

18th August 2008 @ 7:00 P.M.

~~The~~ Township Board of Commissioners held their regular monthly meeting on the above date and time at 629 N. Gov. Printz Blvd., Essington, PA 19029 with Michael J. Messina, President, presiding. Present:

Thomas J. Giancristoforo, Jr., Commissioner
Joseph F. Wunder, Commissioner
Pat Barr, Commissioner
Jean L. McCoy, Secretary
Sam S. Auslander, Esq., Solicitor
James W. MacCombie, P.E., Engineer

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

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Mr. Messina announced that Commissioner Dennis Arthur and the Township Manager were not in attendance this evening, so that they could attend an important presentation by the Delaware County Solid Waste Authority concerning proposed fees to be implemented by the Authority. The Authority is proposing to charge a tipping fee that will result in an approximately \$40.00 charge per household.

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ON A MOTION by Joseph Wunder, second by Thomas Giancristoforo the minutes of the Commissioners Monthly Meeting were accepted and approved, by a unanimous voice vote.

President Messina 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 Thomas Giancristoforo, second by Joseph Wunder, the reports were accepted and approved as submitted, by a unanimous voice vote.

President Messina reported that all members had received the list of bills for the month of August, 2008. There being no questions;

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder, the bill list will be paid for the month of August 2008 by a unanimous voice vote.

COMMITTEE REPORTS:

ADMINISTRATION, LAW, ORDINANCE, PUBLIC SAFETY AND FINANCE – Michael J. Messina, Chairman

Adoption of Ordinance No. 2008 – 823, vacating a portion of Powhatan Street

Ms. McCoy, Township Secretary, read Ordinance No. 2008 – 823.

**TOWNSHIP OF TINICUM
DELAWARE COUNTY, PENNSYLVANIA
ORDINANCE NO. 2008-823**

AN ORDINANCE OF THE TOWNSHIP OF TINICUM, DELAWARE COUNTY, PENNSYLVANIA, TO VACATE THAT SIXTY (60') FOOT WIDE UNOPENED PORTION OF THE STREET OR RIGHT OF WAY OF POWHATAN STREET EAST OF FIFTH AVENUE WITHIN TINICUM TOWNSHIP, DELAWARE COUNTY, CONSISTING OF 9,936 SQUARE FEET OF LAND RESERVING TO THE TOWNSHIP AN EASEMENT IN PERPETUITY FOR INGRESS AND EGRESS FOR MAINTENANCE OF THE DRAINAGE FACILITY ON SAID PROPERTY

WHEREAS, Tinicum Township has been duly organized and recognized as a First Class Township in Pennsylvania; and

WHEREAS, pursuant to the First Class Township Code, the Township's Board of Commissioners is empowered to vacate all streets and parts thereof which are wholly within the Township upon the petition of a majority in interest of owners of property or properties through whose land such street passes, or upon whose land it abuts, or without petition of the owners if, in the judgment of the Board of Commissioners, it is necessary for the public convenience; and

WHEREAS, upon petition of the abutting property owners and for the public convenience, the Township desires to vacate that portion of the bed of street reserving an Easement in perpetuity as hereinafter more fully set forth.

BE IT ORDAINED AND ENACTED by the Township of Tinicum, County of Delaware, Commonwealth of Pennsylvania, as follows:

That from and after the passage of this Ordinance, Tinicum Township shall vacate that portion of the street bed of Powhattan Street for the benefit of the property owners whose land such street passes or upon whose land said street abuts as follows:

ALL THAT CERTAIN parcel of land SITUATE in the Township of Tinicum, County of Delaware, Commonwealth of Pennsylvania being a portion of Powhatan Street as shown on that section "Plan of Proposed Abandonment of Powhatan Street" prepared by Herbert E. MacCombie, Jr., P.E. Consulting Engineers and Surveyors, Inc. Broomall, Pa. Dated April 24, 2008 and being more specifically described as follows to wit:

BEGINNING at the point of intersection of the Northeasterly side of Fifth Avenue, as laid Sixty (60) feet wide, with the Northwesterly side of Powhatan Street, as laid out sixty (60) feet wide; thence extending from said point and place of beginning along the said Northwesterly side of Powhatan Street and passing through a point of a twenty-four (24) feet wide drainage easement, N 66°41'20"E, a distance of 144.04 feet to a point; thence extending from said point and leaving said Northwesterly side of Powhatan Street and crossing the aforementioned drainage easement S 60°09'30"E, a distance of 37.49 feet to a point; thence extending from said point S 55°23'48"E, a distance of 35.41 feet to a point along the Southeasterly side of Powhatan Street; thence extending from said point along the Southeasterly side of Powhatan Street, S 66°41'20"W, a distance of 185.33 feet to a point; thence extending from said point and leaving the said Southeasterly side of Powhatan Street along the Northeasterly side of Fifth Avenue (extended) N 23°18'40"W a distance of 60.00 feet to the first mentioned point and place of beginning.

CONTAINING 9,936 S.F. of land more or less.

UNDER AND SUBJECT TO an easement in perpetuity for Tincum Township, its successors and assigns, for the free and uninterrupted right, liberty and privilege, for ingress and egress, for temporary period only, under, over, upon and across the above described property for the sole and limited purpose of repairing, maintaining and keeping open and unobstructed, the watercourse, culvert, drainage ditch, or other drainage facility on said property providing drainage.

EFFECTIVE DATE

This Ordinance shall become effective upon adoption.

ORDAINED and ENACTED this 18st day of August, 2008, by the Board of Commissioners of the Township of Tincum, Delaware County, Pennsylvania.

TINICUM TOWNSHIP
BOARD OF COMMISSIONERS

BY: MICHAEL J. MESSINA, PRESIDENT
Attest: Jean L. McCoy, Secretary

Mr. Auslander said that he wanted the Board to be aware that we are reserving to the Township the egress and ingress with regard to the drainage ditch for maintenance purposes that would benefit the Township.

ON A MOTION by Thomas Giancristoforo, second by Pat Barr to approve Ordinance 2008 – 823, to vacate that sixty (60') foot wide unopened portion of the street or right of way of Powhatan Street east of Fifth Avenue, with maintaining the Township's right of ways for maintenance and water run-off by a unanimous roll call vote.

Resolution No. 2008 – 18 – Ernest Menold, Inc. Land Development

**TOWNSHIP OF TINICUM
RESOLUTION NO. 2008 - 18**

**PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN OF
ERNEST D. MENOLD, INC., PREPARED BY LINN ARCHITECTS, 1140 N.
PROVIDENCE ROAD, MEDIA, PA 19063, ORIGINALLY DATED 2/5/08, AND LAST
REVISED ON 7/17/08, PROPOSES TO BUILD A 10,000 SQUARE FOOT BUILDING
AND TEN (10) PARKING SPACES ON PARCEL 'A' AND A TWENTY-EIGHT (28)
SPACE PARKING LOT ON PARCEL 'B' FOR PROPERTY LOCATED AT 445
POWHATAN STREET, LESTER, PA 19029**

WHEREAS, the Preliminary/Final Subdivision and Land Development Plan of Ernest D. Menold, Inc., prepared by Linn Architects, 1140 N. Providence Road, Media, PA 19063, dated 2/5/08, and last revised 7/17/08, for property located at 445 Powhatan Street, Lester, Tinicum Township, Delaware County, PA. The applicant proposes to build a 10,000 square foot building and 10 parking spaces on Parcel A and a 28 space parking lot on Parcel B,
WHEREAS, the Tinicum Township Planning Board on June 19th, 2008, recommended approval for the Preliminary/Final Subdivision and Land Development Plan, and

WHEREAS, the Delaware County Planning Commission recommended approval.

NOW, THEREFORE, BE IT RESOLVED, the Preliminary/Final Subdivision and Land Development Plan of Ernest D. Menold, Inc. is **HEREBY APPROVED**, subject to the following terms and conditions:

1. Successful completion of the following:
 - vacating of Powhatan Street by the Township
 - purchasing of the adjoining land-locked lot owned by the Township by Old Trolley Line, LLC (Ernest D. Menold, Principal)
 - preparation, signing and filing of cross easements for parking access between AJE, LLC and Helen Menold
2. The Preliminary/Final Subdivision and Land Development Plan must comply with all the comments, recommendations and requirements of the Township Engineer, especially those contained in his letter dated July 28th, 2008.
3. The Preliminary/Final Subdivision and Land Development Plan must comply with comments from the Fire Marshal need to be addressed.
4. A Developers Agreement and Security Improvements Agreement must be executed by the applicant.
5. A Maintenance & Operations Agreement for Storm Water Management must be executed.

- 6, All governmental permits pertaining to the application including but not limited to NPDES Permit must be obtained by the applicant prior to construction.
7. Township's approval of the applicant's request for two waivers to support the design of its storm water management and infiltration system.

The proper Township Officials are authorized to execute and approve the said Plan on behalf of the Township of Tunicum. Also, the applicant must comply with all Township rules, Regulations and Ordinances.

BE IT RESOLVED, this 18th day of August 2008.

**TOWNSHIP OF TINICUM
BOARD OF COMMISSIONERS**

BY: MICHAEL J. MESSINA, PRESIDENT

Attest: Jean L. McCoy, Secretary

Mr. MacCombie said that there is a letter of July 28th, which I believe was part of the motion.

The applicant has requested two waivers, which we have no objection to. One of them relates to storm water management, where they are providing infiltration where in certain other circumstances, other applicants have not provided infiltration, but they are looking for a waiver from the Ordinance that requests that the bottom of the infiltration bed be located at least two feet above high water table limiting zone or six inches. I do not have a problem about the areas that they are located in and also they were asking for a waiver to contain total volume of a three year storm. Since I am worried about the effects of the 100 year storm on the Willows, and the other areas, I think it is diminuous waiver that they are requesting in that regard. They are containing the twenty-five year storm as well as the 100 year storm.

Mr. Auslander said that I would supplement James' comments with regard to the waiver that we incorporate as an amendment to the adoption, the approval of those two waivers with regard to the Final Subdivision and Land Development approval.

The resolution as prepared for the approval also includes the Developer's Agreement, financial security, public improvements, Maintenance and Operations Agreement and all the necessary permits and fees before construction. The applicant spent a great deal of time along with our engineer in complying and preparing this deed. It is a complement to both the engineer and the applicant. There are cross-easements, and there are a number of ownership titles. With that in mind, I would concur with the engineer's recommendation.

ON A MOTION by Pat Barr, second by Joseph Wunder to approve Resolution No. 2008 – 18, Preliminary/Final Subdivision/Land Development Plan of Ernest D. Menold, Inc., 445 Powhatan Avenue, Subject to the conditions noted in the engineering letters from the Township Engineer, James W. MacCombie and also with the waivers as stated in the engineer's and solicitor's comments by a unanimous roll call vote.

Transfer of Land – Ernest Menold, Inc. Land Development

Mr. MacCombie said that this is a land-locked property which is adjacent to the Menold property. The Township acquired it through the County as unclaimed property. I think that it is appropriate that the property would be transferred to the adjacent property owner, and it would no longer be land-locked.

Mr. Auslander noted that there was an appraisal conducted on this parcel and the appraised value of the parcel was underneath the provision under First Class Township Code for sale by a Township without placing it on a bid package. We are compliant in that regard for \$1,499.00.

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder to sell the land-locked parcel of land identified as tax map parcel number 45-01-010, located east of Fifth Avenue and South of Governor Printz Blvd. for the appraised value of \$1,499 to Old Trolley Line, LLC by a unanimous roll call vote.

Delaware County Fallen Firefighters & EMS Memorial

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder to authorize the Board of Commissioners to purchase a brick/bricks for the Delaware County Fallen Firefighters and EMS Memorial at a cost of \$50.00 each, with one brick having the name Frank Ebenthal and the second from Tincum Township by a unanimous roll call vote.

Resolution No. 2008 – 17 – Suicide Awareness Week

**TOWNSHIP OF TINICUM
RESOLUTION NO. 2008 – 17**

WHEREAS, some 32,000 persons in the United States die each year by suicide attempts to exceed 750,000 nationwide annually; and

WHEREAS, suicide is the eleventh leading cause of death in America, and is the third leading cause of death for persons aged 15 – 24; and

WHEREAS, more people die from suicide than from homicide in the United States with 1, 067 suicides recorded in Delaware County from 1990 – 2007, a spike from 60 in 2006 to 89 in 2007; and

WHEREAS, an estimated 85 Americans die each day as a result of suicide, an average of one every 16 minutes; and

WHEREAS, with more than 80 percent of suicide victims communicating their intent, the risk for human self-destruction can be reduced through public awareness, education and treatment.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Tincum, hereby declares September 8 through the 14th, 2008 to be Suicide Awareness Week.

**TOWNSHIP OF TINICUM
BOARD OF COMMISSIONERS**

BY: Michael J. Messina, President
Attest: Jean L. McCoy, Secretary

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder to approve Resolution No. 2008 – 17, Suicide Awareness Week from September 8th through the 14th, 2008 by a unanimous roll call vote.

Resolution No. 2008 – 15, Disposition of Records

**TOWNSHIP OF TINICUM
RESOLUTION NO. 2008 – 15**

RESOLVED by the Board of Commissioners of Tinicum Township, Delaware County, Pennsylvania, That

WHEREAS, by virtue of Resolution No. 2004 - 08, adopted June 28th, 2004, the Township of Tinicum declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993, and,

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing Body of the municipality;

NOW, THEREFORE, BE IT RESOLVED that the Township of Tinicum, Delaware County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

Administrative Office:

- Insurance Claims over 6 years after final settlement

Administrative Office:

- Bids & Proposals
 - If successful – Over six years after termination of general written contracts
 - If unsuccessful – Over three years after job completion
- Contracts & Agreements
 - General written contracts over six years after termination
 - Construction contracts over twelve years after termination

**TOWNSHIP OF TINICUM
BOARD OF COMMISSIONERS**

BY: MICHAEL J. MESSINA, PRESIDENT
Attest: Jean L. McCoy, Secretary

ON A MOTION by Joseph Wunder, second by Patrick Barr to approve Resolution No. 2008 – 15, Disposition of Records, from the Administrative Office by a unanimous roll call vote.

Tinicum Township Police Vehicle

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder to authorize the Board of Commissioners to purchase a new Ford Crown Victoria police cruiser through the Commonwealth Piggy Back Purchasing Program at a contracted price of \$26,760.83 by a unanimous roll call vote.

2009 Financial Requirements & Minimum Municipal Obligation

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder to approve the 2009 Financial Requirement and Minimum Municipal Obligation for Tinicum Township by a unanimous roll call vote.

Purchase of Property from Tinicum Township Swim Club

ON A MOTION by Joseph Wunder, second by Thomas Giancristoforo to authorize the Board of Commissioners to extend an offer to purchase up to 1.113 acres of property from the Tinicum Township Swim Club for a price up to \$235,000.00 conditioned on acceptable negotiated terms and conditions by a unanimous roll call vote.

Advertisement of Ordinance No. 2008 – 825, Prohibiting the feeding of unconfined wild and/or stray animals in Tinicum Township

Mr. Giancristoforo requested that once the ordinance is advertised and adopted, that the locations where we are having the problems be posted.

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder to advertise Ordinance No. 2008 – 825, Prohibiting the feeding of unconfined wild/and or stray animals within the Township by a unanimous roll call vote.

Financing for Tinicum Township Sewage Capital Improvement Projects

Mr. MacCombie said that the project involves the replacement of the sewer line along Jansen Avenue from Seneca Street to the end of Jansen Avenue and also the sanitary sewer line along Front Street from LaGrange to Jansen Avenue. There will be three projects involved, with the total of those projects being \$1,150,000.00.

Mr. Auslander said that we put out a number of requests for proposals and there was an analysis done by the engineer as well as myself. We concluded that the most cost efficient was from Delaware Valley Regional Finance Authority.

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder to accept the low proposal of Delaware Valley Regional Finance Authority in the amount of \$1,150,000.00 to be utilized for the Tinicum Township Sewage Improvements by a unanimous roll call vote.

This proposal had been reviewed and approved by the Sewer Authority, as well as the engineer.

Code Enforcement Officer – July 2008 Report

The Code Enforcement Officer issued:

10 Certificates of Occupancy for a total of \$950.00

33 Building Permits for a total of \$14,460.00

COMMITTEE REPORTS:

Police, Fire, Buildings and Special Projects: Thomas Giancristoforo, Chairman:

POLICE REPORT:

Fines collected for the month of July, 2008

Township Fines \$10,486.13 Out of that amount \$495.00 were Parking Tickets

The department handled 884 incidents and made 59 criminal arrests.

49 of those criminal arrests were adult

10 of those criminal arrests were juveniles. Of the Juveniles:

10 of the juveniles were referred to criminal or adult court

11 animals were taken into custody

FIRE COMPANY REPORT FOR THE MONTH OF JULY, 2008

Tinicum Township Fire Company

Tinicum Township Fire Company responded to a total of 40 Fire Alarms with 433 members responding. Hours in service 11 Hours and 12 Minutes with a property loss of \$0 and a content loss of \$0.

The Police Department was awarded a grant in the amount of \$10,000.00 from the Pennsylvania Department of Community and Economic Development under the Community Revitalization Assistance Program. This grant was used to purchase the equipment for the Tinicum Township Police Department, specifically tasers and training in the use of tasers and portable police radios. This grant was assisted by Senator Erickson.

Public Works, Highways, and Railroads: Dennis R. Arthur, Chairman

Highway Department Report for July, 2008:

1. Streets were cleaned 3 times this month.
2. In the process of clearing the woods behind the Manor Field to make a park
3. Cleared out the woods at the end of Manhattan Street.
4. Painted all crosswalks and fire hydrants.

5. Cleaned up old docks and debris around the Lazaretto.
6. Trash removal for the month of July, 2008:

Regular Trash	238.13 tons
Heavy Trash	6.95 tons
Freon Removal	5 pieces

The summer help has been working on the Manor Field, it looks good, and they are doing a fine job.

Sanitation and Airport: J. Wunder, Chairman:

Mr. Wunder reported:
Sanitation Report - July, 2008

Total Gallons Sewage Treated:	27,783,000 gallons
Average flow per day:	573,646 gallons
Total Raw Sludge Processed	221,624 gals.
Total dry solids	51,690 lbs
Total methane gas:	158,921 cu/ft
Total sludge removed	53,300 gallons, Solids 3.365 %
Delcora 53,300 gals	

Sewer complaints

NONE

Equipment Repairs:

- 7/8/08 Replaced both motors at Manor Pumping Station.
- 7/9/08 Installed re-built Scru Impeller pump & Motor
- 7/18/08 RCN ran new phone line to Manor Station for an alarm

Operational Problems:

- 7/24/08 New Dell Computer system installed at plant
- 7/15/08 DEP inspection today, all okay.

Plumbing Inspection:

- 7/1/08 Guava Java A-East PHL
- 7/3/08 Turks Renovation
- 7/14/08 Chickie-Pete, A-West PHL

Miscellaneous items:

- 7/08 Serviced all police vehicles
- 7/21/08 Electric problem corrected at Scout Cabin & 3 new outside lights installed

Robert J. Bernauer
Superintendent

Health: Pat Barr, Chairman

There is no Health Officer's Report or Board of Health Report for this month.

Recreation

Since we do have a motion coming up for the use of the Manor Property, I believe I see Mr. Pat back there in the audience.

Mr. Barr asked, "Do you know whether a soccer schedule has been set up yet? The Ramada is requesting the use of the field for September 6th. Is it likely that soccer will be started by then, or not likely?"

Mr. McCarthy said that if it is for just one day, he did not see a problem with it. We can work around it.

Solicitor's Report – Sam S. Auslander, Esq.

Special Public Hearing – Division of Aviation, City of Philadelphia

The Board has received an application from the Division of Aviation, City of Philadelphia for the construction of a new 11,000 square foot addition to Terminal A East. This is a project connected with an inline checked baggage system that the FAA has required the city to do. This project is within a Special Use District and must appear before the Zoning Board for a recommendation to the Commissioners, and before the Board of Commissioners at a Public Hearing. It will be held on Monday evening, September 15th, 2008 at 7:00 p.m. on the same evening as the Township public meeting.

Mr. Giancristoforo said that anything that the Airport does especially adding on an addition to a building, affects all residents of Tinicum Township. I believe that all residents should receive a notice about this hearing, so that they can attend and hear what is going on with the Airport.

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

RFP for the Boy Scout Cabin

I did receive by e-mail the RFP for the Boy Scout Cabin. I went to a specialist who does that type of work.

Manager's Report – August, 2008

There is no Manager's Report for this month.

Secretary's Correspondence

- Letter from St. Margaret Mary Alacoque Church

ON A MOTION by Thomas Giancristoforo, second by Pat Barr to approve the following requests of St. Margaret Mary Alacoque Church:

- Use of the Manor Field Property on Saturday, September 27th, 2008 from 9:00 a.m. to 2:00 p.m. to accommodate excess parking because of a flea market
- Use of the Manor Field Property on November 22nd, 2008 to accommodate excess parking for their annual Christmas Craft Fair

by a unanimous voice vote.

Mr. Giancristoforo said that the area that is to be used for parking should be marked by the Highway Department so that no one can park on the field.

- Letter from St. Margaret Mary Alacoque Church

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder to approve the request of St. Margaret Mary Alacoque Church to hold a Grocery Bingo in the Community Room at Town Hall on Friday, October 17th at 7:00 p.m. and access to the Community Room at 5:00 p.m. on Thursday, October 16th to enable them to store the groceries by a unanimous voice vote.

- Letter from Ramada Inn (Tabled from last month)

Last month we tabled this item. The Ramada Inn has requested to use the Manor Field for an employee picnic, preferably on Saturday, September 6th, 2008.

Bob Bernauer can help with connections for the water and electric.

Pat said that we do not have an issue with the field.

ON A MOTION by Pat Barr, second by Joseph Wunder to approve the request of the Ramada Inn to use the Manor Field for an employee picnic preferably on Saturday, September 6th, 2008 by a unanimous voice vote.

OTHER BUSINESS

Pat Barr said that last month we talked about sending out a letter to the residents advertising the fireworks. Did we send out that letter?

Mr. Messina said that we did not send it out yet, because we are going to send them out closer to the actual date. It is going to be held on the 31st. We will also advertise pickle ball at the same time.

ADJOURN OF BUSINESS PORTION OF MEETING

ON A MOTION by Joseph Wunder, second by Thomas Giancristoforo to adjourn the business portion of the meeting by a unanimous voice vote.

Respectfully Submitted,

Jean L. McCoy
Township Secretary