

15 December 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:

Dennis R. Arthur, Vice-President
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.

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 November, 2008. There being no questions;

ON A MOTION by Thomas Giancristoforo, second by Dennis Arthur, the bill list will be paid for the month of December 2008 by a unanimous voice vote.

COMMITTEE REPORTS:

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

PHL Taxiway Emergency Service Road Storm Water Ordinance Waiver Request

Mr. MacCombie said that the Board is aware that after the applicant came in, the Board asked questions. They did modify the emergency access pursuant to comments that this Board had made. I do concur that because of the soil conditions and the elevations there, they are providing modest infiltration. They are providing other BMPs filtration of storm water required to enter the system, but I do not have an objection if the Board is inclined to grant a waiver based on the information soil testing that they took out.

Mr. Messina added that this was tabled at the last meeting, because the applicant handed us the amended changes at the time of the meeting, without giving the Board the time for proper review.

ON A MOTION by Pat Barr, second by Joseph Wunder to approve the request of AECOM (DMJM Harris) for waivers from the Storm Water Management Ordinance for the construction of a Taxiway Emergency Service Road Runway 9L-27R at the Philadelphia International Airport by a majority roll call vote. Mr. Barr, Aye; Mr. Wunder, Aye; Mr. Arthur, Nay; Mr. Giancristoforo, Nay; Mr. Messina, Aye.

Sewer/Lateral Replacement – Buck Frank Excavation, Inc. - \$32,107.00

Mr. MacCombie said that the project is completed. It was an emergency repair. I have no objection to the Board approving payment in the amount of \$32,107.00.

Mr. Giancristoforo asked when the remainder of the project will be done.

Mr. MacCombie said that as soon as they can. They were trying to free up men to finish the second half of that.

ON A MOTION by Dennis Arthur, second by Joseph Wunder to approve the payment of Invoice #257 in the amount of \$32,107.00 to Buck Frank Excavation, Inc. for emergency sanitary sewer repairs at Massasoit Street between 4th and 4rd Avenues in Lester by a unanimous roll call vote.

Storm Water Ordinance Waiver Request for PHL Pavement Replacement Projects

Mr. MacCombie said that at the Workshop, Mr. Benner representing Urban Engineers, made a presentation with regard to their projects. A lot of the projects were replacement of the existing concrete paved surfaces on the aprons at Cargo City and some access ramp and some road repairs by removing existing bituminous and replacing them. They did have a small area along Hog Island Road that they are in process, with approval, to upgrade the storm water drainage system to meet the 25 year requirement of the Township. They do have some increased impervious coverage there, but similarly to DMJM Harris's concerns, they have a high water table, and they cannot meet all the requirements, as far as infiltration goes.

ON A MOTION by Joseph Wunder, second by Pat Barr to waive the infiltration requirements of the Tincum Township's Storm Water Management Ordinance for the Urban Engineer's project to replace pavement on various Philadelphia International Airport Taxiways, Cargo City Apron, perimeter service road and Gate 18 on Hog Island Road by a majority roll call vote. Mr. Wunder, Aye; Mr. Barr, Aye; Mr. Giancristoforo, Nay; Mr. Arthur, Nay; Mr. Messina, Aye.

Emergency Sanitary Sewer Repairs – Massasoit Street between 4th and 3rd Avenues in the amount of \$2,717.96

Mr. MacCombie said that this is a reimbursement to West Brandywine Township Municipal Authority who supplied the pipe within one and a half hours after we had the problem.

ON A MOTION by Dennis Arthur, second by Thomas Giancristoforo to authorize the payment of Invoice #08-1204 for Emergency Sanitary Sewer Repairs on Massasoit Street between 4th and 3rd Avenues, Lester in the amount of \$2,717.96 to West Brandywine Township Municipal Authority by a unanimous roll call vote.

Extension of Time for Ernest E. Menold Land Development – Financial Security Agreement

Mr. MacCombie said that under this Land Development Plan once you approve an application, the applicant has ninety days to record their plans. Part of recording the plans involves putting up the financial security before you can sign the plans and have the plans recorded. Because of the unique economic times that we are in right now, I know that the applicant is having difficulty securing the financial security with which he can provide the Township the bonding to insure that improvements get done. He is requesting an extension of time to get that bonding in place. I have no objections if the Board would extend it for an additional 90 days. All this is doing is saying we approve this Land Development Application. We are going to allow you until March 31st, 2009 to put up the funds, sign the Land Development Agreement with the Township, so those funds are secure, and at that point in time, you would be allowed to sign those plans and get them recorded.

Mr. Auslander said that this Land Development Plan has certain conditions and cross easements. It is a very complicated plan, but none the less, everything is in place, but for their financing.

ON A MOTION by Dennis Arthur, second by Pat Barr to extend the timeframe for Ernest E. Menold, Inc. to execute the financial security agreement, as required in their Land Development Agreement, until March 31st, 2009 by a unanimous roll call vote.

Ernest Menold is currently in discussions with a selected lender and anticipates completing the financial security agreement by the end of the first quarter of 2009.

Tinicum Coastline Partnerships, Inc. - \$5,000 Contribution

Mr. Giancristoforo said that approximately six months ago, the property owners along the Delaware River from Piasecki all the way down to and including the Anchorage Marina, have been meeting once a month. The object is to stop the Airport from putting the runway out into what we consider the Anchorage area. They formed a non-profit corporation, which comprises about 90% of the property owners. It is a very good cause, but naturally, everything costs money. They want to retain an environmental attorney to hopefully defend and fight to keep the access open on this side of the island. The Airport would like to close that area off, as they wanted to do years ago. Right now, we are faced with a pipeline that exists out there that is blocking the flow. This pipeline was put there in the late sixties by the Airport. This pipeline is hindering the flow of water. Everything is filling in along the river at all of the marinas. You have to go out further and further, and pretty soon, you would be at the island. It needs dredging.

Piasecki and the old Rosse Marina are in the preliminary stages of getting approval for dredging. This contribution would not go to any particular private party. We have two properties, Governor Printz Park and the Marina. This is a very good partnership. Our contribution to this organization would be \$5,000.00, and it can only be used for legal use. The object of the Airport is to close that end of the island. They talked about doing that before.

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder to contribute an amount up to \$5,000.00 to Tincum Coastline Partnership, Inc., a non-profit corporation, dedicated to promoting and preserving Tincum's Delaware River waterfront by a unanimous roll call vote.

2nd Reading of Year 2009 Budget – Adoption on Tuesday, December 23rd, 2008

There have been small changes in the original budget. The original budget called for passing on the Delaware County Trash Tax of \$25.00 to the residents. At this time, we have been able to exclude that for this year. We are going to try to collect papers to reduce our tonnage.

Ms. McCoy, Township Secretary, read the Year 2009 Budget.

Mr. Messina noted that a copy of the budget is available at the office to look at. The millage rate reflects no increase in any Tincum Township tax this year.

Attendance at Conferences Seminars & Meetings

ON A MOTION by Joseph Wunder, second by Thomas Giancristoforo to approve attendance of Township personnel at conferences, seminars and meetings during Calendar Year 2009 by a unanimous voice vote.

2009 Tincum Township Calendar

Mr. Giancristoforo asked if the calendar would be out by December 31st, 2008.

Mr. Messina responded to the affirmative.

ON A MOTION by Dennis Arthur, second by Joseph Wunder to print and distribute the 2009 Tincum Township Calendar featuring storm water management educational information, using funds from the Township MS4 Escrow Account, with the approximate cost of printing and distributing the calendar will be \$7,000 by a unanimous roll call vote.

Resolution No. 2008 – 23 – Land Development, Eagle I. Electric, Inc.

Mr. MacCombie said that the applicant is proposing is to construct a 1,046 square foot garage for storage and for vehicles and removing the existing garage and shed. They did agree to provide a seven foot buffer around the property rear and have it landscaped, as well as provide additional landscaping on the property, and have the lighting and dumpster shielded. I talked to Mr. Auslander, and they will provide a fence around the dumpster. They did receive approval from the Planning Commission, and they have addressed my comments. My only concern is that he

will put the fence around the dumpster, and that he will get a Grading Permit, Building Permit and will provide financial surety to the Township.

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder to approve Resolution No. 2008-23, the Land Development Plan for Eagle I. Electric, Inc. for their property located on 310 Powhatten Avenue, Essington by a unanimous roll call vote.

SJS Linde Property Tax Appeal (50 West Powhatten Avenue, Essington)

Mr. Auslander said that this is a property at 50 West Powhatten Avenue and is affectionately known as the Boston Coach property. Circumstances that gave rise to tonight's motion are that the taxpayer filed a tax assessment appeal with Delaware County Tax Assessment Bureau. As a result of that appeal, the municipality, the School District and the County are retaining the services of a real estate appraiser. We retained the services of Jack Coyle, who is a specialist in this area. He has found that the fair market value of the property was 4.4 million dollars. That comes out to approximately \$2,056,000.00 of assessed value based on our assessment rate. The taxpayer had requested that the fair market value be set at 4.2 million dollars. The difficulty in the reduction is that right now the assessed value of this property is \$4,262,000.00, which implies a fair market value of 6.9 million dollars for 2008. For 2009, it applies a greater valuation of 7.3 million dollars. Our own appraiser, with our best possible scenario that we could have, only assesses the fair market value at 4.4 million dollars. We were able to do a little better on the assessed value despite our own appraiser's number and 2.9 million dollars in the assessed value that we able to negotiate. The difficulty in these cases is when we have our own expert that sets the value, it is very difficult to negotiate for any kind of fair market value increase. Because of the economy, and the nature of the valuation of real estate over the next year or so, I believe you will receive other assessment appeals similar to this one.

Mr. Giancristoforo said to Mr. Auslander that in this economy naturally the value of the property is less than what it was before. I still maintain that this property is 75% rented. The figures that they threw out that the property was not occupied are wrong.

Mr. Auslander said that when I discussed this issue, they factor in the valuation that the property has been 85% occupied. So the fact that there is a 40% vacancy number, they only calculate into the average of a 15% vacancy rate.

ON A MOTION by Dennis Arthur, to authorize the solicitor to enter into a stipulation to settle the tax assessment appeal with regard to the property at 50 W. Powhatten Avenue, Tincum Township, decreasing the assessment to \$2,900,000.00, effective January 1st, 2008, requiring a refund to the taxpayer in the amount of \$5,313.44 by a majority roll call vote.

There was no second.

Mr. Auslander said that he will report back that we do not have a settlement and at that point it will go to trial.

Mr. Giancristoforo asked if we have a legal right to go into that building to see what the occupancy is on that building.

Mr. Auslander said that the difficulty is that we can try this case, and there will be some expense for the trial. When you get Jack Coyle on the witness stand, he is not going to go any better than 4.4 million dollars. His report is predicated on an 85% occupancy rate.

Mr. Barr said that so I can understand, the occupancy rate regardless of whether the building is 100% occupied or zero percent occupied, when they do this valuation and assessment, they assign an 85% occupancy to any building that is being assessed for taxes.

Mr. Auslander responded that I think that is the industry's standard.

Mr. Giancristoforo said that what concerns me here is that my home along with any other home or business in this town has decreased in value because of the economy. What are we going to do; we'll probably have three or four of them. Something has to happen.

Mr. Auslander said that the real estate values are generally flat. I think that you are going to see this across the board.

Mr. Messina said that at this time we will have to report back that we do not have a settlement, and we will have to push it into court and see what the judge gives us.

Code Enforcement Officer – November 2008 Report

The Code Enforcement Officer issued:

9 Certificates of Occupancy for a total of \$950.00

20 Building Permits for a total of \$27,305.00

COMMITTEE REPORTS:

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

POLICE REPORT:

Fines collected for the month of November, 2008

Township Fines \$7,388.46 Out of that amount \$450.00 were Parking Tickets

The department handled 796 incidents and made 37 criminal arrests.

30 of those criminal arrests were adult

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

5 of the juveniles were referred to criminal or adult court

2 of the juveniles were referred to Juvenile Court or Probation Department

FIRE REPORT FOR THE MONTH OF NOVEMBER, 2008

Tinicum Township Fire Company

November 2008

There is no Fire Company report for this month.

Fire Marshal Report

There is no report for this month.

Officer Injured on I-95

I have not received an update on this yet from Superintendent Fife, but it was all over the news that we had an officer injured on I-95. Can you tell us his condition?

Superintendent Fife said that at approximately 3:30 p.m. this afternoon, we were asked to respond on I-95 to assist what was originally thought to be a Philadelphia police car, which we later learned was a Pennsylvania State Police Car out of Philadelphia Barracks. Shortly after the second officer arrived there, he stated everything was under control. The driver of the vehicle was asked to sit on the guard rail. The trooper informed our officer that the passenger had a gun. The driver broke free and ran to the car. Our officer reached into the vehicle to keep him from starting the car. The trooper was on the other side of vehicle, and it started to pull away dragging both officers a short distance. Another of our officers did arrive at the scene and reported shots fired and suspects fleeing. Officers did pursue the suspect vehicle on SR 95 South and lost visual with the suspect vehicle in the area of the Widener University Exit in Chester. The suspects were apprehended at Crozer Chester Medical Center where they went for treatment. Everything turned out well and there were no life threatening injuries.

Also on the news tonight, there were four emergencies within a ten minute period at the Airport. Was the police department notified?

Superintendent Fife responded to the negative.

Mr. Giancristoforo said that if they are having emergency engine problems or failure on the planes that are landing there, they used to notify the police to say that a plane was coming in that is having a problem, and the time that the plane was expected in. It seems like they have ceased to do that. I would like to request that the manager and you get together and draft a letter to Mr. Isdell stating that we want to be notified whenever there is an emergency involving aircraft flying over Tincum Township.

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

Highway Department Report for November, 2008:

1. Used 2 tons of cold patch.
2. Used 7 tons of rock salt.
3. Cleaned out storm drains.
4. Trash removed for the month of November, 2008:
 - Regular Trash 194.67 tons

- Heavy Trash 11.62 tons
- Freon Removal 16 pcs.
- Leaves 59.13 tons (year to date)
- Rock Salt 7 tons
- Cold Patch 2 tons

Leaf Pick Up

This is our last week for leaf pick up.

I would also like to wish everyone a happy holiday.

Sanitation and Airport: J. Wunder, Chairman:

Mr. Wunder reported:

Sanitation Report - November, 2008

Total Gallons Sewage Treated:	20,518,000 gallons
Average flow per day:	683,933 gallons
Total Raw Sludge Processed	211,501 gals.
Total dry solids	42,372 lbs
Total methane gas:	149,517 cu/ft

Total sludge removed 35,000 gallons, Solids 2.86 %
Southwest Phila. 21,000 & Delcora 14,000 gallons

Sewer complaints

11/10 & 11/08 Sewer on Massasoit Street collapsed in numerous locations.
11/28/08 Rod sewer from 3rd & Chippewa to dead end at I-95, resident at 100 Third had problem.

Equipment Repairs:

11/17/08 Cleaned wet wells at Comfort Inn & Front & Jansen.
11/14/08 Pulled new telemetry cable for new flow meter at Influent.

Operational Problems:

None

Plumbing Inspection:

11/6 to 11/20/08 Red Roof Inn installing handicap bathrooms.
11/7/08 244 Pontiac Street, new construction

Miscellaneous items:

11/08 Serviced all police vehicles
11/26/08 Found heat pump at Historical Building, completely frozen, call Al Conrad for repairs.

Robert J. Bernauer
Superintendent

Health & Recreation: Pat Barr, Chairman

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

Recreation

Hockey sign ups were held, and equipment and uniforms have been ordered. Practices will be starting in the next week.

I have been speaking with several health inspectors around the county gathering some information. They have been very helpful in getting us up to speed in getting a new Health Officer in place to get her certifications and get our fees up to date as far as how we should be addressing those based on square footage of the restaurants and buildings.

Mr. Talbot has offered to stay with us and give us a hand until we get back in full swing with a new Health Officer.

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

I have nothing further to add other than what we discussed this evening.

I would like to wish everyone and healthy and happy holiday season and a prosperous New Year.

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

Repairs of Seminole Street

Mr. MacCombie reported that the bid specifications for the repairs of Seminole Street will be put out to bid and will be received by the Sewer Authority on January 13th, 2009.

Manager's Report – December, 2008

Meeting with Mayor Nutter & City of Philadelphia Officials

Members of our Board met with Mayor Nutter and other City of Philadelphia officials regarding the issues concerning the airport. At this meeting, we discussed the Airport's Capacity Enhancement Plan and the adverse effects it would have on our community. The meeting was an opportunity to voice our concerns directly to the Mayor, as opposed to other city officials. No decisions came from this meeting, but it was important to gain direct dialogue with the Mayor and at his suggestion, hopefully again in the near future.

Phase I Environmental Study for the Tincum Swim Club Property

We have received the Phase I Environmental Study for the Tincum Swim Club Property. It was delivered tonight, which I believe states that there are no issues.

Township Calendar

The Township Calendar will be on schedule to be delivered by the end of this year.

Secretary's Correspondence

- Letter from Doreen Arthur, Troop Leader #5387 & #5778

This letter is a request to use the Lester Fire Company.

ON A MOTION by Tom Giancristoforo, second by Pat Barr to approve the request of Doreen Arthur to use the Lester Fire Company for the weekly meetings of Cadette Troop 5387 and Senior Troop 5778 on Wednesdays evenings from 6:00 p.m. to 9:00 p.m. by a majority voice vote. Thomas Giancristoforo, Aye; Pat Barr, Aye; Dennis Arthur, Abstain; Joseph Wunder, Aye; Michael Messina, Aye.

Mr. Arthur abstained because Doreen Arthur is a family member.

- Letter from Cub Pack #37

This letter is requesting the use of the Lester Fire Company to hold their annual Pine Wood Derby.

ON A MOTION by Thomas Giancristoforo, second by Joseph Wunder to approve the request of Cub Pack #37 to use the Lester Fire House to have their annual Pine Wood Derby on March 15th, 2009 by a unanimous voice vote.

- Letter from Lady Bucs

This is a thank you letter to the Board of Commissioners from the Lady Bucs for use of the Community Room for the Breakfast with Santa on December 7th, 2008.

OTHER BUSINESS

Mr. Giancristoforo wished his fellow Commissioners and everyone a Merry Christmas and a Happy New Year and be safe.

Mr. Barr asked if it was possible to reopen the Linde issue after discussion and Mr. Auslander pointing out the fact that the occupancy rate of that building is factored in, I would be willing to second that motion in the event that we are able to reopen that.

Mr. Messina said that we did not close business, so absolutely.

So at this point in time then:

Item #17 – SJS Linde Property Tax Appeal

ON A MOTION by Dennis Arthur, second by Pat Barr to authorize the solicitor to enter into a stipulation to settle the tax assessment appeal with regard to the property at 50 W. Powhatten Avenue, Tincum Township, decreasing the assessment to \$2,900,000.00, effective January 1, 2008, requiring a refund to the taxpayer in the amount of \$5,313.44 by a majority roll call vote.

Mr. Arthur, Aye; Mr. Barr, Aye; Mr. Giancristoforo, Nay; Mr. Wunder, Nay; Mr. Messina, Aye.

ADJOURN OF BUSINESS PORTION OF MEETING

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