

April 17, 2023 @ 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 Barr, Board Vice President, presiding. Present:

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

Commissioner McCarthy was absent from this meeting. Commissioner Barr called the meeting to order and all rose for the Pledge of Allegiance to the Flag.

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ON A MOTION by Lisa Edmiston and second by Dennis Arthur, the minutes of the March 2023 Commissioners Monthly Meeting were accepted and approved by a unanimous voice vote.

Board Vice President Barr 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. Barr reported that the bill list for April 2023 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 Roger Joseph, the bill list will be paid for the month of April 2023 by a unanimous voice vote.

Public Comments on Agenda Items:

Mr. Ed Rubillo, Wyndotte St. Regarding Item #7, Bids for Jansen Avenue Sewer Replacement and Reconstruction of 500 Block of Jansen Avenue, Mr. Rubillo stated that the board should not accept any future bids from this vendor because of the excessive quote on the subject project.

Zurdi Dobi, 200 Powhattan Ave. Mr. Dobi opined that Item #10, Subdivision Application for Robert Cicconi at Former Lester School, be tabled or reconsidered and stated the Board has extended other applications in the past. Mr. Dobi referenced the March 2023 meeting where Mr. Cicconi granted an extension through June 2023 but the Board determined to extend only to April.

Mr. Dobi asked the Solicitor for an update on the Sunoco, Wu, and Delaware County Health Department litigation and referenced litigation involving the 2020 Delaware State voting machines, stating that this litigation was already resolved.

COMMITTEE REPORTS:

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

Bids for Jansen Avenue Sewer Replacement and Reconstruction of 500 Block of Jansen Avenue Alley

Prior to voting on this item, Mr. O’Neill stated that he had spoken to three contractors about the project and why they did not pursue a bid. Mr. O’Neill stated that 2 contractors said that they could not adhere to the timing of the bid package and work schedule. The other stated that they were too busy to pursue another bid. Mr. O’Neill suggested that the Township may re-advertise later in the year and add some time to both complete the bid package and to complete the work.

ON A MOTION by Roger Joseph and second Lisa Edmiston Barr the Board voted via unanimous roll call vote to exercise its right to decline the sole bid received for this project, citing the excessive cost (\$565,000) in relation to the anticipated cost (approximately \$175,000). Further, the Township Engineer is instructed to contact alternate contractors to determine their reason for not bidding.

Conditional Use Application for PHL Taxiways

ON A MOTION by Dennis Arthur and second by Lisa Edmiston the Board voted unanimously via roll call vote to approve the Conditional Use Application of the City of Philadelphia Department of Aviation to construct additional connectors for Taxiway T and Taxiway P6 within the future Taxiway S reconstruction. Said approval will be subject to the conditions outlined in the Board’s Written Decision dated April 17, 2023.

Extension of Reverse Subdivision Application for Mark Perry at 242 Wanamaker Avenue

ON A MOTION by Roger Joseph and second by Lisa Edmiston, the Board voted unanimously via roll call vote to accept applicant Mark Perry’s request to grant the Board an extension of time by which the Board must consider Mr. Perry’s reverse subdivision at 242 Wanamaker Avenue. The extension shall be until May 31, 2023. Said reverse subdivision application is to consolidate 2 existing lots into 1 lot.

Subdivision Application for Robert Cicconi at Former Lester School Property

Prior to voting on this item, Mr. Auslander stated that the items noted in the Township Engineer’s review letter of December 21, 2022 had yet to be addressed and that the applicant’s engineer had been notified three separate times by the Township Manager of the Board’s decision to extend the application only through April 17. Further, Mr. O’Neill stated that the date on the plans for the project was October 2021 and that no further adjustments to the plans have been submitted.

ON A MOTION by Dennis Arthur and second by Lisa Edmiston the Board voted unanimously via roll call vote to decline applicant Robert Cicconi’s Application for a Subdivision of the property at 3rd Avenue and South Gov Printz Blvd. Said Application is to convert three existing lots into four lots. The Board’s decision to decline the application results from the deficiencies cited in the Township Engineer’s letter dated December 21, 2022.

Civil Service Examination for Hiring of Police Officers

ON A MOTION by Roger Joseph and second by Lisa Edmiston the Board voted unanimously via roll call vote to instruct the Township Manager and Civil Service Board to begin the process of generating a Civil Service list of potential police officers by advertising and conducting a Civil Service exam for Patrol Officers.

Settlement of Tax Assessment Appeal by Tincum Lodging Inc. for the property located at 600 Governor Printz Boulevard

Prior to voting on this item, Mr. Barr asked if after 2023 the assessment would go back to its original amount. Mr. Auslander responded that it would not; one of the taxing authorities would need to file a tax assessment appeal in an attempt to change the assessment amount.

ON A MOTION by Roger Joseph and second by Lisa Edmiston the Board voted unanimously via roll call vote to authorize the Board of Commissioners to approve the settlement of the Tax Assessment Appeal for parcel 45-00-02245-02 owned by Tincum Lodging, Inc., fixing the total Delaware County assessment as follows: 2021 - \$125,100 2022 - \$125,100 2023- \$102,648 Said settlement has been recommended, accepted and signed off by the Interboro School District and attorney for Property Owner.

Settlement of Tax Assessment Appeal by Tincum Lodging Inc. for the property located at 600 Governor Printz Boulevard

ON A MOTION by Lisa Edmiston and second by Roger Joseph the Board voted unanimously via roll call vote to authorize the Board of Commissioners to approve the settlement of the Tax Assessment Appeal for parcel 45-00-02245-03 owned by Tincum Lodging, Inc., fixing the total Delaware County assessment as follows: 2021 - \$4,044,900 2022- \$4,044,900 2023- 3,318,952

Settlement of Tax Assessment Appeal by Tincum Dev for the property located at 76 Industrial Highway

ON A MOTION by Roger Joseph and second by Lisa Edmiston the Board voted unanimously via roll call vote to authorize the Board of Commissioners to approve the settlement of the Tax Assessment Appeal for parcel 45-00-00919-00 owned by Tincum Dev, fixing the total Delaware County assessment as follows: 2021- \$12,600,000 2022 -\$12,600,000 2023 - \$ 9,172,800. Said settlement has been recommended, accepted and signed off by the Interboro School District and attorney for Property Owner.

Settlement of Tax Assessment Appeal by Majestic Holdings, LLC for the property located at 45 Governor Printz Boulevard

Prior to voting on this item, Township Solicitor Auslander requested that the Board consider tabling this item, citing there are some items in the settlement stipulation that need further clarification before it can be finalized. Mr. Auslander suggested that this settlement would most likely be on the agenda for the Boards next meeting.

ON A MOTION by Dennis Arthur and second by Lisa Edmiston the Board voted unanimously via roll call vote to table this item until further notice.

Mr. Arthur asked the Township Solicitor what would happen if the Township does not accept the settlement stipulations just voted on. Mr. Auslander responded that the taxing authorities generally follow the lead of the School District since the School District has the most to gain or lose in these appeals. The District gets appraisals for all of the appealed properties and then a negotiation with the applicant stems from the appraisal. If the Township finds it does not agree with the settlement the Township would need to obtain another appraisal and, if the other taxing authorities are not in agreement with the Township, the Township would need to take the lead on its own to defend the applicant's appeal.

Adoption of Resolution 2023-004 Modifying and Re-Adopting Ivy Realty Final Land Development

ON A MOTION by Dennis Arthur and second by Lisa Edmiston the Board voted unanimously via roll call vote to authorize the Board of Commissioners to adopt resolution 2023-004 modifying and readopting Township Resolution 2022-010 approving the Final Land Development Plans of Ivy Airport Property, LLC for the Airport Logistics Center. Said modification will permit the Developer additional time to obtain the required Penn DOT Highway Occupancy Permit prior to issuing a certificate of occupancy.

Adoption of Resolution 2023 -005 Reaffirming Approval of the Final Plan for Tincum Island Road

ON A MOTION by Lisa Edmiston and second by Dennis Arthur the Board voted unanimously via roll call vote to authorize the Board of Commissioners to adopt Resolution 2023- 005 re-adopting the Board’s approval of the preliminary and final plan for the development and construction of the relocated Tincum Island Road. Said re-adoption will afford the City of Philadelphia Division of Aviation the opportunity to properly record the plans and applicable documents in a timely manner with the Delaware County Recorder of Deeds.

Adoption of Resolution 2023-006 Reaffirming and Adopting of the Tincum Island Road Lot Consolidation and Subdivision Plan

ON A MOTION by Dennis Arthur and second by Lisa Edmiston the Board voted unanimously via roll call vote to authorize the Board of Commissioners to authorize the Board of Commissioners to adopt Resolution 2023-006 reaffirming and readopting the Boards’ approval of the preliminary and final plan for the “Tincum Island Road Realignment, Lot Consolidation, and Subdivision Plan”. Said re-adoption will afford the City of Philadelphia Division of Aviation the opportunity to properly record the plans and applicable documents in a timely manner with the Delaware County Recorder of Deeds.

COMMITTEE REPORTS

Code Enforcement Report – Roger Joseph, Chairman

March 2023 - The Code Enforcement Officer Issued:

67 Certificates of Occupancies for a total of **\$ 9,850**

14 Building Permits for a total of **\$ 436,537**

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

Police Report: **March 2023**

Township Fines: **\$ 4,924** Of that amount, a total of **\$ 1,081** were Parking Tickets.

The department handled **506** incidents and made **23** criminal arrests
23 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:	<u>March 2023</u>
Building Fire	10 (4 Working Fires)
Vehicle Fire	03
Brush Fire	01
Assist EMS	04
MVA w/Injury	05
MVA w/o Injury	02
MVA w/ Entrapment	01
Water Rescue	01
CO Alarm	02
Electric Wire Issues	02
Cover	01
Auto Fire Alarms	07
Fire (Other)	01
Total Calls	40

Fire Company EMS Calls:	<u>March 2023</u>
EMS Calls	170
YTD EMS Calls	519

Fire Marshal Report: **March 2023**

Plan Reviews:

1. 10 Industrial Highway (Airport Business Complex) Buildings H, He, I & J Fire Alarm Plan
2. 10 Industrial Highway, Imperial Marble, Fire Alarm Plan
3. 10 Industrial Highway, Prestige, Mezzanine Fire Sprinklers
4. PHL Terminal A West, Hudson News Fire Alarm Plan

Fire Inspections and Acceptance Tests:

1. PHL Terminal A West, Hudson News Fire Sprinkler System
2. International Plaza 4th and 5th Floor Fire Alarm and Sprinkler
3. 215 Wanamaker Avenue Fire Alarm System

Inspections:

1. Motel 6
2. Red Carpet Motel

Ray Lonabaugh, Fire Marshal

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

Trash removal for the month of March 2023:

Regular Trash	154	Tons
Yard Waste	4	Tons
Bulk Trash	8	Tons

- Seasonal grass cutting has begun
- Opened tide gates daily
- Storm Sewer drains cleaned out
- Planted trees at Gov Printz Park and Westinghouse Grove
- Planted flower pots and gardens along St. 291
- Performed annual maintenance on all ball fields
- Repaired marina docks
- Cleaned up Westinghouse Grove Park for Easter egg hunt

George Hinkle, Superintendent

Sanitation: Dennis R. Arthur, Chairman

Tinicum Township Wastewater Treatment – March 2023

Total flow	36,382,000	gallons
Average Daily Flow	1,174,000	gallons
Total sludge	67,000	gallons (2.8 solids)
Methane Gas	115,542	cu ft

- Investigated sewer complaint at 124 Jansen Avenue and ensured Township main is running clear.
- New check and gate valves installed at Comfort Inn Station
- New transfer switch installed at Manor Field Station
- Installed new batteries in ABC generator
- Turned on water at baseball field and snack bar

Louis Clark, Jr., Superintendent

Health & Recreation: Pat Barr, Chairman

Mr. Barr reported that softball, baseball and t-ball sign ups have been completed. However the turnout has not been good. A total of 14 children signed up for t-ball, allowing for the fielding of 1 team. A total of 4 signed up for softball and 5 for baseball. As a result, children will be incorporated into the pool of Norwood and Prospect Park players. Teams will play within the Interboro School District communities.

Regarding the Department of Health, Mr. Barr thanked Health Inspector Cindy Joseph for working on a protocol to deal with the issues at hotels and motels and their “extended stay” guests. This protocol will assist with “guests” to not become “residents”.

Solicitor’s Report: Sam S. Auslander, Esquire

Mr. Auslander reported that the Common Pleas Court has upheld Tinicum’s (and other townships) injunction against the County Health Department doing food establishment inspections. This ruling was as a result of the County filing a petition to dissolve the previous injunction ordered by the Court. This decision is still within the 30 day appeal period. At this point, Mr. Auslander has not heard of an appeal being filed.

Regarding the Wawa litigation, Mr. Auslander stated that there are three points before the Court. An appeal of the Conditional Use decision by the Board of Commissioners, an appeal of the Township Zoning Hearing Board decision and a separate issue whereby another party has been enjoined as an intervenor. Mr. Auslander expects a hearing in early June 2023.

Mr. Auslander is in receipt of an appeal to the Zoning Officers issuance of a Cease and Desist order for the business at 301 Governor Printz Blvd.

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

Mr. Dennis O’Neill reported that at last month’s meeting his office was asked to look at certain streets and why they weren’t included in the 2023 resurfacing project. Mr. O’Neill stated that streets asked about, Seneca Street and Jansen Avenue are wider/bigger streets that would have used up or exhausted the project’s budget,

Mr. O’Neill’s office is working with the Public Works Department on some water stream issues in Town to ensure more flow and remove some impedance to water flow. Specifically, on North Governor Printz Blvd across from the Motel 6 property. Atlantic Subsea may be asked to take a look at the issue.

Manager’s Report: David D. Schreiber

The Township Manager reported that the gasket to repair the tide gate on the north side of I-95 within the John Heinz Wildlife refuge has been installed and found to be working property. The Township will order another gasket to have one on hand. Apple film company will be back in Town this coming Wednesday, April 19 to film another segment of their television series. Township officials met with the Township’s new state representative Regina Young. Ms. Young is looking to have a presence in Town to help with constitute services.

Secretary’s Correspondence – There was no correspondence this month.

Other Business – There was no Other Business addressed.

Adjourn 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

Mr. Ed Rubillo, Wyandotte St., referred to Long Hook Creek as once being a “free-flowing” creek but that it is now grown in with vegetation. Mr. Rubillo asked if the creek will be dredged. The Board responded that as part of the West Cargo Development project, a complete study of the whole of Long Hook Creek will be looked at to ensure it has the capacity to handle the water volume and to make changes deemed necessary.

Pastor Ash, New Life Community Church, asked about the PECO markings on the sidewalks/streets. The Board stated that whenever PECO does work in an area they mark all of the utilities in the area even if some of them will not be disturbed.

Mr. Zurdi Dobi, 200 Powhattan Ave., asked if the cause of death had been determined for the person found in the John Heinz Refuge. The Police Superintendent stated that he has not seen a report from the medical examiner. Referred to several photos he had and stated they were photos of graffiti in various places in town and voiced his concern over, what he deemed as, escalating gang or violent activity. Regarding the Wu litigation, Mr. Dobi suggested the Township was not compliant with court directives. Mr. Auslander stated that the Township was and is compliant with court directives. Mr. Dobi stated that Township should settle the issue.

Adjournment of Meeting

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

Respectfully Submitted,
David D. Schreiber
Manager/Secretary