021:

Regular Trash	206.22 Tons
Yard Waste	5.87 Tons
Bulk Trash	18.87Tons
Street Sweepings	4.58 Tons

- Replaced roof on dugouts at little league field
- Used 15 tons of Diamond Tech to groom ball fields
- Weeded and preened Township flow beds
- Cleaned and sanitized Gov Printz Park gazebos
- Removed fallen tree debris on Tincum Island Road

Respectfully submitted,

George Hinkle, Superintendent

Sanitation: Dennis R. Arthur, Chairman

Tincum Township Wastewater Treatment

Monthly Report April 2021

Total flow	37,260,000 gallons
Average Daily Flow	1,242,000 gallons
Total sludge	305,079 gallons
Methane Gas	105,560 cu ft
Sludge Hauled	80,000 gallons
Of which 3.76% were solids	

Operational Items:

- Precision Sewer jet cleaned all dead end lines in Lester. Essington lines are scheduled for May

Equipment Repairs

- All valves in re-circulation system replaced, job completed
- Employees did fine job in painting all pipe work in re-circulation building.
- Experiencing issues with maintaining correct chlorine flow for residual in effluent
Will look into repairing the Chlorine monitor

Operational

- DEP did inspection of plant. Made note of possible issue between outfall line and the nearby storm sewer line.
- Installed new UPS unit for computers

Respectfully Submitted,
Robert J Bernauer

Health & Recreation: Pat Barr, Chairman

Mr. Barr reported the Tincum Township Historical Society Flea Market will be held on Saturday, June 12. This is the Society's only fund raiser and Mr. Barr encouraged all to attend. Also on June 12, there will be a "soft opening" of the Swedish Colonial Farmstead. Members of the Swedish Colonial Society will be on site to provide information on colonial life and be costumed in period outfits. The Society has requested access to the log cabins in preparation for the event.

The annual Farmers Market will have its first day on June 16. Mr. Barr asked the Board to consider having the annual Italian Festival (normally held at the County's Rose Tree Park) at Manor Field. The Board suggested setting up a meeting with the event organizers.

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

Mr. Auslander reported that he has met with the County Tax Assessor and Treasurer to ensure that the Township's property at 101 Taylor Avenue is noted on the County's records as Exempt from Real Estate Taxes. The real estate taxes that were in arrears for the parking lot on 2nd Street are now fully current. Regarding the Wu litigation, Mr. Auslander reported that there has been no communication from the County Court on any updates.

Mr. Auslander noted there have been some substantial difficulties with police activity at the hotels/motels in town. As a result, the Township has requested several motel ownership groups to meet with the Board of Commissioners to determine what can be done to reduce the number of police incidents at their establishments. This is a publicly advertised meeting to be held on May 19 at the Tincum Township Memorial Building.

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

Mr. Dennis O'Neill reported that the street repaving project has been advertised for bids. All bids are due by the June 15 Workshop meeting. Mr. O'Neill stated that the newer boat docks that the Township acquired are being installed and should be done this week. Mr. O'Neill noted that the chlorine system at the Water Treatment Plant malfunctioned on one day in April. As a result, the chlorine control system needs some repairs at a cost of approximately \$18,000.

Manager's Report – David Schreiber

The Township Manager reported the following: The County has requested the use of the horseshoe pits at Governor Printz Park for the Senior Games on Oct 1. The Township is expecting quotes this week for repairs to the Library hand rail as well as a date for when it will be installed.

Secretary's Correspondence

There was no Secretary's Correspondence this month.

Other Business

There was no Other Business discussed this month.

Adjourn of the Business Portion of Meeting

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

Public Participation

There were no additional comments from the Public offered for this meeting.

Adjournment of Meeting

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

Respectfully Submitted,

David D. Schreiber
Manager/Secretary

Zurdi Dobi
200 Powhattan Ave.
Lester, PA 19029
17 May 2021

Tinicum Township commissioners meeting

6 Public Forum — 10 ORDINANCE 2021-911,
Tinicum Township zoning ordinance should
be tabled until commissioners address
the major change in C-2 commercial
district. At the public hearing on
24 Mar 2021, the following was brought
up, "C-2 commercial district area and
bulk regulations for lot area of 2 acres;
front yard setback of 45 feet; building
coverage of 40 percent max. (Article 9: C-2
commercial district, 906.1, 3, 6 page 47)
will result in overcrowding of land,
danger and congestion in travel and
transportation and is contrary to public
health, safety, general welfare and is
government abuse of discretion. The lot
area should be a minimum of 4 acres.
Front yard setback should be 100 feet.
Building coverage should be 30 percent

maximum.

The Commonwealth Court of Pennsylvania addressed government abuse in case NO. 32 C.D. 2019.

See pages 18, 19 of the memorandum opinion by Judge CEISLER. "

The case speaks to the change you are attempting to put in the zoning ordinance, to accommodate the developer for Wawa convenience store/gas station. Judge CEISLER wrote " ... The zoning Board's decision to grant WanaMaker's requested dimensional variances is NOT supported by substantial evidence and constitutes an abuse of discretion, as well as an error of law. " The order was filed on 13 January 2020.

In the spring of 2020 Mr. Schreiber, Township Manager/Secretary, discussed with Commissioner Barr the zoning ordinance project and what needs to be done about the St. Margaret Marys property. Mr. Schreiber said they were looking at

changing Requirements for Lot size and setback that Wawa needed, 45 feet instead of 100 feet. Commissioner Barr said that at the last meeting for Wawa we tried to make sure for parking and felt they came up with a good use.

On 11 May 2021, at the workshop meeting, Mr. David Daniel noted issues of concern and an objection which radically reduces the requirement for Bulk Area in C-2 commercial District. He questioned whether a hearing was needed for special Exception. President McCarthy refused an answer.

On 24 March 2021, at the Public Hearing of Proposed New Zoning Ordinance, Mr. Auslander said a substantial change in zoning requires a review under the MPC. Radically changing requirements for Bulk Area in C-2 commercial District is a substantial change and demands that review.

Commissioners, I ask you to read

the commonwealth court findings
and remove the bias demonstrated
so far. before voting on ordinance
2021-911.

14 committee reports / Administration,
Ordinance, Public Safety and Finance:
Roger L. Joseph, chair - what is the
status of the parking lot audits?

Solicitor's report / what is the
docket number for suit mentioned by
Mr. Schreiber regarding the nail salon?
what was this about?

what is the status of the appraisal /
Tech Review for Taylor Ave.?

what is the status of the WU
lawsuit? commissioners, you should
settle this.

managers' report / what is the status
for audit of township finances 2020?