

September 16, 2024 @ 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 McCarthy, Board President, presiding. Present:

Patrick Barr, Vice President
Dennis Arthur, Commissioner
Roger Joseph, Commissioner
David D. Schreiber, Manager
Sam Auslander, Esq., Solicitor
Dennis O'Neill, P.E. Engineer

Commissioner Lisa Edmiston was absent from this meeting.

Mr. 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 Roger Joseph, the minutes of the July 2024 Monthly Commissioners 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 Patrick Barr, the reports were accepted and approved as submitted by a unanimous voice vote.

Mr. McCarthy reported that the bill list for September 2024 will be distributed to all members at the end of the month. There being no questions;

ON A MOTION by Dennis Arthur and second by Patrick Barr the bill list will be paid for the month of September 2024 by a unanimous voice vote.

Public Comments on Agenda Items:

Mr. Zurdi Dobi, 200 Powhattan Avenue, objected to Item 12, Retention of Non-Binding Mediator in the Wu Litigation, stating that the Board should just settle this matter. Regarding Item 17, Minimum Municipal Obligation, asked how many retirees the Township had and how many were disability pensions. Asked for an update on the Delaware County Health Dept. litigation, Wawa litigation, the Board's Executive Session, and the invoice from Mobile Dredging.

Mr. Richard Powley, Manhattan Street, asked about the water drainage coming from the new Tincum Island Road and about the handicap sidewalk ramp on the corner near his home, expressing his concern about a sinking sidewalk. Mr. O'Neill stated that the Erosion and Sediment controls that are part of the new road are not yet complete, and that the handicap ramp can be repaired during the Township's annual repaving project.

COMMITTEE REPORTS:

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

Adoption of Highway Landscaping Maintenance and Operations Agreement at 4th Avenue with Ivy Realty

ON A MOTION by Roger Joseph and second by Patrick Barr the Board voted via unanimous roll call vote to enter into a Highway Landscaping Maintenance and Operations (M&O) Agreement with Ivy Realty for certain improvements to be constructed at 4th Avenue. Said improvements include installation and maintenance of landscaping at Fourth Avenue. The agreement will provide financial responsibility and security by the Developer to ensure operations and maintenance. Approval of the Agreement will be contingent upon the Township Engineer's review and recommendation.

Mini Parks, Recreation, and Outdoor Space (Mini PROS) Plan Project

ON A MOTION by Patrick Barr and second by Roger Joseph the Board voted via unanimous roll call vote to instruct the Township Engineer's Office to solicit qualified licensed Land Planners to complete the Mini PROS Plan project granted by Delaware County's Planning Department. Pursuant to the required advertising parameters, this project was duly advertised twice, with no response.

Extension of the Agreement pertaining to the Access Gate 81 Detour

ON A MOTION by Patrick Barr and second by Dennis Arthur the Board voted unanimously via roll call vote to execute an Amendment to the Indemnification Agreements signed in July 2024, to use the emergency Access Gate 81 as a detour with respect to the Relocated Tincum Island Road construction project subject to the receipt of signed Agreements from the City of Philadelphia. The extension shall be through November 30, 2024.

Extension of the Agreement Pertaining to the Detour for the Relocated Tincum Island Road

ON A MOTION by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to execute an Amendment to the Indemnification Agreement signed in July 2024, to use the newly constructed Relocated Tincum Island Road for the temporary detour of traffic at the intersection of the Relocated Tincum Island Road and Hog Island Road. Said extension agreement shall be subject to receipt of signed Agreements from the City of Philadelphia. The extension shall be through November 30, 2024.

Extension of Land Development Application for Alliance HD at 76 Industrial Highway

ON A MOTION by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to accept applicant Alliance HP request to grant the Board an extension of time by which the Board must consider their “final” Land Development Application at 76 Industrial Highway. Said Land Development is to construct 3 warehouse/flex buildings consisting of 57,000 sq. ft., 45,375 sq. ft., and 50,985 sq. ft. and associated improvements. The extension shall be until October 31, 2024.

Retention of Sam L. Warshawer, Jr., Esquire, as Non-Binding Mediator in the Litigation of Wu v. Vitetta Group and Tincum Township

ON A MOTION by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to retain and appoint Sam L Warshawer, Jr., Esquire, in non-binding mediation of the matter before the Delaware County Court of Common Pleas Wu v. Vitetta Group and Tincum Township as it relates to the to the project to restore the Historic Lazaretto Building. Said non-binding mediation shall be at an initial cost of \$2,550 to each party and thereafter at an hourly cost of \$425 per hour to be shared among all parties.

Appointment of Crossing Guards

ON A MOTION by Patrick Barr and second by Dennis Arthur the Board voted unanimously via roll call vote to appoint Ms. Ida Mae Sinclair of Essington and Ms. Annette Betts of Lester as Alternate Crossing Guards at the rate of \$15/hr. on an as needed basis.

Appointment of Full Time Employee at the Public Works Department

ON A MOTION by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to appoint Mr. John Lynch as a full time employee at the Township’s Public Works Department at a rate of \$18.09/hr. including benefits.

Extension of Subdivision Application of Ed Rubillo at 117 Seneca Street

ON A MOTION by Patrick Barr and second by Roger Joseph the Board voted unanimously via roll call vote to accept applicant Ed Rubillo request to grant the Board an extension of time by which the Board must consider his proposed Subdivision Application at 117 Seneca. Said Application is to subdivide an existing 15,000 sq. ft. parcel into two lots of 5,000 sq. ft. and 10,000 sq. ft. The extension shall be until November 30, 2024

Revision to Chapter 70 of the Township Code – Alcoholic Beverages

ON A MOTION by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to instruct the Township Solicitor to review, draft and advertise a revision to Chapter 70 of the Township Code governing the consumption of alcoholic beverages in public places. Said amendment would allow for consumption of alcohol beverages in Township parks only at Township sponsored events.

2025 Minimum Municipal Obligations for the Township’s Police and Non Uniform Pension Plans

ON A MOTION by Dennis Arthur and second by Roger Joseph the Board voted unanimously via roll call vote to Motion to authorize the Board of Commissioners to adopt the Township’s 2025 Minimum Municipal Obligations for the Township’s Police and Non Uniform Pension Plans in the amounts of \$732,597 and \$31,804 respectively.

The Board noted that there are 13 police pension beneficiaries including 6 disability pensions and 5 non uniform pension beneficiaries with 1 disability pension.

2025 Budget Workshop Advertisements

ON A MOTION by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to instruct the Township Manager to advertise the dates of Wednesday, November 13 and Wednesday, November 20 for the Township’s 2025 Budget Workshop meetings

Re-Affirmation / Re-Adoption of TESLA Land Development

ON A MOTION by Dennis Arthur and second by Patrick Barr the Board voted unanimously via roll call vote to re-affirm and re-adopt Resolution 2024-005 initially adopted March 18, 2024 granting approval of the Preliminary/Final Land Development Application of TESLA to construct and install twelve (12) EV (electric vehicle) charging stations at the existing Wawa Store at 600 S. Governor Printz Blvd. Said approval shall be subject to the conditions and safeguards attached to the Resolution

Public Hearing and Notice of Intent to Adopt Two (2) Zoning Ordinance Amendments

ON A MOTION by Dennis Arthur and second by Patrick Barr the Board voted unanimously via roll call vote to instruct the Township Solicitor to draft and provide the required Notices for a Public Hearing and Notice of Intent in connection with two (2) Ordinances (1) rezoning properties on the 100, 200 and 300 blocks of Powhattan Avenue from a C-1 Commercial District to an R-2 Residential District; and (2) deleting multi-family building and multi-family unit (apartment) above a commercial use as a permitted use in the C-2 Commercial District.

Revision to Chapter 139 of the Township Code – Fire and Rescue Services Fees

ON A MOTION by Roger Joseph and second by Dennis Arthur the Board voted unanimously via roll call vote to instruct the Township Solicitor to review, draft and advertise a revision to Chapter 139 of the Township Code governing the establishment of fees the Tincum Township Fire Company may initiate for the delivery of fire and rescue services for motor vehicle accidents and highway incidents. Said revision would allow for the Fire Company to expand initiating fees to a broader array of incidents including hazardous abatement, environmental incidents, rescue responses, and others.

COMMITTEE REPORTS

Code Enforcement Report – Roger Joseph, Chairman

July 2024 - The Code Enforcement Officer Issued:

25 Certificates of Occupancies for a total of \$ 3,725
17 Building Permits for a total of \$ 81,626

August 2024 - The Code Enforcement Officer Issued:

46 Certificates of Occupancies for a total of \$ 6,600
09 Building Permits for a total of \$ 62,505

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

Police Report: July 2024

Township Fines: \$ 8,896 Of that amount, a total of \$ 1,906 were Parking Tickets.

The department handled 467 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

August 2024

Township Fines: \$ 8,964 Of that amount, a total of \$ 1,929 were Parking Tickets.

The department handled 462 incidents and made 27 criminal arrests
21 of those criminal arrests were adults
06 of those criminal arrests were juveniles. Out of those juveniles
06 of the juveniles were handled within the Department and Released.
00 animals were taken into custody

Fire Company Report:

July 2024

Building Fire	04	Fuel Spill	01
Vehicle Fire	03	CO Alarm	03
Brush Fire	03	Dispatch/Cancel	05
Assist EMS	03	Hazmat	01
MVA	09	Watercraft Rescue	01
Swift Water Rescue	01	Auto Fire Alarms	09
Total Calls	43		
EMS Calls	164		

August 2024

Building Fire	08	Watercraft Rescue	01
Trash Fire	01	Gas Leak	01
Brush Fire	02	Dispatch/Cancel	02
Assist EMS	03	CO Alarm	02
Assist Police	01	Auto Fire Alarms	15
MVA	11		
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Total Calls	47		
EMS Calls	175		

Fire Marshal Report: July 2024

Plan Reviews:

1. 1 Hog Island Road, Comcast Aircraft Hangar, Fire Sprinkler Plan returned for additional information

Fire / Code Inspections and Acceptance Tests:

1. 410, 416, 423 N. Governor Printz Blvd., notified building manager of fire code violations and reviewed submitted corrections
2. Corresponded with Automatic Fire Alarm Assoc. regarding changes from “hard wire” to “fiber optics”
3. Red Roof Inn, investigated “ground fault” issue. Also advised they are due for annual system and fire extinguisher inspections
4. Cited 416 S. Gov Printz for failure to inspect fire extinguishers
5. Responded to Fire Company requests to assist on various Fire Calls on July 2, 6, 16 and 19.

August 2024

Plan Reviews:

1. 1 Hog Island Road, Aircraft Hanger Fire Sprinkler Plan

Fire / Code Inspections and Acceptance Tests:

1. 200 Stevens Drive, 1st Floor Fire Sprinkler hydrostatic test
 2. Travel Lodge, 43 Industrial Highway
 3. Lou Turks, 500 Powhattan Ave
 4. Fantasy Boutique, 426 S. Gov Printz Blvd.
 5. Interboro High School Sprinkler Pipe Inspection
- Fire Evacuation Drill at FedEx Ground at 1 Tinicum Island Road
 - Acceptance Test of fiber optics fire alarm system at PHL
 - Attended various meetings and training pertaining to various fire and life safety issues

Ray Lonabaugh, Fire Marshal

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

Trash removal:

July 2024

Regular Trash	183	Tons
Bulk Trash	7	Tons
Yard Waste	13	Tons
Street Sweepings	7	Tons

- Continue to spray for weeds
- Continue to spray for mosquitos
- Planted various new trees around town
- Began annual street line painting
- Fitted leaf collection box on new dump truck
- Cleaned out sea-plane shed in preparation for repairs

August 2024

Regular Trash	194	Tons
Bulk Trash	15	Tons
Yard Waste	05	Tons

- Maintained all Township Ball Fields
- Replaced flags/banners along East Coast Greenway Trail on 291
- Replaced soccer clinic nets
- Continue to spray for weeds
- Continue to spray for mosquitos
- Completed painting of street lines
- Replaced damaged bleachers at Little League Field
- Striped and set up soccer fields

George Hinkle, Superintendent

Sanitation: Dennis R. Arthur, Chairman

Tincum Township Wastewater Treatment Plant: July 2024

Total flow	29,757,000	gallons
Average Daily Flow	960,000	gallons
Total sludge	54,500	gallons (2.6% solids)
Methane Gas	39,950	cu ft

- Completed state inspections for two plant vehicles
- Completed lining of sanitary sewer line at Jansen Avenue alley
- Pumped out oil tank at main Plant Building
- Seasonal employees completed their time at work. Both did a great job

August 2024

Total flow	29,101,000 gallons	
Average Daily Flow	939,000 gallons	
Total sludge	39,000 gallons	(7.7% solids)
Methane Gas	36,340 cu ft	

- Investigated sewer complaint at 2nd and Jansen Ave
- Continued painting in and around main plant
- Serviced plant vehicles
- Brought new generator on line at Airport Business Center pump station

Louis Clark, Jr., Superintendent

Health & Recreation: Pat Barr, Chairman

Mr. Barr reported that soccer sign-ups have been completed as of last week. The Sept 18 Farmer's Market may be moved to September 25th and the final one extended to October 2 due to weather. The Township's Community Day will be held on November 9th.

Mr. Barr reported that the Health Inspector completed inspections at the following: Travel Lodge, Fantasy Boutique, and one residence that was deemed to be uninhabitable. The Travel Lodge was found to be in violation of the length of stay ordinance and issued citations. The Fantasy Boutique has had 2 failed inspections and will be closed if it fails to pass its next re-inspection.

Mr. McCarthy thanked Mr. and Mrs. Barr for all of their efforts in putting together and holding the annual Farmer's Markets.

Solicitor's Report: Sam S. Auslander, Esquire

Mr. Auslander reported that the Board held an Executive Session to discuss police collective bargaining issues. The status of the Health Department litigation is unchanged. The injunction remains in place. The Court has affirmed the decisions of both the Zoning Hearing Board and the Board of Commissioners to approve the development of the proposed Wawa at Wanamaker Avenue and Rt. 420. The denied parties have appealed and it is expected that this issue will continue for some time. Mr. Auslander is working on a 501c3 status for the Tinicum Township Library.

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

The Township Engineer reported that no invoice has yet been received for the work done by Mobile Dredging for the work done on the Jansen Avenue Alley sewer project. The Townships 2024 paving project has been submitted to PennDOT for approval to begin. The Engineer and Township Manager met with the Pennsylvania Department of Environmental Protection regarding the Township’s MS4 program. The DEP was generally satisfied with the Township’s program and will provide some recommendations for the future. The DEP also toured the yard of Township’s Public Works Department and will issue a report on their visit.

Traffic is expected to use the north-bound side of new Tinicum Island Road within the next week and the detour being used at Gate 81 to be closed by the end of this month. A ‘punch list’ of items to be completed should be issued by the end of September and is expected to be completed by end of October. The erosion and sediment controls for Tinicum Island Road are still in place and appear to be having a positive effect on stormwater in the area.

Manager’s Report: David D. Schreiber

The Township Manager reported that the airport has been issued a grading permit to rehabilitate runway 9R-27L (the southern runway) and will be working on this during the current and next paving season. The project to upgrade and synchronize the traffic lights along Rt. 291 has begun and is scheduled for completion by end of this year. The project to upgrade the railroad grade crossing with new lights, gates and signals has begun and is also expected to be completed this year. The project to replace the Rt. 291 Bridge over the Conrail tracks near Bartram Avenue has gone out to bid. Bids are expected by October. The Township’s DCED audit report has been submitted to DCED. PECO has begun a project to de-commission the generating stations in Lester. Customers will experience intermittent outages. Residents should register for PECO’s outage notification service to keep informed. The communities of Upper Darby and Ridley Park have adopted a 1% EIT tax. It is anticipated that their adoption will reduce Tinicum Township’s EIT collections by approximately \$225,000 annually, on top of the over \$1,000,000 reduction seen since Amerihealth moved their offices out of town.

Secretary’s Correspondence – Correspondence was received that led to the following motions by the Board:

Tinicum Township Historical Society Program on Hog Island Ship Yard

Motion to authorize the Board of Commissioners to allow the Tinicum Township Historical Society to hold a program on the Hog Island Ship Yard on September 20 at the Lazaretto Building was approved by a unanimous voice vote.

Request for Fence Exception at 137 Putcan Avenue

Motion to authorize the Board of Commissioners to approve the request of Mr. Lorenzo Graciano at 137 Putcan Avenue to erect a 6' tall privacy fence along the Second Street side of his "front" yard was approved by unanimous voice vote. Said approval is subject to the satisfactory review of a sketch plan of the proposed placement of the fencing by the Township Code Inspector.

Police Presence at Yachtstock Event at West End Boat Club

Motion to authorize the Board of Commissioners to approve the request of Mr. George Spicer, representing Yachtstock at the West End Boat Club requesting a police officer to assist with parking and traffic at the September 28th Yachtstock festival was unanimously approved via voice vote. The event is scheduled from 11:00 am to 9:00pm.

Cole Gatti Foundation Scholarship Fundraiser at the Fox Smith VFW

Motion to authorize the Board of Commissioners to approve the request of Ms. Denise O'Brien of the Cole Gatti Foundation to close the 100 block of Carre Avenue for a scholarship fundraising event at the Fox Smith VFW Post on Saturday, October 5th from 2:00pm to 9:00pm was approved by unanimous voice vote.

Other Business – Mr. Arthur presented a check to the Board of Commissioners from the Township's Unemployment Insurance service provider UCOMP. The check was in the amount of \$1,053 and represents a dividend from UCOMP based on a municipalities usage (or lack of usage) of unemployment insurance.

Adjourn the Business Portion of Meeting

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

Public Participation

Pastor York Ashe of the New Life Community Church stated that the utility pole that had been lying near the church's property was finally removed by PECO. Pastor Ashe also stated that the Church was without power for a time recently. The Board responded that PECO is changing the point of distribution for power and advised the Pastor to sign up for PECO's power outage notification system via their app or on line.

Mr. Zurdi Dobi commented that the contact information for the Police Chief was not present on the Township website and also commented that the link to several Board meeting minutes from early 2023 were not working. Mr. Dobi made reference to a recent police traffic stop in Florida whereby the driver did not cooperate and comply with the police's directions. He asked the Township Solicitor for his opinion on the matter. Mr. Auslander suggested that when stopped by the police, the driver should follow the police's directions. Mr. Dobi asked Mr. Barr for the rental amounts for Governor Printz Park.

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