

20th October 2014 @ 7:00 P.M.

The Tincum Township Board of Commissioners held their regular monthly meeting on the above date and time at 629 N. Governor Printz Blvd., Essington, PA 19029 with Dennis R. Arthur, Vice President presiding. President Giancristoforo was absent from this meeting. Present:

C. Patrick Barr, Commissioner

Patrick McCarthy, Commissioner

Lisa Edmiston, Commissioner

Sam Auslander, Esq.

James MacCombie, P.E.

David Schreiber, Manager

Elaine M. Brolley, Secretary

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

Invocation

Reverend Hank White from St. John's Episcopal Church gave the Invocation.

On A Motion by Pat Barr, seconded by Lisa Edmiston, the minutes of the September 2014 Commissioners Monthly Meeting was accepted and approved, by a unanimous voice vote.

Vice President Arthur reported that all members had received copies of the September 2014 Treasurer's and Secretary's report of Receipts. There being no questions:

On A Motion by Pat Barr, seconded by Pat McCarthy, the reports were accepted and approved as submitted, by a unanimous voice vote.

Vice President Arthur asked for a motion to pay bills for the month of October 2014. The bill list for October will be submitted to the Board members at the end of the month. There being no questions:

On A Motion by Pat Barr, seconded by Lisa Edmiston, the bill list will be paid for the month of October 2014 by a unanimous voice vote.

PUBLIC FORUM

Agenda Item Comments

1. Regarding Item #10, Ordinance 2014-870 Regulating Outdoor Burning, Mr. Dobi asked what the violation penalties would be. The Board responded that penalties will range from \$100 to \$600, a change from the proposed \$600-\$1000.

Mr. Dobi asked if the Township Secretary would read the letter Mr. Dobi addressed to the Board. Mr. Auslander responded that he would address Mr. Dobi's letter during the Solicitor's report.

Regarding Item #13, Renovations to Town Hall, Mr. Dobi asked what the cost would be. The Board responded \$18,375.

Mr. Auslander also stated he would respond to Mr. Dobi's request for an update on Commissioner's Executive Session as it relates to litigation.

ADMINISTRATION, LAW, ORDINANCE, PUBLIC SAFETY & FINANCE

Thomas J. Giancristoforo Jr., Chairman

Tinicum Township Police Department Corporals

Prior to voting on this issue, Mr. Aurthur announced that we have a special event before the Board of Commissioners, The Board will be considering the promotion of Patrol Officers William Righter and William Young to Corporal within the Tincum Township Police Department. Officer Righter and Young were present with their families tonight and the Board is happy to consider them for promotion this evening.

ON A MOTION by Mr. McCarthy, seconded by Mr. Barr, and abstained by Mrs. Edmiston, citing her husband is the Township Police Chief, the Board voted unanimously to appoint Patrol Officer William Righter to the rank of Corporal within the Tincum Township Police Department subject to the receipt of satisfactory written reports of his physical and psychological examinations.

ON A MOTION by Mr. McCarthy, seconded by Mr. Barr, and abstained by Mrs. Edmiston, due to the fact that her husband is the Chief of Police, the Board voted unanimously to appoint Patrol Officer William Young to the rank of Corporal within the Tincum Township Police Department subject to the receipt of satisfactory written reports of his physical and psychological examinations.

Disability Retirement of Sergeant R. Keith Zurinsky

ON A MOTION by Mr. McCarthy, seconded by Mr. Barr, and abstained by Mrs. Edmiston, due to the fact that her husband is the Chief of Police, the Board unanimously voted via roll call vote to enter into a Settlement Agreement and Full Mutual Release with the Fraternal Order of Police and Sergeant Zurinsky for the purpose of honorably discharging sergeant Zurinsky from his employment as an officer in the Tincum Township Police Department. Said discharge is the result of a service related permanent disability which precludes him from performing his full duties as a Tincum Township Police Officer.

Advertise Ordinance 2014-869 Establishing Rules for Planting and Maitaining Bamboo Grass

Prior to voting on this item, Solicitor Auslander provided a brief explanation of this ordinance, stating the rules for planting, maintaining and removing the grass in the community.

On A Motion by Mr. Barr, seconded by Mrs. Edmiston, the Board voted unanimously via roll call vote to Advertise Ordinance No. 2014-869 supplementing and amending Chapter 59, Weeds and Brush, establishing article ii, Bamboo; adopting regulations for the planting, growing and removal of running bamboo; and providing for violations and penalties therefrom.

Advertise Ordinance 2014-870 Regarding the Regulation of Outdoor Burning

Prior to voting on this issue, Solicitor Auslander provided a brief explanation of this ordinance, stating what is permitted and what is not and describing the penalties involved for non-compliance.

ON A MOTION by Mr. Barr, seconded by Mr. McCarthy the Board unanimously voted via roll call vote to advertise Ordinance No. 2014-870 vacating, amending and supplementing Chapter 19, Fire Prevention, Article ii, Burning of Wastes; prohibiting outdoor burning and fires; establishing specific definitions, regulations and exceptions; and providing penalties for violations.

2015 Financial Requirement & Minimum Municipal Obligation for the Non-Uniformed and the Police Pension Plans

Ms. Brolley read the financial Requirements and Minimum Municipal Obligation Budget for 2015 for both Non-Uniformed and the Police Pension Plans.

ON A MOTION by Mr. McCarthy, seconded by Mr. Barr, the Board unanimously voted via roll call vote to accept and approve the 2015 Financial Requirement and Minimum Municipal Obligation for the Non-Uniformed and the Police Pension Plans.

Construction release #5 for the building of the Police Station Sallie Port

ON A MOTION by Mr. McCarthy, seconded by Mrs. Edmiston the Board unanimously voted via roll call vote to approve release of final payment application number 5 in the amount of \$6,246.66 to the Fayette Group for the construction of the Police Sallie Port.

Renovations to Town Hall

Prior to voting Mr. Schreiber stated that this is to do the center section where the Public enters and tax collector's office is located.

ON A MOTION by Mrs. Edmiston, seconded by Mr. Barr the Board unanimously voted via roll call vote to enter into an agreement with Apostle Construction for renovations at Tinicum Township Town Hall. Said renovations will include installation of new interior walls, ceiling, electrical wiring, paint and flooring. Cost of these renovations will be \$18,375.00.

Renewal of RCN Contract (#20080-0069)

Mr. Auslander stated that this is an extension of our existing service. New agreement is a ten year term. Fee structure is the same.

ON A MOTION by Mr. Barr, seconded by Mr. McCarthy the Board unanimously voted via roll call vote to authorize the President, on behalf of the Board of Commissioners, to enter into a Renewal Agreement with RCN Telecom Services of Philadelphia, LLC for a renewal of the cable television system operation within Tinicum Township – fees due the township in the amount of 5% of the annual gross receipts

Code Enforcement Report – September 2014

September: The Code Enforcement Officer Issued:

45 Certificates of Occupancies for a total of **\$6,675.00**

20 Building Permits for a total of **\$70,314.00**

COMMITTEE REPORTS

POLICE, FIRE, AND BUILDINGS

Patrick K. McCarthy, Chairman

POLICE REPORT – September 2014

Township Fines: **\$6,317.25**. Of that amount, a total of **\$60.00** were Parking Tickets.

The department handled **752** incidents and made **50** criminal arrests.

45 of those criminal arrests were adults

5 of those criminal arrests was juveniles.

5 of the juveniles was handled within the Department and Released

0 animals were taken into custody

FIRE COMPANY REPORTS:

Fire Company Report – September 2014

Total Calls – **44**

Total number of responding personnel – **397**

Total time in service – **35:52:00**

Total calls YTD – 356

Respectfully Submitted,

Chief Jonathan Buschmeier

T.T.F.C.

FIRE MARSHALL REPORT – September, 2014

- 07 Building Permit Reviews**
- 04 Certificates of Occupancy Inspections**
- 13 Violation Notices Issued**
- 15 Property Inspections**
- 6 Meetings related to properties in Tincum Township**
- 7 Building Inspections**

William J. Adams Jr.

Fire Marshal

Assistant Code Enforcement

PUBLIC WORKS, HIGHWAYS, AND RAILROADS

Lisa Edmiston, Chairman

Public Works – September, 2014

September 2014

Removed 6 trees at the Police Station
Painted exterior of Police station
Did the landscaping at the Police Station
Removed 9 trees throughout the township
In the process of servicing trucks for the winter
Repairs on #4 Truck
 New oil pan
 New starter
 Replaced hydraulic lines
Cleaned all storm sewers & drainage ditches

Trash removal for the month of September 2014:

Regular trash – 171.38 tons
Heavy trash – 10.78 tons
Recyclables – 19.84 tons
White goods – 4 pieces

Respectfully Submitted,
Walter E. Lee, Superintendent
Highway Department

SANITATION
Dennis R. Arthur, Chairman

Tinicum Township Wastewater Treatment

Monthly Report for July 2014

Total: 21,535,000 gallons

Average: 718,000 gallons

Total Sludge: 232,358 gallons

Total Methane Gas: 92,612 cu ft

Average 3087 cu ft

Sludge Hauled: 39,000 gals % solids 3.02

Sewer Complaint: None

Equipment Repairs:

9/2014 Installed shed to hold magnesium Hydroxide

9/2014 Pulled wire to handle new flow meters effluent & chlorine equip.

Operation:

9/2014 Controlling chlorine residual and fecal coli from bacteria

Miscellaneous items:

9/2014 Service all police vehicles that were due

Robert J. Bernauer

HEATH AND RECREATION

Pat Barr, Chairman

Board of Health / Recreation - October, 2014

Mr. Barr reported that hockey and basketball sign-ups are now going on. Mr. Barr thanked a host of people for their assistance in putting together and working the 2014 Health Fair and Police Building dedication. Mr. Barr stated that the event raised \$6,300 for families struggling with cancer and the Coaches for Cancer organization.

Solicitor's Report: Sam Auslander, Esquire

Mr. Auslander reporting on the airport stating that he has had multiple meetings with representatives of the city dealing with putting together a formal agreement based on the Term Sheet brought to the public this past May 2014.

Mr. Auslander addressed Mr. Dobi's question concerning when the Board of Commissioners adjourning to Executive session meeting. Mr. Auslander stated that Pennsylvania courts have ruled that when announcing the Executive Session to discuss pending litigation, the Board must provide the public with certain information as to what the litigation entails, including the Docket #, names of the litigants, and the court the case resides in. Mr. Auslander added that the litigation the Board discussed after the October 2014 Workshop Meeting was Case 20114-006958, Ciconni v. Tincum Township in Delaware County Common Pleas Court. Mr. Auslander also noted City of Philadelphia v. Tincum Township in two separate cases 07-15730 and 09-02872.

During the Solicitor's Report, Mr. Auslander read Mr. Dobi's letter to the Board of Commissioners in which Mr. Dobi expressed concerns with the Township's Ordinance regarding permits and certificates of occupancy for rental properties. Mr. Auslander stated that this Ordinance originally dated back to 1987, was updated in 2006 and again amended in 2007 and 2013 and allows for the Township to inspect rental properties for the purpose of issuing a certificate of occupancy and to collect a fee for said inspection. Mr. Dobi took issue with how the ordinance is being enforced and to the invoice he received as being for a "Rental Property License". Mr. Auslander stated that 'license' and 'permit' were a matter of semantics, to which Mr. Dobi replied 'maybe to you'. Mr. Dobi stated that the ordinance does not describe the full requirements noted in the Certificate of Occupancy and Application form.

Engineer's Report: James MacCombie, P.E.

Mr. MacCombie stated that the Township's paving project for 2014 is winding down and there are just a few clean up items to be completed. Mr. MacCombie also reported that he received a telephone call from Mr. Joe Grubs, a project manager at Philadelphia Airport, requesting a meeting with Mr. MacCombie to discuss some upcoming projects at the airport. Mr. Grubs did not discuss what those projects are and Mr. MacCombie would provide the Board with a report after their meeting.

Manager's Report: David D. Schreiber

Mr. Schreiber reported that a new crosswalk was painted on Jansen Avenue between the property of Wawa and Lou Turks. Mr. Schreiber also stated that the Township has contacted its Insurance carrier to follow up on the idea of a Dog Park within the Township.

Mr. Schreiber also reported that the Township has provided the funding to the Library to assist the Library in obtaining a grant to upgrade the Library's technology resources. Also, the Township has had a preliminary meeting with the engineering firm of Gannett Fleming to determine if Gannett can assist the Township with establishing a federal rail road quiet zone. Gannett Fleming will provide a proposal and scope of work to the Township.

Secretary's Correspondence

Ms. Brolley read a letter from Jean Goerlach requesting the use of the Tincum Township Community Room on Saturday, January 17th, 2015 and Saturday, March 14th, 2015. Both to be held between the hours of 9:00 AM and 5:00 PM.

On A Motion by Mr. Barr, seconded by Mrs. Edmiston, the Board voted unanimously to allow Jean Goerlach to use the Tincum Township Community Room for two scrapbooking events on Saturday, January 17th, 2015, March 14th, 2015. Both to be held between the hours of 9:00 AM and 5:00 PM.

OTHER BUSINESS

ADJOURNMENT OF THE BUSINESS PORTION OF MEETING

ON A MOTION by Mrs. Edmiston, seconded by Mr. McCarthy to adjourn the business portion of this meeting by a unanimous voice vote.

PUBLIC PARTICIPATION

Public Comment:

1. Mr. John Detweiler thanked the Board for getting the new crosswalk painted and asked when the minutes would be updated on the Township website. The Board responded that they would be updated by October 21st. Mr. Detweiler asked the Board to look into a community-wide electronics recycling event. The Board responded they would investigate doing an event.
2. Mr. Zurdi Dobi thanked Sam for the update on the Executive Session litigation issue and asked the Secretary to note the cases Sam cited. Mr. Dobi asked Mr. Auslander to read Mr. Dobi's letter in its entirety, which Mr. Auslander did. Regarding the Rental Property Inspection Ordinance, Mr. Dobi stated that the permit application was not in line with the ordinance and stated that the ordinance should be changed to coincide with the application.
3. Mr. Anthony Beaumont commented on the noise coming from the Federal Express ground station, referring to several texts sent to him by Commissioner Arthur. Mr. Beaumont asked the Board to enforce the Township's noise ordinances with respect to the facility. Mr. Beaumont also referred to some work done at Commissioner Arthur's property by the same company that was doing work at the facility, implying some connection.
4. Mr. Charles Monteith apologized to the Board for his exchange with the Board during the October 2014 workshop meeting. Mr. Monteith referred to a PennDOT Handbook regarding speed-bumps and speed-humps, asking the Board to consider installing same in the Township to calm speeding drivers.
5. Ms. Christina Altmeyer, 1003 3rd Avenue, spoke about the train whistles during the overnight and early morning hours, asking if the Board could get the railroad to cease blowing their whistle. The Board responded that absent of a federal railroad quiet zone, federal regulations required the railroad to blow the whistle at each crossing.
6. Mr. Ed Rubillo thanked the Board for paving Wyndotte Street

ADJOURNMENT OF MEETING

ON A MOTION by Mr. McCarthy, seconded by Mr. Barr to adjourn the meeting by a unanimous voice vote.

Respectfully submitted,

Elaine M. Brolley

Township Secretary

