

18th March 2019 @ 6:30 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. Patrick K. McCarthy, President presiding:

C. Patrick Barr, Vice President

Dennis Arthur, Commissioner

Roger Joseph, Commissioner

Lisa Edmiston, Commissioner

Sam Auslander, Esq.

James MacCombie, P.E.

David Schreiber, Manager

Elaine M. Brolley, Secretary

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

Invocation

Reverend Edward R. Oswald of St. John's Tincum Lutheran Church gave the Invocation

President McCarthy opened the first order of business. He stated it was a Special Use Hearing pertaining to Park and Jet commercial parking facility located at 76 Industrial Highway. Mr. McCarthy stated the Applicant is Tincum Developers, aka Albert Ciardi Family Trust, Anthony DiOttavio Family Trust formerly known as The Four Individuals. See separate transcript for further details.

After opening the meeting, Mr. McCarthy submitted the applicant's written request to have the hearing continued for that evening and be resumed at the Board's next regularly scheduled meeting on Monday, April 15th, 2019 at 6:30 pm in the Twp. Community Room.

On A Motion by Dennis Arthur, seconded by Pat Barr the Special Use Hearing would be continued to April 15th, 2019, by a unanimous voice vote.

On A Motion by Lisa Edmiston, seconded by Roger Joseph, the minutes of the February 2019 Commissioners Monthly Meeting were accepted and approved, by a unanimous voice vote.

President McCarthy reported that all members had received copies of the February 2019 Treasurer's and Secretary's report of Receipts. There being no questions:

On A Motion by Lisa Edmiston, seconded by Roger Joseph, the reports were accepted and approved as submitted, by a unanimous voice vote.

President McCarthy asked for a motion to pay bills for the month of March 2019. The bill list for March will be submitted to the Board members at the end of the month. There being no questions:

On A Motion by Roger Joseph, seconded by Dennis Arthur, the bill list will be paid for the month of March 2019 by a unanimous voice vote.

PUBLIC FORUM

Agenda Item Comments

Regarding Item #9, "Release # 24 to Wu and Associates" Mr. Zurdi Dobi, 200 Powhattan Ave., asked if the Township Engineer would state what work took place and if any 'extras' were included in this release.

Regarding Item # 11, Highline Construction, LLC, Mr. Dobi asked what it was, and what would be the cost to the Township. The Board responded that the Township is only allowing access to Township property to the contractor. New Sweden is the hiring body to erect a colonial Swedish cabin at Gov Printz Park and not the Township.

Mr. Dobi asked Mr. Auslander to report on the Wu v. Tinicum law suit and the Bartol v. Tinicum Township law suit.

ADMINISTRATION, LAW, ORDINANCE, PUBLIC SAFETY & FINANCE

Patrick K. McCarthy, Chairman

Advertisement of Ordinance 2019-904 Regarding Bulk Trash Regulations

ON A MOTION by Mrs. Edmiston, seconded by Mr. Joseph, the Board voted unanimously via roll call vote to advertise Ordinance 2019-904 Amending and Supplementing Chapter 299 Solid Waste, Recycling and providing for Article IV Bulk Waste Collection for Non Owner Occupied Rental Units.

Working Service Agreement with Delaware County Planning Department

ON A MOTION by Mr. Joseph, seconded by Mrs. Edmiston, the Board voted unanimously via roll call vote to enter into a Work Service Agreement with Delaware County Planning Department. This agreement is for the purpose of reviewing and revising the Township's DRAFT zoning ordinance which was prepared but never adopted as part of the original Township Zoning rewrite of 2002 and 2010. The cost of this Work Service Agreement is approximately \$11,242.

Release #24 to Wu & Associates for Work Completed on the Restoration of the Lazaretto Building

Prior to voting, Mr. MacCombie mentioned several items, including interior wood work, stairwell pointed, decking and flashing that this release covered that are included in the contractors invoice.

ON A MOTION by Mrs. Edmiston, seconded by Mr. Barr, the Board voted via roll call vote to approve Release # 24 in the amount of \$245,165.89 to Wu & Associates for the work to date on the Restoration of the Lazaretto Building. Said release has been reviewed and recommended for approval by the Project Architect and Township Engineer.

Mrs. Edmiston, Aye, Mr. Barr, Aye, Mr. Joseph, Aye, Mr. Arthur, Nay, Mr. McCarthy, Aye.

Release # 9 to Apostle Construction, Inc for Improvements at Governor Printz Park

ON A MOTION by Mr. Barr, seconded by Mrs. Edmiston, the Board voted unanimously via roll call vote to approve Release #9 in the amount of \$242,158.15 to Apostle Construction for the work to date on Governor Printz Park. Said release has been reviewed and recommended for approval by the Township Engineer.

New Sweden Company – Highline Construction, LLC

Prior to voting on this item Mr. Barr noted that the New Sweden Company is in possession of several Swedish Colonial cabins that they have offered to the Township for display at Gov Printz Park. The cost of putting up the cabins will be covered by the New Sweden Company.

ON A MOTION by Mr. Barr, seconded by Mr. Joseph, the Board voted via roll call vote to execute on behalf of the Township of Tincum Commissioners an Agreement to permit access to Governor Printz Park for the installation and reconstruction of a Swedish Log Cabin. The contractor has provided the required Certificate of Insurance and indemnification to the Township for any injuries or losses.

Appointment of Mr. Adam Matlawski, Esq as alternate council for the Township

Prior to the Board voting on this item, Mr. Schreiber explained

ON A MOTION by Mr. Barr, seconded by Mrs. Edmiston, the Board unanimously voted via roll call vote to appoint Mr. Adam Matlawski, Esq. as alternate council for the Township in the matter of the Land Development Application of Tincum Developers, aka Albert Ciardi Family Trust, Anthony DiOttavio Family Trust and formerly known as The Four Individuals. The rate for Mr. Matlawski's services will be the same as the regular Township Solicitor of \$265 per hour.

Land Development at 336 Bartram Avenue – Ed Herron, Applicant

ON A **MOTION** by Mrs. Edmiston, seconded by Mr. Joseph, the Board unanimously voted via roll call vote to grant an extension to applicant Ed Herron for the land development plan at 336 Bartram Avenue. Said land development is a proposal to construct a twin dwelling with a garage. The requested extension is until May 23, 2019.

Appointment of Mr. Keith Geider to the Recreation Board

ON A **MOTION** by Mrs. Edmiston, seconded by Mr. Barr, the Board unanimously voted via voice vote to appoint Mr. Keith Geider to the Recreation Board. Said appointment would be for a five year period ending December 2024.

Code Enforcement Report – Roger Joseph, Chairman February 2019

February: The Code Enforcement Officer Received:

51 Certificates of Occupancies for a total of **\$7,375.00**

13 Building Permits for a total of **\$33,129.50**

COMMITTEE REPORTS

POLICE, FIRE, AND BUILDINGS

Patrick K. McCarthy, Chairman

POLICE REPORT – February 2019

Township Fines: **\$3,618.60**. Of that amount, a total of **\$75.00** were Parking Tickets.

The department handled **46** incidents and made **44** criminal arrests.

44 of those criminal arrests were adults

2 of those criminal arrests were juveniles.

2 of the juveniles was handled within the Department and Released

0 animals were taken into custody

FIRE COMPANY REPORTS:

Fire Company Report – February 2019

Fire, Other – 1

Building Fire – 8

Vehicle Fire – 3

Rubbish Fire – 1

Mva w/ Injuries – 8

Mva w/ Entrapment – 3

Assist EMS – 3

Assist PD – 1

Gas Leak – 2

Fuel Spill – 1

CO Alarm – 2

Dispatch & Cancel – 2

AFA – 12

Average # of responding personnel: (7)

Total time in service for February (62.12) hours

Total time in service for year (101.92) hours

Total calls for the year (89)

Michael Golden, Chief

Tinicum Twp. Fire Company

FIRE MARSHALL REPORT – February 2019

One Fire Investigation: February 11 2019, 101 Taylor Avenue (Holiday Inn Express) 2nd Floor.

One False Fire Alarm Investigation with the Tinicum Township PD, Wyndham Gardens Hotel. False Alarm pulled on several nights. Perpetrator appended and charged by the PD

One Dry Pipe Fire Sprinkler System Hydrostatic Test.

Two Fire Alarm Acceptance Tests

Reviewed and approved one fire sprinkler plan.

Worked on a proposed revision of the Fire Section of Tinicum Township Ordinance #207-807 Hotel, Motel & Inn.

As a Board member, attended the monthly meeting of the Delaware County Board of Fire and Life Safety.

We have new 10-year smoke alarms for residents who need them and can't afford them. This is part of the Channel 6 Save A Life Campaign

Raymond W. Lonabaugh, CFPS

Fire Marshal

PUBLIC WORKS, HIGHWAYS, AND RAILROADS

Lisa Edmiston, Chairman

Public Works – February, 2019

1. Tot lots have been mulched
2. Storms of February 11th & 12th, used 40 tons of salt
3. Used 3 tons of cold patch
4. Still an ongoing process of removing beaver dams
5. Removed 2 trees from Gov. Printz Park
6. Removed 2 trees from Westinghouse Grove
7. Trash removal for the month of February, 2019
 - Regular trash – 124.36 tons
 - Heavy trash – 9.79 tons
 - Recyclables – 16.53 tons
 - White goods – 7 pcs

Respectfully Submitted,
Walter E. Lee, Superintendent
Highway Department

SANITATION

Dennis R. Arthur, Chairman

Tinicum Township Wastewater Treatment

Monthly Report for February 2019

Total: 39,906,000 gallons

Average: 1,354,000 gals

Total Sludge: 25,800 gallons

Total Methane Gas: 101,695 cubic feet

Average cu ft / day 3632.0 % solids 3

Sewer Complaint:

NONE

Equipment Repairs:

02/2019 Rebuilt both pumps Plant Station

02/2019 Rebuilt chlorine equipment by Metter Guys

Miscellaneous items:

02/2019 Serviced all police cars, Manager's car and Code car

02/2019 Delcora vacuum truck pumped wet well Manor Station, rags

Robert J. Bernauer

HEALTH AND RECREATION

Pat Barr, Chairman

Board of Health / Recreation - March, 2019

Mr. Barr stated that to correct the record from the March Workshop meeting, there was in fact a Planning Board meeting on Feb 28 regarding 101 Taylor Avenue or the former Lagoon property. The owners of 101 Taylor Avenue are proposing to sub-divide the property to create separate folio numbers for the separate entities currently on the property. This will be in front of the Board in April 2019.

Mr. Barr reminded residents of the Rabies Clinic at Town Hall on April 6. Mr. Barr thanked the hockey volunteers and coaches as this season winds down and stated that baseball and softball sign-ups are taking place.

Solicitor's Report: Sam Auslander, Esquire

Mr. Auslander reported the following:

He has provided all of the information that is available to him on the Bartol v. Tincum Township case in the past. Further information can be obtained from the court dockets. Regarding the Wu v. Tincum Township suit, this stems from the dispute resolution process agreed to in the Contract and the disputed change orders for the project.

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

Mr. Herbert MacCombie reported the following:

His office has provided the Board with the Scope of Services for the inflow and infiltration study. Mr. MacCombie stated that this study is needed to identify where storm water is infiltrating the sewer system so that a plan of action for repairs can be prepared to prevent the water treatment plant from operating over capacity.

Manager's Report: David D. Schreiber

The Township Manager reported the following:

A new Land Development Application has been submitted to the Township. Castleway Inc is proposing to build a new 98,000 sq ft building in a location near the Fed Express building. A Subdivision Application has been submitted by the owners of 101 Taylor Avenue to subdivide the large folio parcel into three separate parcels. Letter advising parking lot operators to obey all local traffic laws has been sent to all lot owners. The Township has contacted the owner of the former McDonalds property to inquire as to what is happening with the property, now vacant approximately 6 years.

Secretary's Correspondence

Ms. Brolley read a letter from Greg Fee, Post Commander of the VFW

ON A MOTION by Mr. Joseph, seconded by Mr. Barr, the Board unanimously voted via voice vote to approve the request of Fox-Smith VFW 4845 for the use of the Cub Scout Cabin for their annual Easter Egg Hunt, April 13th, 2019, with a rain date of April 20th, 2019 at 9:15 AM.

OTHER BUSINESS

ADJOURNMENT OF THE BUSINESS PORTION OF MEETING

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

PUBLIC PARTICIPATION

Public Comment:

1. Mr. Charles Monteith, 546 Jansen Avenue stated that the Township has informed him and his landlord of various property maintenance violations, but has not received any written documentation of the issue. The Board responded that this information was recently mailed to him. Mr. Monteith further stated that he does not get answers from the Code Officials or Township Manager.
2. Mr. Zurdi Dobi, 200 Powhattan Avenue, disagreed with the Solicitors explanation of the Wu and Bartol suites against the Township and asked Mr. Arthur to introduce a motion to settle the Wu issue and pay whatever Wu is asking. Mr. Dobi asked for specifics on what led to Mr. Bartol's arrest, trial and civil lawsuit. Mr. Dobi was advised to seek further information from the District Attorney's office that prosecuted that case and from the Court dockets that handled the two cases.
3. New Life Community Church's Youth Pastor inquired about the use of Manor Field for their Easter Egg Hunt scheduled for April 13th, 2019 at 11:00 AM. Commissioner Edmiston motioned, and seconded by Commissioner Joseph to allow the use of the Manor Field at 11 AM, April 13th, 2019 for their Easter Egg Hunt. The Motion was unanimously approved by a voice vote.

ADJOURNMENT OF MEETING

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

Respectfully submitted,

Elaine M. Brolley

Township Secretary

