

October 21, 2024 @ 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 McCarthy, Board 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, P.E. Engineer

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

Pastor York Ash provided a brief opening prayer.

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**ON A MOTION** by Roger Joseph and second by Patrick Barr, the minutes of the September 2024 Monthly Commissioners 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 Roger Joseph, the reports were accepted and approved as submitted by a unanimous voice vote.

Mr. McCarthy reported that the bill list for October 2024 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 October 2024 by a unanimous voice vote.

**Public Comments on Agenda Items:**

Mr. Zurdi Dobi, 200 Powhattan Avenue, asked for an explanation to Item 7, Ordinance 2024-927 Consumption of Alcohol in Public. Objected to Item 14, Mutual Confidentiality and Non-Disclosure Agreement, asking that the Board disclose the entity that was involved while asking what the Board was "covering up". Asked for a status on the ownership of the Lutheran Church, and litigation involving the County Health Department, Wu & Associates, and the proposed Wawa store. Asked why the Township Solicitor could not act as the "mediator" in the Wu matter.

**COMMITTEE REPORTS:**

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

**Ordinance 2024-927 Consumption of Alcohol in Public**

**Prior to voting** on this item, Solicitor Auslander commented that the Township’s current ordinance prohibits alcohol in public. With this revised ordinance, the consumption of alcohol in public will be permitted for special Township events as approved by the Board of Commissioners.

**ON A MOTION** by Patrick Barr and second by Dennis Arthur the Board voted via unanimous roll call vote to adopt Township Ordinance 2024-927 amending and supplementing Chapter 70 Alcoholic Beverages Article I Consumption in Public; sub-section 70-2 Consumption in public prohibited; and sub-section 70-3. Open Containers

**Ordinance 2024-928 Fire and Rescue Services Fees**

**ON A MOTION** by Roger Joseph and second by Lisa Edmiston the Board voted via unanimous roll call vote to adopt Ordinance 2024-928 amending and supplementing Chapter 139 Fire and Rescue Services Fees; granting authority to the Tincum Township Volunteer Fire Company to seek reimbursement for hazardous abatement and environmental incidents, fire and rescue services provided for motor vehicle accidents and highway incidents

**Extension of Land Development Application for Alliance HD at 76 Industrial Highway**

**ON A MOTION** by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to accept applicant Alliance HP request to grant the Board an extension of time by which the Board must consider their “final” Land Development Application at 76 Industrial Highway. Said Land Development is to construct 3 warehouse/flex buildings consisting of 57,000 sq. ft., 45,375 sq. ft., and 50,985 sq. ft. and associated improvements. The extension shall be until December 31, 2024.

**Licensing Agreement with City of Philadelphia for New Tincum Island Road**

**ON A MOTION** by Roger Joseph and second by Patrick Barr the Board voted unanimously via roll call vote to TABLE the motion to approve the Licensing Agreement with the City of Philadelphia for New Tincum Island Road.

**Maintenance, Repair and Operations Agreement with the City of Philadelphia for New Tincum Island Road**

**ON A MOTION** by Roger Joseph and second by Lisa Edmiston the Board voted unanimously via roll call vote to TABLE the motion to enter into a Maintenance, Repair, and Operations Agreement with the City of Philadelphia for New Tincum Island Road

**Extension of Maintenance and Operations Agreement with the City of Philadelphia for Hog Island Road**

**ON A MOTION** by Patrick Barr and second by Dennis Arthur the Board voted unanimously via roll call vote to approve an extension of the maintenance and operations agreement currently in place with the City of Philadelphia for Hog Island Road. Stated responsibilities in said agreement will include (but not necessarily limited to) trash removal, paving, repaving, snow and ice removal, grass cutting and others as mutually agreed upon. The City will compensate the Township for all expenses incurred including administrative expenses. Approval is contingent upon receipt of signed agreement from the City of Philadelphia

**Creation of the title of “Criminal Investigator” within the Tincum Township Police Department**

**ON A MOTION** by Roger Joseph and second by Lisa Edmiston the Board voted unanimously via roll call vote to enter into a Memo of Understanding with the Fraternal Order of Police Lodge 27 for the duty position of “Criminal Investigator” within the Tincum Township Police Department. Said position will carry a salary adjustment of 5% above the rank of “Patrolman” and provide the accumulation of two (2) hours of time off due to being on-call and available for investigations.

**Mutual Confidentiality and Non-Disclosure Agreement**

**Prior to voting** on this item, Solicitor Auslander commented that a business entity had contacted the Township with an interest in doing business with the Township provided the Township would agree to a non-disclosure agreement with the entity with respect to the entity’s business model, product manufacture, and other proprietary trade information. If and when the Township did ultimately decide to do business with the entity, all discussing, disclosure, and Board voting would be conducted in compliance with the Sunshine Act.

Calling “point of order”, Mr. Dobi objected to the Board of Commissioners taking up this motion as written and stated the Board should state the name of the entity and its intentions.

**ON A MOTION** by Patrick Barr and second by Dennis Arthur the Board voted unanimously via roll call vote to enter into a mutual confidentiality and non-disclosure agreement for discussions to explore the possibility of entering into a mutually beneficial business transaction subject to provisions of the Pennsylvania Sunshine Act requiring the Township to take official final action in an open and public meeting

**COMMITTEE REPORTS**

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

**September 2024 - The Code Enforcement Officer Issued:**

42 Certificates of Occupancies for a total of \$ 5,850

8 Building Permits for a total of \$ 5,301

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

**Police Report: September 2024**

Township Fines: \$ 5,956 of that amount, a total of \$ 1,306 were Parking Tickets.

The department handled 455 incidents and made 17 criminal arrests

16 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

<b><u>Fire Company Report:</u></b>	<b><u>September 2024</u></b>	
Building Fire	01	Fuel Spill 01
Controlled Burn	02	Assist PD 01
Vehicle Fire	03	Gas Leak 01
MVA	09	Wires 01
Pedestrian Struck	01	Dispatch/Cancel 03
Assist EMS	04	Auto Fire Alarms 06
Total Calls	33	
EMS Calls	164	

**Fire Marshal Report: September 2024**

**Plan Reviews:**

1. 1 Hog Island Road, Comcast Aircraft Hangar, Fire Sprinkler Plan re-review of original submission

**Fire / Code Inspections and Acceptance Tests:**

1. 426 S. Gov Printz, Fantasy Boutique re-inspection for annual fire code compliance
2. Interboro High School - Reviewed fire department connection to the fire sprinkler system
3. 83 S. Gov Printz, Pacific Pride Fuel, inspected damaged fire door

Preparing grant submission to replace motor on 23' rescue/tow boat

Attended various meetings and training sessions for the Fire Marshal's Association

**Ray Lonabaugh, Fire Marshal**

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

**Trash removal: September 2024**

Regular Trash	146	Tons
Bulk Trash	10	Tons
Yard Waste	5	Tons
Street Sweepings	6	Tons

- Power washed playground at 3<sup>rd</sup> and Carre
- Power washed playgrounds on Iroquois and Manhattan Streets
- Trimmed trees and cleaned up park on Wanamaker Avenue
- Removed damaged playground equipment at Wanamaker Ave. park
- Maintained Soccer fields
- Wrapped up seasonal grass cutting
- Serviced and stored mowers and landscaping equipment
- Smoothed and leveled service road along sound barrier

**George Hinkle, Superintendent**

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

**Tinicum Township Wastewater Treatment Plant: September 2024**

Total flow	24,189,000 gallons	
Average Daily Flow	806,000 gallons	
Total sludge	52,000 gallons	(2.6% solids)
Methane Gas	47,419 cu ft.	

- Investigated sewer complaint on 400 block of Pontiac
- Calibrated all flow meters
- Installed new alarms in main plant and pump stations
- Replaced batteries in 2 generators
- Installed new level transducer at Wyndham pump station
- Cleaned restrooms at field house

**Louis Clark, Jr., Superintendent**

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

Mr. Barr reported that hockey and basketball sign-ups have begun. The final event for the season at Gov Printz Park will be held on November 9 – Community Day. There will be a number of various events including a 5k run to benefit Coaches for Cancer. Proceeds from the seasonal Farmers Market will be donated by the Patriotic Organization to various causes including families suffering from cancer.

Mr. Barr reported that the Health Officer concluded several health inspections including at Coaches Bar and Grill, Lazaretto Ballroom, Corinthian Yacht Club, Clarion Hotel and others. The Health Officer also provided information to establishments on the causes and prevention of E-Coli and Listeria.

Mr. Barr provided information on revenue for rentals at Gov Printz Park that totals over \$15,000 from 2019 to 2024.

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

Mr. Auslander reported that the injunction implemented by Delaware County Common Pleas Court on the County for local health inspections remains in effect. A separate action for the same issue that was ruled upon in Court has been appealed by the County and is now pending in Commonwealth Court. Any decision that was rendered affecting Tinicum Township will remain in place until the Commonwealth Court rules on the separately filed, similar issue.

Mr. Auslander has made contact with representatives of the Westinghouse regarding the Lutheran Church. No reply has been received at this time.

Regarding mediation of the Wu matter, Mr. Auslander explained to Mr. Dobi that mediation is conducted by a non-partisan party. Consequently, as advocates for their clients, attorneys representing anyone involved in the matter could not act as an impartial mediator. At the recent mediation session, there was some discussion of some level of settlement, but no resolution. The parties will reconvene in the near future.

There is no change in the status of the Wawa litigation.

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

The Township Engineer reported that Township’s 2024 paving project is complete. Two items still being addressed are trench repairs and the driving area around the Manor Park Pump Station. MacCombie surveyors will be working on Jansen Avenue preparing for a project to replace the Jansen Avenue sewer force main. The “punch-list” for the construction of new Tinicum Island Road is nearing completion. One of the remaining items is a sound monitoring component that would need to be set up on the former All State Career property.

The monthly meeting with the airport was cancelled the past two months as a result of holidays and vacations. The airport has inquired about placing a fence around the future West Cargo Development area and may need some exception to place a 6’ fence in a “front” yard. Commissioner Arthur suggested that no fence should be placed until the current (old) Tinicum Island Road is vacated.

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

The Township Manager reported that the project to upgrade and synchronize the traffic lights along the 291 corridor is approximately 60% complete. As part of this project, the timing of the Wanamaker Avenue traffic lights will be changed. The north-bound light will include a left green arrow and a longer green signal for north-bound traffic on SR 420. The project to upgrade the railroad crossings at Wanamaker, Jansen and 4<sup>th</sup> Avenues has begun. Jansen Avenue was completed on October 18. Wanamaker will be done on October 28 and Jansen Ave on October 29. A pre-bid meeting for the project to replace the SR 291 bridge over the Conrail tracks is scheduled for late October. Three additional municipalities have adopted an Earned Income Tax this year to begin in 2025. This will adversely affect Tinicum Townships EIT collections.

**Secretary’s Correspondence** – There was no Correspondence received this month.

**Other Business** – Mr. McCarthy announced and congratulated Commissioner Arthur on Mr. Arthur’s election as President of the Pennsylvania State Association of Township Commissioners. The PSATC is the association that represents First Class Township’s to their elected representative in Harrisburg.

**Adjourn the Business Portion of Meeting**

**ON A MOTION** by Roger Joseph and second by Patrick Barr to adjourn the business portion of this meeting by a unanimous voice vote.

**Public Participation**

Mr. Ed Rubillo, Wyndotte Street, noted that there was no flashing train signal lights on Powhattan Avenue behind Lou Turks. Asked if Philadelphia Police can ticket cars travelling on Tincum Island Road or Hog Island Road in Tincum.

Mr. Zurdi Dobi commented that the contact information for the Police Chief was not present on the Township website and also commented that the link to the agenda September Board meeting was not working. Mentioned graffiti and trash were present in areas around town. Asked if the persons on “disability” pensions were permanent. Thanked Mr. Barr for his report on the Health Department. Asked the Solicitor if it would be a conflict of interest for the Solicitor to act as a Mediator.

Ms. Marian Matuliwich, Powhattan Avenue, asked about taking care of two trees at the end of her dead end street.

Walt Ludwig, stated that there were a “line of cars” driving on the new Tincum Island Road that appeared to be confused at the new intersection with 4<sup>th</sup> Avenue and asked if the Police can observe the intersection.

Tincum Library Trustee Liza Daly asked the Board for a status on the Library’s request to charter a 501c3 organization. Mr. McCarthy replied that the Township is working with the Solicitor on its structure.

**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