

March 20, 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 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, Engineer

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

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### **SWEARING IN OF POLICE OFFICERS**

Board President Patrick McCarthy opened the meeting by announcing a special event before the Board of Commissioners – the swearing in of the Township’s new Police Superintendent William Righter and the appointment of new police officer Tyler Roberts.

As this is a regular agenda item scheduled for this meeting, the public was given an opportunity to comment on this item before moving forward.

Mr. Zurdi Dobi of 200 Powhattan Avenue asked about the officer’s salary. The Board responded that salary for Superintendent Righter will be \$154,900 and that the prorated base salary for a new patrolman is approximately \$65,500. Mr. Dobi wished the officers well and then described an incident Mr. Dobi stated took place at the Township Library whereby he commended Officer Loder on how a situation was handled earlier in March.

There being no further public comment, Mr. McCarthy noted that Officer Righter and his family were present at the meeting and introduced District Justice Jack Lippart. Mr. McCarthy called the Judge, Bill and Bill’s family up to the podium.

Board President McCarthy then asked for the following motion:

**ON A MOTION** by Roger Joseph and second by Lisa Edmiston, the Board voted unanimously via roll call vote to adopt Township Resolution 2023-003 appointing William Righter as Superintendent of Police of the Tinicum Township Police Department effective March 20, 2023.

Judge Lippart then administered the oath for Bill to recite.

After the swearing in of Superintendent Righter, Mr. McCarthy called up Mr. Tyler Roberts and his family to the podium. Mr. McCarthy called for a motion to hire Tyler as a Tinicum Township Police Officer.

**ON A MOTION** by Patrick Barr and second by Lisa Edmiston the Board voted unanimously via roll call to appoint Mr. Tyler Roberts as a full time Police Officer within the Tinicum Township Police Department pending the required medical examination.

District Justice Jack Lippart then administered the oath of office to new officer Roberts.

### **CONDITIONAL USE HEARING**

After the two officers were sworn in, Mr. McCarthy announced that there was also scheduled for this evening a special Conditional Use Hearing for the application of the City of Philadelphia, Division of Aviation (DOA). The DOA proposes to construct additional connector taxiways T and P6 between existing Taxiways P and S at the Philadelphia International Airport. A transcript of this hearing is prepared under separate cover.

**SUBSEQUENT to** the Conditional Use Hearing, the regular Commissioner Meeting resumed.

### **RESUMPTION OF REGULAR MEETING**

**ON A MOTION** by Patrick Barr and second by Lisa Edmiston, the minutes of the February 2023 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 Lisa Edmiston and second by Roger Joseph, the reports were accepted and approved as submitted, by a unanimous voice vote.

Mr. McCarthy reported that the bill list for March 2023 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 Lisa Edmiston, the bill list will be paid for the month of March 2023 by a unanimous voice vote.

### **Public Comments on Agenda Items:**

Mr. Zurdi Dobi, 200 Powhattan Avenue, Lester, made the following comments:  
Asked that the folio number for Item #11, Settlement of Tax Assessments, be provided in the meeting minutes.

Mr. Dobi asked the Solicitor for an update on the Sunoco, Wu, and Delaware County Health Department litigation.

Mr. Art Perdun, 210 Powhattan Avenue, asked if consideration could be given to paving Seneca Street from Jansen Ave to the Tincum School.

**COMMITTEE REPORTS:**

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

**Appointment to the Board of the Tincum Township Memorial Library**

**ON A MOTION** by Roger Joseph and second by Patrick Barr the Board voted 4-0 via unanimous roll call vote to appoint Ms. Sarah Kratz of Essington to the Board of Directors of the Tincum Township Memorial Library for a three (3) year term ending December 2025.

Commissioner McCarthy abstained from voting on this item citing a family relationship with the candidate.

**Appointment of Crossing Guard**

**ON A MOTION** by Patrick Barr and second by Lisa Edmiston the Board voted unanimously via roll call vote to appoint Ms. Michel Ann Snyder of Essington as Alternate Crossing Guard on an as needed basis at a rate of \$15/hr.

**Extension of Subdivision Application for Robert Cicconi**

Prior to voting on this item, Commissioner Arthur referred to the issues around this property at the former Lester School and the auto work being done there. Mr. Arthur referred to a recent “cease and desist” order sent to the proprietor of the business for lack of a proper certificate of occupancy. Mr. Arthur provided photos of the property and stated that the owner/proprietor ought to take care of the issues already existing on the property before granting any further permissions. Mr. Cicconi had granted the Board an extension of his application until the end of June 2023. However Mr. Arthur suggested only extending the application until April 2023 to suggest to the applicant that he take the necessary steps to properly address and clean up the property as it is currently non-compliant.

**ON A MOTION** by Dennis Arthur and second by Patrick Barr, the Board voted unanimously via roll call vote to accept applicant Robert Cicconi’s grant of an extension of time by which the Board must render a decision on the Application for a Subdivision of the property at 3<sup>rd</sup> Avenue and South Gov Printz Blvd. The extension shall be until April 17, 2023. Said Application is to convert three existing lots into four lots.

**Extension of Land Development 336 Bartram Avenue (Ed Heron)**

**ON A MOTION** by Lisa Edmiston and second by Patrick Barr the Board voted unanimously via roll call vote to accept applicant Ed Heron’s request to grant the Board an extension of time by which the Board must consider Mr. Heron’s land development application at 336 Bartram Avenue. Said land development is for a proposed twin dwelling and associated improvements. The extension shall be until June 15, 2023

**Settlement of 7 Tax Assessment Appeals for Properties Owned by the City of Philadelphia Airport**

**ON A MOTION** by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to approve the settlement of seven (7) individual Tax Assessment Appeals for seven (7) parcels owned by the City of Philadelphia at the Philadelphia Airport fixing the total Delaware County assessment for all of the subject parcels at \$30,900,000 for tax years 2021 and 2022.

These settlements have been reviewed and agreed to by both the Interboro School District and the County of Delaware. Authorization for approval is conditioned on the prior receipt of Stipulations of Settlement signed by authorized representatives of the City of Philadelphia/Philadelphia International Airport. The parcels are:

Folio No.: 45-00-00504-00	CV-2021-001152	0 Tincum Island Road
Folio No.: 45-00-00504-07	CV-2021-001172	0 Stephens Drive
Folio No.: 45-00-00504-20	CV-2021-001089	0 Diplomat Drive
Folio No.: 45-00-00504-25	CV-2021-001095	0 Diplomat Drive
Folio No.: 45-00-00504-29	CV-2021-001138	0 Tincum Island Road
Folio No.: 45-00-00504-30	CV-2021-001094	0 Diplomat Drive
Folio No.: 45-00-00504-39	CV-2021-001153	0 Tincum Island Road

**Street Repaving 2023**

**ON A MOTION** by Lisa Edmiston and second by Dennis Arthur 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 2023 street repaving project and to prepare specifications, bid packages, and advertisement for said project.

**COMMITTEE REPORTS**

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

**February 2023 - The Code Enforcement Officer Issued:**

**25 Certificates of Occupancies for a total of \$ 3,525**

**19 Building Permits for a total of \$ 143,037**

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

**Police Report: February 2023**

Township Fines: **\$ 3,864** Of that amount, a total of **\$ 170** were Parking Tickets.

The department handled **449** incidents and made **28** criminal arrests  
**27** 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

**Fire Company Report: February 2023**

Building Fire	08 (2 Working Fires)
Vehicle Fire	02
Brush Fire	02
MVA w/Injury	03
Assist EMS	07
Auto Fire Alarm	03
Total Calls	25

**Fire Marshal Report February 2023**

1. PHL Terminal 'A' Fire Sprinkler Plan Review
2. Re-inspected International Plaza II 4<sup>th</sup> Floor Relocation and replacement of 100 Fire Sprinklers twice
3. 10 Industrial Highway Airport Business Complex, Buildings 'G' and 'E' Fire Alarm Plan.

**Fire Inspections and Acceptance Tests:**

1. 510 & 512 Wanamaker Avenue Fire Code Inspection
2. PHL Terminal 'A' East Restroom Fire Alarm and Fire Sprinkler

**Ray Lonabaugh, Fire Marshal**

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

**Trash removal for the month of February 2023:**

Regular Trash	176	Tons
Bulk Trash	6	Tons
Yard Waste	6	Tons

- Opened tide gates to manage storm water
- Painted highway garage building
- Mulched playgrounds at Gov Printz Park, Wanamaker Park, and at 2<sup>nd</sup> and Carre Ave.
- Re-conditioned walking track at Manor Field
- Re-finished and diamond-tec'ed all baseball fields
- Removed dead trees at 5<sup>th</sup> and Manhattan Avenues
- Placed black mulch at former Town Hall and Library

**George Hinkle, Superintendent**

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

**Tinicum Township Wastewater Treatment – February 2023**

Total flow	33,852,000 gallons	
Average Daily Flow	1,209,000 gallons	
Total sludge	54,300 gallons	(2.6 solids)
Methane Gas	93,118 cu ft	

- Investigated sewer complaint at Action Rental
- Replaced backup batteries at 4<sup>th</sup> Ave and Manor Field generators
- Installed new Ph meter at plant
- Drained and cleaned primary holding tanks
- Completed scanning of holding tanks in anticipation of equipment replacement project

**Louis Clark, Jr., Superintendent**

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

Mr. Barr reported that a very successful hockey season has ended and thanked all of the volunteers and coaches for their time and effort, especially Ms. Jess Edmiston. Baseball, softball and t-ball sign-ups are ongoing and, unfortunately, the number of children signed up is way down from previous years. Mr. Barr emphasized the importance of children getting outdoors to play.

Mr. McCarthy stated that Tinicum Township provides everything kids need to get out there and play and encouraged kids to get away from their ‘screens’ and outside.

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

Mr. Auslander reported that the city of Philadelphia has finalized their plans for the relocation of Tinicum Island Road and will be in position to file and record their land development, developer’s agreement and financial agreement by next week (week of March 27)

Mr. Auslander reported that there have been a series of hearings on the Delaware County Health Department litigation with Judge Angelos and that the Judge's preliminary injunction remains in place. Mr. Auslander commended Health Inspector Joseph on her work to date. The County has recently filed petitions to dissolve the current injunction and oral arguments were heard by the Judge this month. No further decisions or actions by the Judge have taken place.

Regarding the Wu litigation, there is no further update than provided last month. The Wawa litigation is now on the courts "4 week schedule" beginning in July, meaning that a hearing may take place anytime between July and August. There may be a pre-trial conference at the end of June between the attorneys and a court judge.

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

Mr. Dennis O'Neill reported on the detour through the "emergency access gate" on Second Street proposed by the Airport during the construction of the new Tinicum Island Road. Mr. O'Neill's office has issued a letter to the Airport noting the Engineer's concerns and questions to be addressed. The Airport is proposing a "one-way" drive within the access gate from Second St. to Hog Island Road. Mr. O'Neill's office has requested the Airport to review speed limits, actual speeds, sight distances, truck turning radii, and other concerns.

The Engineer's office has completed the "Chapter 94" report required by DEP for the Waste Water Treatment Plant. Mr. O'Neill noted there were no violations to report for 2022. The Treatment is working to identify an issue whereby the inflow meter is not in synch with the effluent meter. Inflow and infiltration metering is still ongoing. Mr. O'Neill suggested that some of the infiltration may be due to tidal issues on the Delaware River. The Engineer's office continues to look into two chemicals identified in the Plant's influent.

Mr. O'Neill suggested that the Board may have to re-affirm the approval of the sub-division of the parcels pertaining to Tinicum Island Road, as the City has not yet recorded the plans.

**Manager's Report: David D. Schreiber**

The Township Manager reported that the chains, gears and other machinery for repairs to the settling tanks at the Treatment Plant have been ordered. Delivery lead time is 12 to 15 weeks. The gasket ordered back in October/November to repair the tide gate at the John Heinz dyke should be delivered within the next 7-10 days. The Township has met with PECO regarding PECO's proposed gas line replacement project. The Engineer's office will review the street repaving project in conjunction with PECO's schedule to ensure the Township does not repair any streets where PECO has work scheduled.

Regarding the replacement of utility poles, PECO has responded that they “do the best they can” but will be responsive if the Township has a specific issue. The Township has been awarded a \$617,000 grant by the Department of Community and Economic Development (DCED) to replace the sludge heater at the Water Treatment Plant.

**Secretary’s Correspondence** – The Township received a request from the local VFW hall to have an Easter egg hunt at Westinghouse Grove Park.

**ON A MOTION** by Roger Joseph and second by Lisa Edmiston the Board voted via unanimous roll call vote to approve the request of the Fox-Smith Post of the VFW to use Westinghouse Grove Park for their annual Easter egg hunt on Saturday, April 1 (rain date April 8).

**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. Art Pedun, South Gov Printz Blvd., referenced an incident with a “homeless” person at the Wawa arrested for shoplifting some small items but noted that he believes that “nothing happens” to other persons that Mr. Perdun states shoplift much costlier items such as cigarettes. Mr. Perdun voiced concern that Wawa makes determinations as to how and when to report and prosecute shoplifters. Mr. McCarthy noted that this was a common issue among many retailers.

Regarding the former Lester School property, Mr. Perdun speculated as to why the owner/proprietor believes he can “get away with” the actions taking place there. The Board responded that Code Enforcement is working on the issue

Ms. Karen Watson asked what was happening with the former McDonalds restaurant property. Mr. McCarthy responded that it is being demolished but there is no word on what the owners plans are for the property.

Pastor Ash, New Life Community Church, noted someone had slashed a tire on his car in his driveway. He was advised to notify the police.

Colin Miller, Saude Avenue, stated that the fire extinguishers at the Police Station are past due for inspection.

Ms. Debra Cellich, Jansen Avenue, asked how it was determined which streets get scheduled for repaving. Mr. O’Neill stated that his office does an evaluation every year and provides the Board with a priority list. If there is a specific street of concern, his office will check up on its state.



Ms. Cellich stated her concern with the level and number of times the time water from the Delaware River affects her street. Ms. Cellich stated that water coming up onto Front St. and Jansen Ave has become more frequent and at a greater depth. Ms. Cellich asked if safety gates would be placed at the railroad crossing on Jansen Avenue. The Board responded that the railroad (ConRail) has looked at that and determined that Jansen Avenue is too wide. However the crossing is scheduled for upgraded lights, markings and signage.

Mr. Zurdi Dobi, 200 Powhattan Ave., referred to several photos he had, stated they were photos of graffiti in various places in town and voiced his concern over, what he deemed as, escalating gang activity. Mr. Dobi referred to the possible indictment of former President Trump and asked Mr. Auslander to opine on the possible legal terms by which an indictment might come. Mr. Auslander declined to comment.

### **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