

September 19, 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
Dennis Arthur, Commissioner
Lisa Edmiston, Commissioner
Roger Joseph, Commissioner
David D. Schreiber, Manager
Sam Auslander, Esq., Solicitor
Dennis O'Neill, Township Engineer

President McCarthy called the meeting to order and all rose for the Pledge of Allegiance to the Flag.

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AFTER the Pledge of Allegiance, Commissioner McCarthy introduced Police Chief Jim Simpkins to make a special presentation and commendation to two citizens instrumental in identifying and capturing a felon wanted for murder. Chief Simpkins provided some background on an incident that occurred on or about August 22, 2019 at the Valero Gas Station where a suspect fatally injured a victim. As the victim was being assaulted, a citizen tried to help the victim escape the assault. As the perpetrator escaped, a second citizen followed in their own car while keeping the police informed of the perpetrator's location. As a result, the perpetrator was apprehended within a very short time of the incident. Ultimately, the person was convicted of murder and sentenced to life in prison.

PRIOR TO the regular meeting, the Board held a special Conditional Use Hearing for the application of the City of Philadelphia, Division of Aviation, and their proposal to expand the existing Lavatory Dump Station at the Philadelphia International Airport. A transcript of this hearing is prepared under separate cover.

AFTER the Conditional Use Hearing concluded, the regular Commissioner Meeting resumed.

ON A MOTION by Lisa Edmiston and second by Patrick Barr, the minutes of the July 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 Patrick Barr 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 September 2022 will be distributed to all members at the end of the month. There being no questions;

ON A MOTION by Roger Joseph and second by Lisa Edmiston, the bill list will be paid for the month of September 2022 by a unanimous voice vote.

Public Comments on Agenda Items:

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

Asked the Township Solicitor for an update on the Wu V. Tincum Township litigation and the status of the suit regarding the County Health Department. Asked the Township Engineer to discuss the projects at the Water Treatment Plant that were brought up at the Commissioner Workshop meeting.

Mr. Ed Rubillo, Wyandotte St., Regarding Item #10, Ordinance to Regulate Air BnB Type Enterprises, Mr. Rubillo asked the Board to elaborate on what type of regulations or issues brought up this topic. Commissioner McCarthy responded that the Township thought it best to have some regulations in place regarding these types of businesses to avoid issues like noise, disturbances, parking, where they would be allowed, etc., before they became a problem.

COMMITTEE REPORTS:

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

Decision on Conditional Use Application of AFCO and Temporary Structure at Cargo City C2

Prior to voting on this item, Commissioner McCarthy noted the applicant was present at the meeting and asked the applicant if they had any comment. The applicant responded they did not.

ON A MOTION by Roger Joseph and second by Patrick Barr the Board voted via majority roll call vote to approve the Conditional Use Application and waiver of Land Development of AFCO Cargo PHL, LLC to construct a temporary 6,000 square foot structure on the existing apron behind Building C2 of Cargo City. Said approval is subject to the conditions and safeguards outlined in the Written Decision of the Tincum Township Board of Commissioners dated September 19, 2022 and adopted this same date.

Commissioners Joseph, Barr, Edmiston, and McCarthy voted Aye. Commissioner Arthur voted Nay.

Taxiway “J” Storm Water Management Ordinance Waiver Request

ON A MOTION by Patrick Barr and second by Roger Joseph the Board voted unanimously via roll call vote to approve the request of the City of Philadelphia Division of Aviation to waive Section 308-20 Groundwater Recharge, and Section 308-22 Stream Bank Erosion. Said waiver will be subject to the review and recommendation of the Township Engineer.

2023 Minimum Municipal Obligations for the Township’s Police and Non Uniform Pension Plans

Prior to voting on this item, the Township Secretary read into the record the Township’s projected Minimum Municipal Obligations for both the Police and Non Uniform Pension Plans

ON A MOTION by Lisa Edmiston and second by Patrick Barr, the Board voted unanimously via roll call vote to adopt the Township’s 2023 Minimum Municipal Obligations for the Township’s Police and Municipal Pension Plans in the amounts of \$ 397,941 and \$ 0 respectively.

Ordinance to Regulate Air BnB Type Enterprises

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 an ordinance to regulate the location, operation, and establish regulations of any short-term rental housing unit commonly referred to an “Air BnB” or similar establishment.

Updated Model Storm Water Ordinance

ON A MOTION by Dennis Arthur and second by Lisa Edmiston, the Board voted unanimously via roll call vote to approve advertising a new proposed Storm Water Management Ordinance that will provide for Storm Water Management within the Township including General Provisions, Definitions, Regulations, Site Plan Requirements, and other aspects, as required by the Pennsylvania Department of Environmental Protection

Requests for Proposals for Township Parks and Open Space Plan and East Coast Greenway Connectivity Feasibility Study

ON A MOTION by Patrick Barr and second by Roger Joseph, the Board voted unanimously via roll call vote to instruct the Township Engineer to draft and advertise Requests for Proposals for a Parks and Opens Space Plan as a Feasibility Study for Connectivity for the East Coast Greenway. These RFPs will be paid for via the grants awarded to the Township by Delaware County’s DelCo Greenways grant program.

Amendments to April and May 2022 Commissioner Meeting Minutes

ON A MOTION by Roger Joseph and second by Lisa Edmiston, the Board voted unanimously via roll call vote to amend the Commissioner Meeting Minutes of April and May 2022 in which Commissioner Arthur was incorrectly noted as being absent.

2023 Budget Workshop Advertisements

ON A MOTION by Patrick Bar and second by Lisa Edmiston, the Board voted unanimously via roll call vote to instruct the Township Manager to advertise the dates of Wednesday, November 9 and Wednesday, November 16 for the Township's 2023 Budget Workshop meetings.

Wastewater Treatment Plant New Hire

ON A MOTION by Dennis Arthur and second by Lisa Edmiston, the Board voted unanimously via roll call vote to hire Daniel McKenna of Sharon Hill as a full time employee of the Waste Water Treatment plan with full benefits at a rate of \$18.09 per hour.

Alternate Crossing Guard

ON A MOTION by Lisa Edmiston and second by Patrick Barr, the Board voted unanimously via roll call vote to Ms. Margaret Mary Monaghan as an alternate crossing guard on an as needed basis.

Replacement of Drive Chains and Associated Machinery in the Water Treatment Plant's Settling Tanks

ON A MOTION by Dennis Arthur and second by Lisa Edmiston, the Board voted unanimously via roll call vote to instruct the Township Engineer to draft and advertise for Requests for Proposals for the replacement of the Drive Chains and associated machinery within the Water Treatment Plant's settling tanks. Said project is expected to cost an estimated \$750,000 and will be covered by funds within the Township's Capital Reserve Account.

Tax Assessment Appeal of Halcyon Hall Holdings LLC, 0 LaGrange Ave., Folio 45-00-02099-40. Docket No. CV 2020-0086-48

ON A MOTION by Lisa Edmiston and second by Patrick Barr, the Board voted unanimously via roll call vote to approve the settlement of the tax assessment appeal for 0 LaGrange Avenue, fixing Delaware County's assessment of \$15,000 for tax year 2021.

COMMITTEE REPORTS

Code Enforcement Report – Roger Joseph, Chairman

July 2022 - The Code Enforcement Officer Issued:

35 Certificates of Occupancies for a total of **\$ 5,000**

13 Building Permits for a total of **\$ 53,793**

August 2022 - The Code Enforcement Officer Issued:

30 Certificates of Occupancies for a total of **\$ 5,075**

36 Building Permits for a total of **\$ 177,592**

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

Police Report July 2022

Township Fines: **\$ 1,954** Of that amount, a total of **\$ 25** were Parking Tickets.

The department handled **676** incidents and made **26** criminal arrests

25 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

Police Report August 2022

Township Fines: **\$ 2,006.09** Of that amount, a total of **\$ 75** were Parking Tickets.

The department handled **572** incidents and made **36** criminal arrests

36 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: July 2022

Building Fire	10 (2 Working Fires)
Brush Fire	02
Vehicle Fire	04
Marine Fire	01
MVA w/Injury	08
MVA w/o Injury	03
MVA w/ Entrapment	01
Water Rescue	02
Gas Leak	02
CO Alarms	01
Assist EMS	01
<u>Auto Fire Alarms</u>	<u>17</u>
Total Calls	52

Fire Marshal Report July 2022

Plan Reviews:

1. International Plaza II Suite 640, Fire Detector and Fire Alarms Installations and relocations
2. United Parcel Service waste material drum storage areas (2) fire sprinkler installation and fire sprinkler upgrade

Fire Inspections and Acceptance Tests:

1. Clarion Hotel Follow Up Inspection
2. J.D. McGillicuddy's Follow Up Inspection
3. Philadelphia International Airport, Terminal A West fire sprinkler inspection for rest room entrance renovation with new ceiling
4. 216 S. Gov Printz Fire Panel Replacement

Fire Investigation:

1. West End Boat Club, 500 West 2nd Street for 23' vessel. Origin and Cause was battery over charged
2. Motel 6 reported a domestic issue with fire in a bathtub. Determined smoke and fire alarm were defeated with plastic and tape

Fire Marshal Report August 2022

Plan Reviews:

1. PHL ARFF (Engine 78) Training Facility, Hog Island Road
2. IVY Properties, 10 Industrial Highway 'O' Building Fire Sprinkler

Fire Inspections and Acceptance Tests:

1. Lou Turks Annual Entertainment Fire & Health Inspection.
2. Fantasy Boutique Annual Entertainment Fire & Health Inspection.

Acceptance Tests:

1. UPS Drum Storage Area 1 Fire Sprinkler System Hydrostatic Test and Final Inspection.
2. UPS Drum Storage Area 2 Fire Sprinkler System Final Inspection
3. PHL Terminal 'A' Fire Alarm System and Fire Sprinkler System Final Acceptance Tests and Inspections.

Fire Investigation:

UPS 1 Hog Island Road. Fatal industrial accident

Note: As the Board is aware the Fire Company has been providing smoke detector/alarms for residents who cannot afford them. When requests come in the Fire Company asks the resident if they have the ability to install them. Many times, if the resident is elderly, they cannot. In those situations, the firefighters on shift install them for the residents. The following is one request we received from Mrs. Kathy McCarthy.

Mrs. McCarthy wrote: “Please accept this donation to the fire company in appreciation for the timely response to our request for smoke detector replacements. Chris Kline was very informative and relocated our new smoke detector devices as per our request.”

Ray Lonabaugh, Fire Marshal

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

Trash removal for the month of July 2022:

Regular Trash	168	Tons
Bulk Trash	13	Tons
Yard Waste	9	Tons
Street Sweepings	10	Tons

- Removed fallen tree at St. 291 and Jansen Ave.
- Removed dead trees at Westinghouse Grove
- Replaced damaged “Home Town Hero” banners
- Elevated trees along Jansen Avenue baseball fields
- Continued street sweeping
- Continued lawn maintenance
- Seasonal weed removal/spraying
- Seasonal mosquito spraying
- Replaced wooden pickets at Gov Printz Park

Trash removal for the month of August 2022:

Regular Trash	189	Tons
Bulk Trash	10	Tons
Yard Waste	7	Tons
Street Sweepings	12	Tons

- Seasonal weed spraying continues.
- Seasonal mosquito spraying continues.
- Removed one tree from Westinghouse grove after storm.
- Installed new stop signs at 3rd St. and Jansen Ave.
- Tide gates were opened for stormwater control after rain.
- Place tarp on roof at Lazaretto bargeman’s house.
- Completed line painting in preparation for back to school.
- Servicing completed on all Fall seasonal equipment.

George Hinkle, Superintendent

Sanitation: Dennis R. Arthur, Chairman

Tinicum Township Wastewater Treatment – July 2022

Total flow	35,758,000 gallons	
Average Daily Flow	1,153,000 gallons	
Total sludge	41,500 gallons	(1.93% solids)
Methane Gas	67,130 cu ft	

Equipment Repairs

- Repaired clogged suction line at Manor Field Pumping Station

Tinicum Township Wastewater Treatment – August 2022

Total flow	33,431,000 gallons	
Average Daily Flow	1,078,000 gallons	
Total sludge	70,000 gallons	(2.82% solids)
Methane Gas	64,916 cu ft	

Equipment Repairs

- Repaired cross collector on primary tank

Respectfully Submitted,

Louis Clark, Jr., Superintendent

Health & Recreation: Pat Barr, Chairman

Mr. Barr reported that the soccer season is underway. Mr. Barr thanked Mr. Johnathan Bushmeier and all the coaches for donating their time. The next Farmer's Market is this coming Wednesday, Sept 21. The last Farmer's Market, which includes a make-up rain-out date, is October 5. On Saturday, October 8, 2022 the Township will have its annual Community Day.

Solicitor's Report: Sam S. Auslander, Esquire

Mr. Auslander stated his office has been working on a number of property maintenance issues, placing liens on properties for which the Township has had to perform services because of non-responsive property owners. Regarding the Wu litigation, Mr. Auslander stated that no orders have been issued, no trial date has been set, but that depositions may occur by the end of October. Mr. Auslander stated that the preliminary injunction imposed by the Judge in the Delaware County Health Department litigation is still in effect. No permanent ruling has been handed down.

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

Mr. O’Neill reported that the Township’s resurfacing project for 2022 has been completed. During the project, there was an Aqua water main leak that is in need of repair. Mr. O’Neill stated that the two projects needing the most immediate attention at the Water Treatment Plant include replacement of the settling tank’s chains and machinery as well as the sludge heater.

Manager’s Report: David D. Schreiber

The Township manager reported that the Township has meet with representatives of PennDOT and ConRail. These two entities will be starting a project to replace and upgrade the traffic and pedestrian warning lights and signals at the RR crossings at Wanamaker, Jansen, and 4th Avenues. The time frame for this is first half of 2023. The Airport is looking into a project to expand the Corporate Hangars at the eastern portion of the airport. The Township has been in contact with the Township’s Traffic Signal maintenance contractor, the Airport, PennDOT and others to start a project to upgrade the traffic signals along the Rt. 291 corridor.

Secretary’s Correspondence

The Township has received a request from the Yachtstock organizers to use the space at Manor Field for extra parking during their September 2022 event. The Board approved this request via unanimous voice vote.

Other Business – Dennis Arthur made a presentation of a \$1,000 dividend check to the Board from the Township Unemployment Compensation provider.

Adjourn the Business Portion of Meeting

ON A MOTION by Dennis Arthur and second by Lisa Edmiston to adjourn the business portion of this meeting by a unanimous voice vote.

Public Participation

Mr. Ed Rubillo, Wyandotte St., asked if it was possible that PECO not lay down replacement utility poles on the grass at homeowner’s property as it damages the grass. Stated that repairs are needed to the fencing at the playground at 3rd and Carre. Suggested a dog park at 2nd Street behind the parking facility.

Art Perdun, South Gov Printz, asked if the handicap parking markings at the Library can be repainted and stated that vehicles with no handicap plates are parking in the handicap spots.

Sharon Watson asked to have the faded flags at Gov Printz Park replaced.

Debra Cellich stated that dog owners are not picking up after their pets. She stated, when asked, dog-walkers stated there weren’t any bags available.

Zurdi Dobi, 200 Powhattan Avenue had the following comments: Stated that on or about August 17, there were wires down around the utility pole near his residence. Mr. Dobi called Verizon and Verizon stated they would be there in 2 days. However, Verizon was there the next day. Mr. Dobi thanked the Police for contacting Verizon and getting them out quickly. Asked if there was a report of gunshots - the Police responded, No. Referred to graffiti around town and asked that it be taken care of. Made reference to recent news reports of illegal immigrants being transported to big cities and asked the Board to contact Philadelphia to see if any have been transferred to Philadelphia Airport. Mr. Dobi disagreed with Mr. Auslander's assertion about the Wu and Health Department litigation, stating that there have been "orders issued", a "motion to compel to produce documents", discovery and depositions.

Charles Monteith, Sr. 552 Jansen Avenue, referred to the Township Police Officers as somehow having "prior knowledge" of Mr. Monteith's suspended license. He asked how the Officers knew that he had a suspended license. Stated his displeasure with the Police Department and how Mr. Monteith's perceives he is treated.

Charles Monteith, Jr. referred to his comments/question posed at the Commissioner Workshop Meeting regarding the (Covid) "mask" policy within the school district. Mr. Monteith asked if the police were to enforce "policies" or "laws". Mr. Barr stated that he believes that the state governor declared a policy for entities to follow and that the legislature did not necessarily enact a "mask" law. Mr. Auslander stated that while he did not know all of the circumstances that might have taken place at the school when the police responded to a call, he believes the police acted appropriately as the governor issued a mandate and the school and police followed that policy.

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