

April 18, 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.

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**ON A MOTION** by Patrick Barr and second by Lisa Edmiston, the minutes of the March 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 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 April 2022 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 Dennis Arthur, the bill list will be paid for the month of April 2022 by a unanimous voice vote.

**Public Comments on Agenda Items:**

Mr. Zurdi Dobi, 200 Powhattan Avenue, Lester, made the following comments:

Asked for an update on the injunction filed against the County Department of Health by the Township and other 6 communities. Asked what is being asked for in the suit. Asked the Township Solicitor for an update on the appeal filed against the Board's conditional use decision for the proposed Wawa and who the "intervenor" was asking for "status" in the appeal process. Referred to the state grant for the rehabilitation of the Lazaretto and asked how it is affected by the Wu v. Tinicum Township litigation. Made reference to the 2010 termination date of the Lazaretto grant and asked if the time frame has been extended. Made various references to various aspects to the Wu litigation and asked for an explanation.

The Township Solicitor advised Mr. Dobi that these are matters involved in various lawsuits and stated that the Township would not discuss aspects of lawsuits in this forum.

Mr. Dobi asked when the issues affecting the fiber optics controlling traffic signals was discovered and of plans to repair them.

**COMMITTEE REPORTS:**

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

**Adoption of Ordinance 2022-915, Gross Weight of Trucks**

**ON A MOTION** by Patrick Barr and second by Roger Joseph, the Board voted unanimously via roll call vote to adopt Ordinance 2022-915 supplementing Chapter 360 (Vehicles and Traffic) of the Tincum Township Code. Ordinance 2022-915 will amend Article 9 and associated sub-chapters of Chapter 360 by adjusting the weight restrictions of standing or parked trucks or commercial vehicles, commonly referred to as “pick-up” trucks, to no greater than 10,500 pounds.

**2022 Street Repaving**

Prior to voting on this issue, Mr. O’Neill stated that the base bid for 5 streets is approximated at \$225,000 and that there are 3 bid alternates. Bids are due and will be publicly disclosed at the May 10 Commissioner Workshop Meeting. Proposed streets include, but may not be limited to:

- 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

**ON A MOTION** by Roger Joseph and second by Lisa Edmiston, the Board voted unanimously via roll call vote to instruct the Township Engineer to recommend specific streets or roads to include in the Township’s 2022 street repaving project and to prepare specifications, bid packages, and advertisement for said project

**Tax Assessment Appeal of 0 Second Street (Folio 45-00-01811-00)**

**ON A MOTION** by Roger Joseph and second by Lisa Edmiston, the Board voted unanimously via roll call vote to approve the settlement of the tax assessment appeal for 0 Second Street fixing Delaware County’s assessment of \$3,628,500 for year 2021 and \$5,842,500 for 2022 Said Settlement Agreement has been reviewed and recommended for approval by the Interboro School District and accepted by the property owner.

**COMMITTEE REPORTS**

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

**March 2022 - The Code Enforcement Officer Issued:**  
**49** Certificates of Occupancies for a total of **\$ 7,150**  
**20** Building Permits for a total of **\$ 17,645**

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

**Police Report March 2022**

Township Fines: **\$ 4,896** Of that amount, a total of **\$ 276** were Parking Tickets.

The department handled **543** incidents and made **20** criminal arrests  
**20** 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 - March 2022**

Number of Calls:	34	
Building Fires	11	(2 Working Fires)
Vehicle Fire	03	
Assist EMS	01	
MVA w/ Injury	04	
MVA w/o Injury	03	
MVA w/Entrapment	02	
Gas Leak	01	
Fuel Spill	01	
Auto Fire Alarms	07	
Avg No. of Responding Personnel	06	
Time in Service		31 Hrs.

With regard to Crozer Keystone's recent announcement regarding their Para-Medic service, Mr. McCarthy stated that multiple communities will be meeting to discuss local EMS service.

Mr. McCarthy also thanked Commissioner Edmiston, her spouse, and all of the volunteers for running the Fire Company's fund-raising flower sale.

**Fire Marshal Report                      March 2022**

**Fire Inspections and Acceptance Tests:**

1. Re-inspection of Travel Lodge, as previous inspections and resulting corrections did not meet building and fire code requirements. While on site, we did observe a health hazard involving animals in a guest room. This situation was turned over to the Township Health Officer

**Fire Scene Investigation:**

1. Investigated a residential fire scene in which minor damage was caused in a clothing closet by a high temperature light bulb fixture.

**Training:**

1. Fire Alarm Design for R-1 and R-2 Occupancies by the American Fire Alarm Association. R-1 Occupancies involve our hotels and motels and we are reviewing a change in guest room automatic fire alarm responses.
2. Airport Hanger Fire Protection Systems by the National Fire Protection Association.
3. Funding Hazard Mitigation Actions by FEMA.
4. Fire Door and Opening Protectives as required by the International Building and Fire Code

Meet with Hotel and Motel managers to discuss issues regarding occupancy limits and other concerns resulting from long term guest-stays.

**Ray Lonabaugh, Fire Marshal**

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

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

Regular Trash	176 Tons
Bulk Trash	8.25 Tons
Yards	7 Cubic yards

- Repainted Tincum Township signs at Lazaretto Building
- Made repairs to docks at Township marina
- Used 2 tons of cold-patch on Tincum Island Road
- Pruned, mulched/weeded Township flower beds
- Cleaned out railroad ditch
- Installed new cable and poles at entrance to Township marina to limit access
- Installed new metal roofs and painted little league dugouts
- Putting down new playground mulch

**George Hinkle, Superintendent**

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

**Tinicum Township Wastewater Treatment – March 2022**

Total flow	32,741,000 gallons
Average Daily Flow	1,050,000 gallons
Total sludge	239,414 gallons
Methane Gas	100,568 cu ft
Sludge Hauled	39,000 gallons Of which 2 % were solids

Equipment Repairs

- Effluent Sonars repaired

Respectfully Submitted,

**Robert J Bernauer**

Mr. Arthur also stated that of the 160 or so “Home-Town Hero” banners ordered for the Interboro communities, approximately 80 were for Tinicum veterans. A phase 2 is planned for later this year and then perhaps an annual campaign afterwards. EMS, Fire and Police may be added in phase 2 if proper criteria can be agreed upon.

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

Mr. Barr reported that T-Ball, baseball, and softball are getting under way and thanked the individuals running the respective programs.

The annual rabies clinic that was interrupted in 2020 and 2021 was resumed on April 9, 2022. Approximately 40 animals were inoculated, about one half of what had been done in the past. Mr. Barr is hopeful the event will rebound in the coming years. Mr. Barr thanked Ms. Bucci, Ms. Shannon, Ms. Quigley and Ms. McCarthy for their assistance and thanked the Glenolden Animal Hospital for their contributions.

Mr. Barr also thanked Health Officer Cindy Joseph and Code Enforcer Joe Little for their work and diligence in inspecting the local hotels and motels to ensure code compliance.

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

Mr. Auslander reported that the communities that had filed the injunction against the Delaware County Health Department were still awaiting a decision from the Feb hearing in Judge Angelos’ courtroom. The County received their Health Department approval from the Commonwealth in March and has since notified county municipalities of their intention to begin health inspections. The Petitioners have also filed a request for a Declaratory Judgement with the court to allow Townships to opt out of the County inspections. Several establishments have received notices from the County of their impending inspections and the Petitioners have filed an action asking the court to halt them until a decision is reached.

Mr. Auslander stated that the findings and conclusions of law have been filed with the court for the appealed Wawa decision and advised Mr. Dobi to review the court documents. The new intervenor is Mr. Ciconni.

Wu litigation discovery is ongoing until the end of July with depositions possible in May or June.

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

Mr. Dennis O'Neill reported that Delaware County is updating their model Storm Water Ordinance to comply with the most recent DEP requirements and stated that the Township will possibly need to do the same. One of the concerns for the Township is the water quality requirements in that with the Township's very high water table, there is often an inability to infiltrate.

Inflow and infiltration metering has resumed and Mr. O'Neill will have further information in May. Mr. O'Neill stated that the issue with the fiber optic cable was noted in January and that a plan for repairs has been discussed with PennDOT, and other entities as part of other larger project.

**Manager's Report – David Schreiber**

The Township Manager reported the following: the Township will be meeting with PennDOT towards the end of April to review the status of PennDOT's plans to replace the Rt. 420 bridge over Darby Creek. The Township has provided signage to all motel/hotel operators notifying guests of the Township's prohibition against stays in excess of 30 days. The County is hosting an electronic device collection event at Rose Tree Park in May. Information can be found on the Townships website. The County has informed the Township that the County's igloo recycling program may be replaced by a dumpster program.

**Secretary's Correspondence**

On a motion by Roger Joseph and second by Patrick Barr, the Board voted unanimously via voice-vote to approve the request of Peter Romano and Paul Gibson to hold a 50 year reunion of the Interboro High School class of 1972 by closing E. Third Street between Wanamaker Avenue and Printz Avenue on Friday, May 13, 2022.

**Other Business**

There was no Other Business this month.

### **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**

Bill Moeller presented the Board of Commissioners with an award letter from the Heritage Commission of Delaware County commending the Township on the restored Colonial Swedish Farmstead located in Governor Printz Park. A ceremony sponsored by the Commission will be held on May 7<sup>th</sup>.

Zurdi Dobi, 200 Powhattan Avenue had the following comments: Asked Mr. Auslander to confirm the time and place (Wed, April 20) of the next hearing in Judge Angelos' court regarding the County Health Department injunction. Made reference to the state grant obtained by the Township for the restoration of the Lazaretto Building and stated that the former Township Manager was the contact person for the grant. Asked who is the current contact person. Made reference to the grants expiration date of 2010 and asked if the contract has been extended. The Board responded that the current Township Manager is the Township's contract representative and the contract has been extended through April 2023. Asked about the "audit" for the grant. The Board responded that while there has been no "audit", there have been several reviews by the Commonwealth at every stage of payment made by the Commonwealth.

### **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