

September 22, 2020 @ 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
- Dennis R. Arthur, Commissioner
- Roger Joseph, Commissioner
- David D. Schreiber, Manager
- Sam Auslander, Esq, Solicitor
- James W. MacCombie, P.E., Township Engineer

Absent: Lisa Edmiston, Commissioner

*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](http://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 Tincum Township Board of Commissioners at either [admin@tinicumtownshipdelco.com](mailto:admin@tinicumtownshipdelco.com) or [tinicumtwpdelco@gmail.com](mailto: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.

\* \* \* \* \*

**ON A MOTION** by Roger Joseph, second by Patrick Barr, the minutes of the Commissioners July 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 Roger Joseph, second by Patrick Barr, the reports were accepted and approved as submitted, by a unanimous voice vote.

President McCarthy reported that all members had received the list of bills for the month of September 2020. There being no questions;

**ON A MOTION** by Patrick Barr, second by Dennis Arthur, the bill list will be paid for the month of September 2020 by a unanimous voice vote.

**Public Comments on Agenda Items:**

No Public Comments were received for this meeting.

**COMMITTEE REPORTS:**

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

**Separation Agreement for Ms. Elaine Brolley**

**ON A MOTION** by Patrick Barr and second by Dennis Arthur the Board voted via roll call vote to accept and approve a separation agreement with Ms. Elaine Brolley terminating her employment as Township Secretary. Ms. Brolley's separation agreement provides for severance equal to one (1) weeks salary for each of her six (6) year's employment totaling \$6,199, two (2) weeks' vacation totaling \$2,066, and medical coverage through December 31, 2020. Commissioner Joseph abstained from voting on this matter citing his relationship as a former family member of Ms. Brolley. Mr. Barr, Aye. Mr. Arthur, Aye, Mr. McCarthy, Aye.

**Appointment of Township Secretary / Manager**

**ON A MOTION** by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to authorize the Board of Commissioners to appoint David Schreiber as Township Secretary / Manager, replacing Ms. Elaine Brolley as Township Secretary.

**Extension of Land Development Application of PHL@LLC / 1 Hotel**

**ON A MOTION** by Patrick Barr and second by Dennis Arthur the Board voted unanimously via roll call vote to approve the request of applicant PHL@LLC / 1 Hotel Group to extend the time frame by which the Board must consider the applicant's Land Development Application. Said application is for the development of two (2) new hotels on the property at 101 Taylor Avenue. The extension shall be until December 31, 2020.

Mr. Auslander commented that the applicant sought relieve for their project from the Zoning Hearing Board. However, having not received the relief they were seeking granted the Board of Commissioners an extension. Rather than two new separate hotels on the property, the Zoning Hearing Board recommended, among other things, one new hotel.

### **Purchase of Two Ford F250 Pick Up Trucks**

**ON A MOTION** by Roger Joseph and second by Dennis Arthur the Board voted unanimously via roll call vote to purchase via the State Co-Stars Program two Ford 250 pick-up trucks. Said trucks would be to replace one 20 year old vehicle at the Public Works Department at a cost of \$35,364 and one would replace a damaged vehicle for the Fire Marshal at a cost of \$35,300.

Mr. McCarthy commented that the previous Public Works vehicle has over 350,000 miles on it and was beyond repair. The previous Fire Marshal vehicle was damaged in an accident and most of the cost of the new vehicle is covered by insurance proceeds.

### **Waiver of Land Development**

**ON A MOTION** by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to approve the land development waiver request for the establishment known as American Pie at 206 Powhattan Avenue in Essington. Said waiver would allow for the placement of an attached building awning accommodating American Pie's outdoor seating area. Said awning would be no larger than 16.5 feet long and 8 feet wide. All other applicable building or other permits (local or otherwise) will still be required.

The Township Manager commented that this request was received in July after the July Commissioner Meeting and is in line with other requests for outdoor seating by local food service businesses during the COVID crisis. The awning will cover the business' outdoor tables.

### **Mitigation of Flooding at Front St. and Carre Avenue**

**ON A MOTION** by Patrick Barr and second by Dennis Arthur the Board voted unanimously via roll call vote to instruct the Township Engineer to proceed with certain flood mitigation processes at the intersection of Front St. and Carre Avenue. Said processes shall include: the removal of silt present in the 24" discharge pipe at the end wall of the Delaware River; the installation of gabion basket cofferdam to resist future silting; the installation of one new type "c" inlet; and the upgrading of a 12" pipe to a 15" pipe to be connected to the 24" discharge pipe.

Approximate cost of the project is \$15,500

### **2021 Minimum Municipal Obligations for the Township's Police and Non Uniform Pension Plans**

The Township Secretary read the Minimum Municipal Obligations as provided by Thomas J. Anderson and Associates

**ON A MOTION** by Dennis Arthur and second by Roger Joseph the Board voted unanimously via roll call vote to adopt the Township's 2021 Minimum Municipal Obligations for the Township's Police and Non Uniform Pension Plans in the amounts of \$492,612 and \$8,270 respectively.

### **Community Day 2020**

**ON A MOTION** by Patrick Barr and second by Dennis Arthur the Board voted unanimously via roll call vote to authorize the use of Governor Printz Park on November 14 for the Township's 2020 Community Day activities. Said activities would include fireworks, flu shots, 5k Run/Walk, music, food vendors and more. Approximate cost for the event will be \$30,000, most of which is for the fireworks.

### **Site Access Agreement Between the City of Philadelphia and Tinicum Township for Tree Trimming**

**ON A MOTION** by Patrick Barr and second by Roger Joseph the Board voted unanimously via roll call vote to authorize the President of the Board of Commissioners to execute a Site Access Agreement with the City of Philadelphia permitting entry upon Tinicum Township property for the purpose of performing the tree trimming of a number of trees obstructing Philadelphia International Airport operations.

Mr. Auslander commented that similar agreements have been executed in the past at the request of the Airport and Penn DOT as a license to entry Township property. All trimmings must be approved by the Code Officer and all permits, insurance, and full indemnities for the Township are required to be in place prior to the start of work.

### **Extension of Time for Land Development Application at 336 Bartram Avenue – Ed Herron, Applicant**

**ON A MOTION** by Dennis Arthur and second by Patrick Barr the Board voted unanimously via roll call vote to approve the request of applicant Ed Herron to extend the time frame by which the Board must consider the applicant's Land Development Application. Said application is for the construction of a twin dwelling with a garage. The extension shall be until January 31, 2021.

### **Extension of Time for Land Development Application of Castleway Industries at the Airport Business Complex**

**ON A MOTION** by Dennis Arthur and second by Roger Joseph the Board voted unanimously via roll call vote to approve the request of applicant Castleway Industries to extend the time frame by which the Board must consider the applicant's Land Development Application. Said application is for the construction of a 98,000 square foot warehouse in the vicinity of the Federal Express building. The extension shall be until January 31, 2021.

**Code Enforcement Report – July & August 2020: Roger Joseph, Chairman**

The Code Enforcement Officer Issued:

**91** Certificates of Occupancies in July and August for a total of **\$17,825**  
**37** Building Permits in July and August for a total of **\$203,688**

**COMMITTEE REPORTS**

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

**July 2020**

Township Fines: **\$1,677.86**. Of that amount, a total of **\$150.75** were Parking Tickets.

The department handled **613** incidents and made **18** criminal arrests

**16** of those criminal arrests were adults

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

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

**0** animals were taken into custody

**August 2020**

Township Fines: **\$1,643.00**. Of that amount, a total of **\$125.00** were Parking Tickets.

The department handled **545** incidents and made **24** criminal arrests

**24** of those criminal arrests were adults

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

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

**0** animals were taken into custody

**Fire Company Report – August 2020**

Total Calls:	68
Building Fires	07
Vehicle Fires	03
Assist EMS	02
MVA w/Injuries	10
MVA w/o Injuries	02
MVA w/ Entrapment	01
Water Rescue	03
Fuel Spill	03
CO Alarms	02
Wire Issues	01
Dispatch/Cancel	12
AFA	22

Avg No. of Responding Personnel 06

Time in Service 58 Hrs.

**Fire Marshal Report August 2020**

- Reviewed and approved fire sprinkler plan for the PHL Terminal ‘A’ East Space AE9a on BP-099-2020
- Reviewed and rejected carbon monoxide and nitrogen oxide detection system plan review for the FedEx Ground Building on 1 Tinicum Island Road, BP-102-2020. Plans were resubmitted with corrected comments and BP-102-202 subsequently approved.
- Reviewed and rejected fire sprinkler plan for the United Parcel Service Building on 1 Hog Island Road on BP-111-2020 for insufficient information
- Met with UPS regarding the requirement to include fire sprinklers under conveyors 48 inches and wider. As per the Fire Code fire sprinklers cannot be omitted.
- Distributed 5 residential smoke detector/alarms to a resident.
- Closed out the State Fire Commissioner’s Grant for second part of the rescue truck scene lighting improvements.
- Received the monetary award notification to repower the fire boat and to make some additional improvements.
- Attended the Monthly DELCO Board of Fire and Life Safety Meeting
- Attended 4 Webinars as part of my effort to obtain some additional certifications.

**Respectively Submitted,  
Fire Marshal Raymond W. Lonabaugh, CFPS**

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

**Trash removal for the month of August 2020:**

**Regular Trash 214.02 Tons**

**Heavy Trash 14.77 Tons**

Rebuilt lawn tractor motor in-house  
Trimmed trees along streets in town  
Removed large rotted tree in Westinghouse Grove  
Opened tide gates Aug 21 and Aug 22 for the storm  
Treated weeds on ball fields and tot lots  
Used 2 tons of cold patch  
Mosquito spraying is ongoing  
Repaired fence at Tot Lot in Gov Printz Park  
Reinstalled spindles in gazebo in Gov Printz Park

Respectfully submitted,  
**Walter E. Lee, Superintendent**

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

**Tinicum Township Wastewater Treatment**

Total flow 46,295,000 gallons.  
Avg. Daily Flow 1,493,000 gallons  
Total Gallons of Sludge 290,670  
Total sludge hauled away 52,000 gallons  
Of which 2.43 % were solids  
Methane Gas Produced 79,209 cu ft  
Sewer Complaints: NONE

Equipment repairs

8/1/2020 Plant Station flow meter sent out for repairs  
8/3/2020 Installed two new rotating units in de-watering wet well  
8/12/2020 Confined space entry into dewatering wet well to clean bottom.  
Entry made according to OSA standards  
8/25/2020 Installed new blower at grit chamber and replaced all ball valves and V belts

Miscellaneous Items

8/2020 Service all vehicles that had to be serviced, police & plant  
8/2020 Purchased respirator's for employees working around sodium Bio-sulfide

NOTE: Change chlorine supplier from Coyne Chemical at \$1.10 per pound to Univar Solutions at .75 cents per pound

Respectfully Submitted,

**Robert J Bernauer**

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

Mr. Barr reported that Community Day will be held on Saturday, November 14, 2020. The Farmers Market is winding down. September 23 was to be the last Farmers Market, but because of weather interruptions, the last date will now be October 7.

Mr. Barr stated that he had a proposal from Amazascapes to do flower plantings in the flower pots along Rt. 291. The proposal included planting approximately 65 8-inch mums and 8 flats of pansies for a cost of \$1,350.

**ON A MOTION** by Pat Barr and second by Dennis Arthur, the Board votes unanimously to approve Amazascapes flower planning proposal in an amount not to exceed \$1,350.

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

Mr. Auslander reported that in July the Board voted to amend the Township's Hotel, Motel, and Inns ordinance. The new ordinance created a licensing process and stricter standards that all of the hotels need to abide by. All of the hotel and motels received a copy of the new requirements and the required inspections have begun to be scheduled.

The solicitor's office has prepared the annual letter to Wawa regarding Wawa's agreement to contribute funding for the cost of the crossing guard stationed at Wawa's entrance. Last month the owner of 231 Bartram Avenue appealed a code violation penalty imposed by the District Court to the Common Pleas court. The owner failed to appear before the court and the appeal was dismissed, reinstating the fines levied at the District Court level.

Mr. Auslander met with representatives of the Interboro School District and the Philadelphia International Airport regarding a number of tax assessment appeals filed by the Airport. The three parties had an amicable discussion and are sure that they can work out a compromise regarding various airport properties. The School District and the Township have also filed a number of appeals (approximately 80 in total) pertaining mostly to commercial properties. Mr. Auslander also stated that he discussed the project to relocate Tinicum Island Road. The 90% submission of the project is currently being reviewed by the airports project team.

Mr. MacCombie stated he received a call from the 3<sup>rd</sup> project engineer for the project requesting a meeting with MacCombie's office to review and discuss MacCombie's response letter.

Mr. Arthur asked two questions of the solicitor. What is the status of the lawsuit with Wu and Associates? Mr. Auslander responded that the Township has filed preliminary objections to the plaintiff's complaint. As a result, Wu has re-filed. Wu has also joined Vitetta as a defendant. Mr. Auslander has attempted to sit down to discuss a settlement with Wu, however that attempt has not gained any traction.

Regarding the COVID pandemic and the Zoom meetings being held by the Board of Commissioners, Mr. Arthur asked if the Township was obligated to provide a means of internet access to those residents that do not have access. Mr. Auslander replied that the Township has made efforts to provide a method for the public to participate in the Board's monthly meetings, but was not obligated to provide a means of accessing the internet. Mr. Auslander stated that the County Libraries are open and provide free internet access to the public.

### **Engineer's Report – James W. MacCombie, P.E.,**

Mr. MacCombie reported that he had received a call from the (now) 3<sup>rd</sup> project manager for the Tinicum Island Road project to acknowledge that the project manager has found all of the outlet structures MacCombie has mentioned. Mr. MacCombie will be meeting with the project team in October to review MacCombie's June letter. The Township Engineer has addressed a letter to Penn DOT regarding the repair of storm sewer outlets on the north side of I-95 and a letter to DELCORA regarding their Act 537 letter. Mr. Auslander suggested that Penn DOT video the outlets for any damage as they do have water flow affecting the outlets.



**Manager’s Report – David Schreiber**

The Township Manager reported the following: Inspections required by the Township’s new Hotel Ordinance will begin on Sept 24. The audit of the airport parking operators will begin with Park and Jet and Smart Park. The auditor, RSM, is currently working with Park and Jet and will begin with Smart Park in October. Second Ward voting venue will be moved to 436 S. Governor Printz Blvd in Mr. Sam Messina’s building. Budget Workshop dates will be on Wed, Nov 11 and Wed, Nov 18.

Mr. Arthur asked if the settlement payments from the Airport had been received. The Township Manager responded that the 4 party settlement payment of \$1,864,000 was received and that the County and School District have been forwarded their shares. The \$1,000,000 Tincum payment has not yet been received. It is due in December, but has been received in September the past couple of years.

Mr. Arthur asked if the recorded Commissioner Meetings are still on the Township’s website. The Township Manager responded that the Township has been keeping the most recent meetings on the site. Previous meetings are removed as the official meeting minutes are approved and thus made available to the public as the official record of the Township.

**Secretary’s Correspondence**

There was no correspondence reported for the 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 Dennis Arthur to adjourn the business portion of this meeting by a unanimous voice vote.

**Public Participation**

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

**Adjournment of Meeting**

**ON A MOTION** by Roger Joseph and second by Dennis Arthur adjourns this meeting by a unanimous voice vote.

Respectfully Submitted,

David D. Schreiber  
Manager/Secretary