

17<sup>th</sup> September 2018 @ 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. Thomas J. Giancristoforo, President and Commissioner Lisa Edmiston were absent from this meeting. The Engineer's Office was represented by Mr. Herbert MacCombie, as James MacCombie was absent. Vice President, Dennis Arthur presiding:

C. Patrick Barr, Commissioner

Patrick McCarthy, Commissioner

Sam Auslander, Esq.

David Schreiber, Manager

Elaine M. Brolley, Secretary

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

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### **Invocation**

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

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The first order of business was a trophy presented by Mr. Pat Quinn to Stephanie Farmer of the Tincum School, recognizing their work with our local Veteran's organization.

There was no public comment.

**On A Motion** by Pat Barr, seconded by Pat McCarthy, the minutes of the July 2018 Commissioners Monthly Meeting were accepted and approved, by a unanimous voice vote.

Vice President Arthur reported that all members had received copies of the July and August 2018 Treasurer's and Secretary's report of Receipts. There being no questions:

**On A Motion** by Pat McCarthy, seconded by Pat Barr, the reports were accepted and approved as submitted, by a unanimous voice vote.

Vice President Arthur asked for a motion to pay bills for the month of September 2018. The bill list for September will be submitted to the Board members at the end of the month. There being no questions:

**On A Motion** by Pat Barr, seconded by Pat McCarthy, the bill list will be paid for the month of September 2018 by a unanimous voice vote.

## **PUBLIC FORUM**

### **Agenda Item Comments**

Mr. Zurdi Dobi, 200 Powhattan Ave. stated that his life is in danger since January 17<sup>th</sup>, 2017 and February 21<sup>st</sup>, 2017 Commissioners meetings.

Regarding Item # 8, Releases #17 and #18 to Wu and Associates, Mr. Zurdi Dobi, 200 Powhattan Ave., asked if the Township Engineer could provide comments on the type of work that was completed. Regarding Item #9, Wawa Food Store Special Use Hearing Decision, Mr. Dobi asked if there was a lawsuit pending over this application. Mr. Auslander responded that there is an appeal pending at the Common Pleas Court to the Zoning Hearing Board's decision and that the Board of Commissioner's pending vote on this item is not affected by this appeal. Mr. Dobi stated that there are three items that he said the Developer noted were "mandatory" contributions for this project. The Board had responded previously that there are no "mandatory" contributions required. Mr. Dobi stated that any contributions that the Developer offers should not be accepted.

Regarding Item #10, Release #4 to Apostle Construction for Improvements at Gov Printz Park, Mr. Dobi objected to this release and to the project in general.

Regarding the Engineer's Report, Mr. Dobi asked for clarification on MacCombie Engineering's employee doing project oversight work at the airport. Mr. Herb MacCombie and the Board responded that this is an employee of MacCombie Engineering, not a Township Code Enforcement Employee, and that MacCombie's office often assigns this person to monitor construction projects at the Airport. MacCombie's office bills the Township as they normally do for work done on behalf of the Township.

Mr. Art Perdun, 247 South Governor Printz Blvd., ask about a reported fuel leak that he stated was in the middle of the Delaware River in the township. Mr. MacCombie stated that there was not a leak in the middle of the river, but a broken fuel pipe on the property of the Clarion Hotel. Mr. MacCombie stated that most of the fuel was contained to the site of the hotel and recovered during the initial clean-up process but that some fuel did leak into the Darby Creek. The clean-up and remediation of this issue is ongoing.

Mr. David Bradley, Library Board Trustee, asked about the Library's August request pertaining to improvements at the Library including ADA access to the basement, entry doors, and others. Mr. Bradley stated that the Trustees did not receive a response. The Board responded that these items are being looked at by both the Commissioners and the Township Engineer's office but that no decisions on these improvements have yet been made. Mr. Barr did state that he had previously responded to Mr. Bradley in a similar manner.

Ms. Kelly Bradley asked if the proposed use of the Wawa had yet been voted on. The Board responded that the special use vote is on tonight's agenda. Ms. Bradley stated that she does not believe a Wawa at the proposed site of 291 and Wanamaker Ave is in the best interest of the Township. Ms. Kelly also asked if a "robo-call" was or could be done to alert residents of meetings regarding this type of issue.

**ADMINISTRATION, LAW, ORDINANCE, PUBLIC SAFETY & FINANCE**

**Thomas J. Giancristoforo Jr., Chairman**

**2019 Minimum Municipal Obligations for the Township's Police and Non Uniform Pension Plans**

**ON A MOTION** by Mr. Barr, seconded by Mr. McCarthy, the Board voted unanimously via roll call vote to adopt the Township's 2019 Minimum Municipal Obligations for the Township's Police and Non Uniform Pension Plans in the amounts of \$359,853 and \$00 respectively.

**Releases 17 & 18 to Wu & Associates for work completed on the Restoration of the Lazaretto Building**

**ON A MOTION** by Mr. McCarthy, seconded by Mr. Barr, the Board voted two to one to approve Releases 17 and 18 in the amounts of \$297,084 and \$515,633 respectively 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. Mr. McCarthy, Aye. Mr. Barr, Aye. Mr. Arthur, Nay.

**Wawa Food Store Special Use Hearing Decision**

**ON A MOTION** by Mr. Barr, seconded by Mr. McCarthy, the Board voted unanimously via roll call vote to approve the Special Use request of 500 Wanamaker Avenue Partners, LLC for a proposed Wawa Food Market with accessory gasoline sales subject to the findings, conditions, and safeguards, as noted in the aforementioned written decision of the Board of Commissioners.

**Release # 4 to Apostle Construction, Inc for Improvements at Governor Printz Park**

**ON A MOTION** by Mr. McCarthy, seconded by Mr. Barr, the Board unanimously voted via roll call vote to approve Release # 4 in the amount of \$404,207.64 to Apostle Construction, Inc. for the work to date on the construction at Governor Printz Park. Said release has been reviewed for approval by the Township Engineer's Office.

**Release # 3 to Joao & Bradley for the Sanitary Sewer Replacement on S. Governor Printz Blvd**

**ON A MOTION** by Mr. Barr, seconded by Mr. McCarthy, the Board unanimously voted via roll call vote to approve Release # 3 in the amount of \$24,760.50 to Joao & Bradley Construction of Bethlehem PA. for the work to date on replacement of the Sanitary Sewer line between 1<sup>st</sup> and 3<sup>rd</sup> Avenue on S. Gov Printz Blvd. Said release has been reviewed for approval by the Township Engineer's Office.

**Proposed Ordinance 2018- 903 Amending the Tincum Township Zoning Ordinance by Establishing and Regulating Medical Marijuana Dispensary Facilities**

Prior to the Board voting on this item, Mr. Auslander and Commissioner Barr stated that this proposed amendment is to ensure that in the event that the Board received an application to establish this type of business within the Township that the Board has sufficient rules and regulations in place to govern where they would be permitted in the zoning regulations.

**ON A MOTION** by Mr. McCarthy, seconded by Mr. Barr, the Board voted to instruct the Township Solicitor to prepare, advertise, and conduct all necessary steps (including coordinating with the Tincum Township Planning Commissioner and the Delaware County Planning Commission) required to amend the Zoning Ordinances of Tincum Township to establish and regulate medical marijuana dispensary facilities and medical marijuana grower/processor facilities.

**New Crossing Guards**

**ON A MOTION** by Mr. McCarthy, seconded by Mr. Barr, the Board unanimously voted via roll call vote to appoint Ms. Catherine Durgun of North Governor Printz Blvd, Essington and Ms. Patricia Pastore of Corinthian Avenue in Essington as School Crossing Guards at the rate of \$12.50 on an as needed basis.

**Purchase of New Leaf Collection Machine**

**ON A MOTION** by Mrs. Edmiston, seconded by Mr. Barr, the Board unanimously voted via roll call vote to approve the purchase of a new Leaf Collection Machine to replace the existing two decade old machine in use by the Public Works Department. Said purchase would be under the State Co-Stars program at a discounted cost of approximately \$39,052. Funds for this purchase are available through the Township's MS4 Storm Water Fund.

**Adoption of Resolution 2018 – 05 Conversion of General Obligation Notes 2002 A and General Obligation Notes 2008 A from Variable Interest Rate to a Fixed Interest Rate**

**ON A MOTION** by Mr. Barr, seconded by Mr. McCarthy, the Board unanimously voted via roll call vote to adopt Township Resolution 2018-05 authorizing the conversion of all or a portion of the general obligation notes 2002 A and the general obligation notes 2008 A issued by the Township of Tincum to a new loan fixed rate and the repeal of any inconsistent resolutions. The expiring fixed rate of the 2002 bonds is 3.92% and the 2008 bonds are currently a variable rate with a maximum of 15%. The new rate will be fixed at approximately 2.6% to 2.8%.

**Code Enforcement Report – July & August 2018**

**July & August 2018:** The Code Enforcement Officer Issued:

**64** Certificates of Occupancies for a total of **\$8,925.00**

**26** Building Permits for a total of **\$94,594.65**

**COMMITTEE REPORTS**

**POLICE, FIRE, AND BUILDINGS**

**Patrick K. McCarthy, Chairman**

**POLICE REPORT – July 2018**

Township Fines: **\$3,955.57**. Of that amount, a total of **\$245.00** were Parking Tickets. The department handled **645** incidents and made **23** criminal arrests **23** of those criminal arrests were adults **0** of those criminal arrests were juveniles. Out of those juveniles **0** of the juveniles were handled within the Department and Released. **0** animals were taken into custody

**POLICE REPORT – August 2018**

Township Fines: **\$3,366.51**. Of that amount, a total of **\$210.00** were Parking Tickets. The department handled **621** incidents and made **26** criminal arrests **23** of those criminal arrests were adults **3** of those criminal arrests were juveniles. Out of those juveniles **3** of the juveniles were handled within the Department and Released. **0** animals were taken into custody

**FIRE COMPANY REPORTS:**

**Fire Company Report – August 2018**

August 2018- total 51 calls

Building fires-7

vehicle fires-2

assist EMS-6

MVA with injuries- 11

MVA with entrapment- 1

Elevator rescue-1

water rescue-4

gas leak-3

fuel spill-5

wires call-1

cover assignment-1

AFA-8

Average # of personnel per call-8

total time in service for the month 79.55 hours

Total time in service since January 465.76 hours

total calls since January 346

Thank you.

M.Golden

**FIRE MARSHALL REPORT – July and August 2018**

**Fire Marshal Report                      July 2018**

**Mr. McCarthy:**

**The following report is submitted for your review:**

**Performed:**

Two Fire Alarm Building Plan Reviews

Two Fire Sprinkler System Building Plan Reviews

Three Fire Alarm Acceptance Tests, all passed.

One Foam Fire Suppression System inspection in the American Airlines Hanger after an accidental discharge at 3:00 a.m. Monday morning, July 30<sup>th</sup>.

One fire/odor investigation at Denny's Restaurant

Prepared the false alarm fire report for the month of July 2018

Conferred with the Airport Fuel Farm on a temporary outage of their fire system due to a water pipe that was accidently broken by construction activities.

**Attended:**

Attended two meetings on the PHL Terminal 'A' East & West Fire Alarm Panel upgrade and also the upcoming Carbon Monoxide Detection System Upgrade.

**Note:**

Working with the fire company as treasurer on the specifications and order of a new Seagrave Pumper to be delivered in May of 2019. Currently working on an application for a State Volunteer Loan Assistance Program loan at 2%.

**Fire Marshal's Report**

**August 2018**

**Mr. McCarthy:**

**The following report is submitted for your review:**

**Performed:**

One fire sprinkler system building plan review

Two fire alarm acceptance tests, all passed.

Five carbon monoxide / nitrous oxide alarm acceptance tests in the airport.

Two fire sprinkler system piping inspections of new sprinkler systems.

Reviewed the temporary emergency access into the airport fuel tank farm.

**Attended:**

Attended three meetings on the PHL Terminal 'A' East & West Fire Alarm Panel and Carbon Dioxide / Nitrous Oxide Detection and Alarm System Upgrade.

**Note:**

Working on an application for a State Volunteer Loan Assistance Program 2% loan for the new engine that is on order.

**Raymond W. Lonabaugh, CFPS**

**Fire Marshal**

**PUBLIC WORKS, HIGHWAYS, AND RAILROADS**

**Lisa Edmiston, Chairman**

Public Works – July & August, 2018

**Highway Dep't. Monthly report – July 2018**

1. Repaired roof on little league building
2. Bucket truck repaired
3. Removed trees:
  - 731 Jansen Ave.
  - 2 at Town Hall
  - 2 in Gov. Printz Park
4. Tide gate was opened on 22<sup>nd</sup>, 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup>
5. Painted little league building
6. **Trash removal for the month of July 2018:**
  - Regular trash – 171.48 tons
  - Heavy Trash – 11.57 tons
  - Recyclables – 16.32 tons
  - Street Sweepings – 16.03 tons

**Highway Dep't. Monthly Report – August 2018**

1. Tide gate opened 10<sup>th</sup> and 13<sup>th</sup>
2. Painted bathrooms at Westinghouse Grove
3. Painted Highway Garage
4. Weed killed all ball fields
5. **Trash Removal for the month of August 2018:**
  - Regular trash – 169.14 tons
  - Heavy trash – 8.82 tons
  - Recyclables – 23.40 tons
  - Street sweepings – 6.79 tons
  - Yard waste – 16.22 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 July 2018**  
**No Report This Month**

Robert J. Bernauer

**HEALTH AND RECREATION**

**Pat Barr, Chairman**

**Board of Health / Recreation - July & August, 2018**

Mr. Barr reported that the soccer was under way and thanked everyone involved in helping with this program. Mr. Barr also reported that the annual Health and Community Day that was scheduled for October 13 at Gov Printz Park will be postponed because the park is under construction. A new date will be announced when the park is further along.

Hockey and Basketball sign up will be held at the next two upcoming Farmers Markets and at the Tinicum School in the next few weeks.

Mr. Barr stated that there is going to be an "Old Glory Run" coming through town on Saturday, Sept 22. This is a cross country run honoring American veterans. Donations of water and refreshments are welcome when the runners and organizers stop at the Veterans Memorial Garden.

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

Mr. Auslander reported that the Court of Common Pleas has found the Golden Marina in contempt of court for violating a court order to bring the property into compliance with Township zoning, land-development and property maintenance code. Next court hearing is scheduled for Sept 27. Mr. Auslander also reported on a litigation matter involving a suit filed against the Township involving the Tincum Township Police Department and a person the Department arrested. The Township's insurance company is asking for the Commissioner's consent to settle the matter for approximately \$125,000 that would be paid by the Township's insurer. The case is Bartol vs. Tincum Township, Eastern District of PA 17-0614. Mr. Auslander asked the Board to entertain a motion to notify the Township's insurer that the Board consents to the Insurer settling this matter prior to going to trial. On a motion by Commissioner Barr and seconded by Commissioner McCarthy the Board voted 3-0 to provide its consent.

Prior to voting, Commissioner Arthur asked the public in attendance if there were any comments. Mr. Dobi asked why this matter had not been brought to the public previously. Mr. Auslander stated that this suit was filed in 2017 and the Township has not been asked to take any action until now. Mr. Dobi stated that this was a violation of the Sunshine Act. Mr. Dobi was provided the name of the court, docket number and proposed settlement amount.

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

Mr. Herbert MacCombie reported that the Township's street paving project has begun and will continue for a couple of weeks. Mr. MacCombie also reported that the buildings previously owned by the Henderson Corp. on Diplomat Drive off of Stevens Drive are being demolished.

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

The Township Manager reported on the vote that the Board of Commissioners took at the September 11, 2018 Workshop Meeting. Having received a letter from the New Life Community Church to hold an event at the Manor Field on September 16, which is prior to the Board meeting, in the interest of timing the Board voted on the matter at the Workshop.

On a motion by Commissioner Edmiston and seconded by Commissioner McCarthy, the Board voted unanimously to approve the New Life Community Church's request to hold a service and gathering at the Manor Field to take place on September 16.

The Township Manager reported that a letter was mailed to approximately 25 delinquent sewer account holders advising them that if their accounts were not immediately addressed they may face having their water shut off.

The Township Manager also reported that the Bakken Oil trains that had been traveling through town to the Eddystone Rail Corp facility in Eddystone has started to operate once again. The Second Ward polling place may be temporarily moved from the Lester Fire House to a building at 1304 4<sup>th</sup> Avenue pending repairs to the firehouse. The Board continues to negotiate a new agreement with the members of the Non Uniform employees of the Township.

### **Secretary's Correspondence**

Ms. Brolley stated there was none this month.

### **OTHER BUSINESS**

### **ADJOURNMENT OF THE BUSINESS PORTION OF MEETING**

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

## **PUBLIC PARTICIPATION**

### **Public Comment:**

1. Mr. Zurdi Dobi, 200 Powhattan Ave., Mr. Zurdi Dobi, 200 Powhattan Ave., mentioned street lights and storm sewers that needed repairs in or around 147 Powhattan Ave. Mr. Dobi asked if the proposed new parking lot on Second Street was paying real estate taxes. The Board responded that they have not yet received a CO to operate, however they are paying rent. Mr. Dobi again stated that the Board should divide the payment received from the City of Philadelphia as a result of the 2015 Airport Settlement Agreement according to the real estate tax ratio. Mr. Dobi asked if the Township was paying for the Farmers Market advertisement appearing on an I-95 billboard. The Board responded that this was a donation.
2. Referring to newspaper article he was holding, Mr. Art Perdun of 247 S. Gov Printz, asked if the Board was addressing a state legislative proposal regarding the placement of cell towers in communities. The Board responded it is aware and has voiced its opposition to the proposal. Mr. Perdun commented on the cable wires he stated are being left around town by cable t.v. providers. Mr. Perdun asked the Board to address the Library's concerns about access and asked the Board to address speeding cars on Powhattan Ave.

## **ADJOURNMENT OF MEETING**

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

Respectfully submitted,

Elaine M. Brolley

Township Secretary

