

(7) **BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP**  
**MEETING of JUNE 14, 2012**

A legislative meeting of the Board of Commissioners of the Township of Nether Providence, duly advertised and posted in accordance with law, was called to order at 7:30 PM on Thursday, June 14, 2012 in the Board of Commissioners' Meeting Room, Township Municipal Building, 214 Sykes Lane, Wallingford, PA 19086. The Pledge of Allegiance was recited by all present.

**ROLL CALL**

**PRESENT:** Commissioner Much  
Commissioner Sullivan  
Commissioner Noyes  
Commissioner Dougherty  
Commissioner Baker  
Commissioner O'Connor  
Commissioner Kenworthy

Gary Cummings	Township Manager
Charles Catania	Township Engineer
Thomas Flannery	Chief of Police
Dennis Sheehan	Assistant Township Manager
Joseph Lesniak	Township Solicitor

**PUBLIC:** Approximately 5 in attendance

**PUBLIC COMMENTS**

Steve McElroy of 1 Bullens Lane noted the people on Bullens Lane are not the only ones complaining about the traffic signal at Bullens Lane and Rt. 320. He wants to know what is being done about the cut through and speeding traffic. Mr Dougherty said he lives on Westminster and it is now a cut through as well and he asked Chief Flannery to check on the speeding. Mr. McElroy stated he has a problem with the way the light was installed without notice and it is a safety concern.

Tom Potter of Logan Lane stated he read in the paper about the traffic calming being looked at by the Township and he said Engle Drive is a cut through and there is speeding. He said Engle Drive and Logan Lane was paved 15 years ago but there was a water main break and the macadam deteriorated. He stated he wished it to be added to the resurfacing list or repaired. Mr Kenworthy said he did speak to Mr Dixon about addressing the road. Mr Potter stated the couple of utility patches that were done were not done properly.

Ms Goodwin of Engle Drive stated she wanted to verify everything that Mr Potter said and reiterated there is speeding problem and the road patches needed to be repaired. Mr Much said speeding occurs all over the township but we will have the speed monitored. He noted many speeders are township residents.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Ratify appointments of Stephanie Walkup to UCC Appeals Board; Appointment to Shade Tree Commission**

Mr Baker introduced Tracy Bratton of 505 Media Parkway who is interested in being appointed to the Shade Tree Commission. Ms Bratton said she does not know much about the commission. Mr Kenworthy said the Shade Tree Commission is asked to review land development plans and advise the board on the number and types of trees. Mr Sullivan thanked Ms Bratton for volunteering and asked if she wished to attend a meeting before being appointed. Mr Dougherty said she is obviously interested and he has no problem appointing her. Mr Much moved to appoint Ms. Bratton to a three-year term expiring December, 2014. Mr Baker seconded the motion which passed by a vote of 7-0.

(8)

Mr Much moved to ratify the reappointment of Ms Walkup to the UCC Appeals Board. Mr O'Connor seconded the motion which passed by a vote of 6-0 with Mr Sullivan abstaining as Ms Walkup is his wife.

### APPROVAL OF MINUTES

#### Legislative meeting of May 10, 2012

Mr Much moved to approve the minutes. Mr Dougherty seconded the motion which passed by a vote of 7-0.

### SOLICITORS REPORT

Mr Lesniak spoke on the Civil Service ordinance and noted Mr Maddren recommended we advertise the ordinance. He also noted Crum Creek Stormwater Management ordinance is also for Ridley Creek and recommends advertising this as well. Mr Lesniak said Landtech Enterprises, the contractor installing the Beechwood Road sewer, wants to use the SEPTA Pine Ridge trolley station lot for a staging area. He said an agreement has been prepared by SEPTA and Landtech will indemnify the township and SEPTA. Copies were distributed to the Board for review. Mr Sullivan was concerned about the scope of the indemnity the Township is giving to SEPTA. There was a question on whether to enter into a separate indemnification agreement with Landtech. Mr Kenworthy said the Board is pushing back as they just received documents tonight. Mr Dougherty asked to approve the agreement with the stipulation of Land Tech indemnifying the agreement noting it is definitely safer to keep equipment on the SEPTA lot than on the road. Mr Dougherty said he is in favor of getting as many items as possible off the street. After some discussion, Mr Sullivan moved to approve the signing of the SEPTA agreement conditional upon Landtech entering a contract amendment to indemnify the township against all obligations. Mr Much seconded the motion which passed by a vote of 6-1 with Mr Baker voting No.

### ENGINEERS REPORT

Mr Catania submitted his report. He then recommended releasing the single-lot escrow funds to Quindlen Associates for a new home on Kelly Lane. Mr Kenworthy moved to release the funds. Mr Noyes seconded the motion which was approved by a vote of 7-0.

Concerning Beechwood Road, Mr Catania said the contract included a "Y" connection only, but he asked Landtech for a quote to extend laterals to the right-of-way line and they supplied cost of \$79,500 for the 10 laterals. He stated options are: 1) amend the contract, 2) Authorize a second contractor to get bids or 3) residents can deal with Landtech or another contractor on their own. After discussion the Board decided to let residents decide on their own.

Mr Catania also noted Sucher & Sons, Inc. has not finalized the CDBG resurfacing work and mentioned that the schedule for the regular road resurfacing program has been revised.

### MANAGERS REPORT

Mr Cummings noted that the Leiper House will have an open house on Friday and reminded everyone that the Garden City Fire Company Golf Outing is October 15<sup>th</sup>.

### FINANCIAL AND ADMINISTRATION COMMITTEE REPORT

#### Motion to approve warrant list

Mr Dougherty reviewed the bills on the warrant list and noted \$2,000 for patching roads and also a bill for Mascaro. There were also the hydrant charges, pension contributions and Linn Architects invoice which is reimbursable. He also noted the last Woodward Road bridge payment is being made. Mr Dougherty moved to approve the warrant list. Mr Kenworthy seconded the motion which passed by a vote of 7-0.

### PUBLIC SAFETY COMMITTEE REPORT

#### Motion to adopt Ordinance No. 762 restricting parking on Cedar Road

Mr Much reviewed the ordinance and moved for approval. Mr Sullivan seconded the motion which was

(9)

approved by a vote of 7-0.

**Motion to adopt Ordinance No. 763 establishing/removing stop signs**

Mr Much summarized the ordinance and moved for approval. Mr Sullivan seconded the motion. Mr Baker asked if we are going to put on red blinking lights. The Board agreed to obtain and install blinking lights. Mr Baker also suggested a 30 day grace period. The motion carried by a vote of 7-0.

Mr Much gave the monthly Fire Marshal and the Police Department reports.

**Motion to authorize advertising of ordinance amending civil service regulations for July 12**

Mr Much noted Mr Lesniak's comments earlier stating Mr Maddren recommended authorizing the advertising of the ordinance and so moved. Mr Noyes asked to circulate the final version and seconded and the motion which carried by a vote of 6-0 with Mr Baker abstaining as he is in the FOP.

**BUILDING AND ZONING COMMITTEE REPORT**

**Motion to adopt Ordinance No. 764 regulating bamboo**

Mr Kenworthy read and noted a correction on the width of the barrier to be in mils. He moved for approval. Mr O'Connor seconded the motion. Mr Much asked if residents could use other decorative barricades. Mr Kenworthy said it needs to be a material that does not deteriorate. Mr Noyes had questions on enforcement. After discussion the motion carried by a vote of 7-0.

**Motion on the Moore Subdivision (105 E. Brookhaven Rd)**

Mr Kenworthy summarized and moved to grant Conditional Final Approval.

Mr Much seconded the motion. There was discussion on the sidewalk waiver. Mr Noyes says it makes sense to close Kelley Lane. Mr Cummings noted the applicants engineer emailed that the applicant accepted the conditions of approval. The motion passed by a vote of 7-0.

**Motion authorizing advertisement of ordinance adopting the Crum Creek Stormwater Management Plan**

Mr Kenworthy noted he received comments and asked the Board to review. After discussion on options the Board agreed to discuss at the July 5<sup>th</sup> work session.

**PUBLIC WORKS COMMITTEE REPORT**

Mr O'Connor gave the monthly report, there was no further discussion.

**COMMUNITY ENHANCEMENT COMMITTEE REPORT**

Mr Baker noted the Summer Camp runs from June 25<sup>th</sup> to July 27<sup>th</sup> and that there were 190 registered campers. He also mentioned the Dog Chipping clinic on Saturday, June 16 from 9 am to Noon at the Garden City Fire House, and that signs are up in the township to advertise this event. Mr Baker is working on Family Day in the township which will be held on Saturday, September 15.

**GRANTS COMMITTEE REPORT**

Mr Noyes noted the CDBG funding in amount of \$54,000 was received to replace sanitary sewer in Washington Avenue and also noted that a lot of time will be spent on long range planning at the July 5<sup>th</sup> meeting.

**INFRASTRUCTURE COMMITTEE REPORT**

**Motion on TE contract to JMC Contractors, Inc and to authorizing revised Reimbursement Agreement**

Mr Sullivan noted PA DOT came up with an extra \$34,000 and moved to authorized Mr Cummings and Mr Much to sign the supplemental reimbursement agreement. Mr Kenworthy seconded the motion, Mr Dougherty thanked Mr Sullivan for all the work he did on this project. The motion carried by a vote of 7-0.

Mr Sullivan said they need to concur on the award and asked Mr Cummings to do what is necessary to effectuate the award.