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**BOARD OF COMMISSIONERS LEGISLATIVE MEETING MINUTES**

**May 13, 2010**

The 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, May 13, 2010 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.

PRESENT:   Commissioner Much                    President  
              Commissioner Kenworthy  
              Commissioner Noyes  
              Commissioner Sullivan  
              Commissioner Dougherty  
              Commissioner Baker

              Gary Cummings                   Township Manager  
              Thomas Flannery                Chief of Police  
              Lisa Swan                            Finance Director  
              Joe Lesniak                        Township Solicitor  
              Charles Catania                 Township Engineer

APPROVED LATE: Commissioner O'Connor

PUBLIC:        Approximately 8 in attendance

Commissioner Much asked everyone to have a moment of silence for the passing of former Commissioner Joe Mulcahy.

**PUBLIC COMMENTS**

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Mary Slowik, 755 W Brookhaven Road, noted that the approval of February and March minutes were on the agenda for tonight's meeting. Ms Slowick also asked for an update on Turner Road sidewalk noting she has been trying to get the cost for years and asked who would be clearing the snow off of the sidewalk. Mr Dougherty stated the township public works department would take care of snow removal. Ms. Slowik noted the Township is making residents clear the snow from sidewalks and that senior citizens in the Township should have help in clearing sidewalks. She asked who was going to use the Turner Road sidewalk. Mr Cummings presented Ms Slowik with a copy of the Turner Road sidewalk plans she had requested from the last meeting.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**  
**RECYCLING, PLANNING, PARKS - PART 1**

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Commissioner Much called candidates to the podium to be interviewed for their respective seat, starting with the Recycling Committee. Mr Much asked the candidates to keep their words to five minutes.

First called was Mark Simms, 124 Locust Lane. He stated he has been in the Township since 1980, has worked as a chemical engineer and has experience in software, and technology based systems. He wants to reduce the cost of recycling and make it easier for constituents to recycle. Mr Much asked

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about how to improve recycling. Mr Simms stated it is a matter of convenience so he suggested a large cart to make it easier to get items to the curb.

Silva Baker, 101 W Possum Hollow Road, has lived in the Township since 1975. She was on the Delaware County Planning Commission was also a librarian at the Academy of Natural Sciences as well as an advocate for Solid Waste management. She stated she would like to see statistics for the last several years concerning the collection of recyclables and believes that educating the residents with those statistics is the key to 100% participation. Mr. Sullivan asked how the program is doing now. Ms Baker said it's fine but again wants to reduce the waste to the trash stream. Mr. Kenworthy asked what is the biggest need. Ms Baker's response was upgrading the containers and to also ask Suburban what if any problems they are having.

Linn Floyd, 204 Beatty Road, has lived in the Township since 1985. She reminded the Board that the recycling contract is up at the end of this year and would like the township to do what is best for the residents and what the residents want done. Ms Floyd believes that the educational process is the best way to tell the residents what they are getting out of the recycling process. She also stated that the WSSD does a lot with the recycling program and that the township should join forces with them in a combined effort to make the most out of the process and also to be fair to seniors noting we have rebate programs for other services.

John Kennedy, 515 Hastings Avenue, described his presence on other Township Boards and has insight to the issues at hand. He stated that Blue Mountain will pay the township to collect their recyclables, noting it is done in Marple Township. Mr Much asked what the biggest issue is and Mr. Kennedy said most residents don't want to pay money for the service and that we can't make people recycle. Mr Kenworthy stated that if cost is the biggest issue, would Mr Kennedy consider combining trash and recycling to reduce the cost? Mr Kennedy said he wouldn't know if that would occur.

Mary Cholet Lorden, 403 Briarwood Lane, first thanked the police department for patrolling the township. Ms Cholet-Lorden stated that she has lived in the township for 16 years, is a professional in communications skills and agreed with the previous candidates that educating the residents may be the best way to get them to participate in the program. She used to drive her recyclables to Swarthmore and is thrilled with the Township recycling program. She is not happy with the constituent compliance, said we may have provide incentives for the program and said there may be concerns with the vendor. Mr Dougherty said there are many vendors that would be interested in our recycling program.

Mr Much noted Linda Carey, another candidate, was not present and that completed the Recycling Committee portion and he would call for the voting to take place before we adjourned tonight.

Mr Much called for Planning Commission candidates. Mr. William Buhler, 517 Scott Lane, stated he has been in the Township since 2003 and a Delaware County resident for 47 years. He stated he was previously on the Clifton Heights Planning Board, was in the construction business for 13 years and did mortgages for 14years. He was also a softball coach for several years. His role would be to make knowledgeable decisions and give back to the community. Mr Sullivan asked Mr Buhler if he would be interested in participating on any other Boards or Commissions and Mr Buhler said "No".

Jackie Night, 773 Pennsylvania Avenue, stated she has been a resident of the Township for 25 years and is an executive assistant in West Chester. She was on the Election Board for 4 years, works with high level executives, wants to give back to the community, and offers a different perspective with attention to detail. Mr. Sullivan asked what changes she would like to see in the Township. Ms Night stated she would like to see the summer recreation program brought back and more family style businesses, such as a corner store in Garden City. She stated she is willing to serve on any committee

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would be she really wants to give back to this community.

Mr Much thanks all the candidates and called for Scott Spangler to interview for the Parks Commission but Mr Spangler was not in attendance.

## **APPROVAL OF MINUTES**

### **MOTION TO APPROVE FEBRUARY 11th LEGISLATIVE MINUTES**

Mr. Much moved and Mr. Noyes seconded. The motion was passed 4-0-2 with Mr Baker and Mr Kenworthy abstaining as they were not present.

### **MOTION TO APPROVE MARCH 11th LEGISLATIVE MINUTES**

Mr. Much moved and Mr. Sullivan seconded. The motion was passed 5-0-1 with Mr. Baker abstaining as he was not present.

### **MOTION TO APPROVE MARCH 22<sup>nd</sup> VACANCY BOARD MINUTES**

Mr. Much moved and Mr Sullivan seconded. The motion was passed 5-0-1 with Mr Baker abstaining as he was not present.

### **MOTION TO APPROVE APRIL 8<sup>th</sup> EXECUTIVE SESSION MINUTES**

Mr Much motion and Mr Sullivan seconded. The motion was passed by a vote of 4-0-2 with Mr Baker and Mr Kenworthy abstaining as they were not present.

### **MOTION TO APPROVE MAY 6th EXECUTIVE SESSION MINUTES**

Mr Much moved and Mr Kenworthy seconded. The motion was passed by a vote of 5-0-1 with Mr Dougherty abstaining as he was not present.

## **SOLICITORS REPORT**

Mr Lesniak spoke on the corner lot ordinance and was concerned with the definition of tertiary street. He noted he discussed the Danbury Village easement with Mr. O'Connor and was finalizing it. Mr Lesniak stated the billboard ordinance was on the agenda next month, noted he received comments from Mr. Noyes, and stated that the wording and definition of "billboard" would need to be changed prior to voting on the ordinance. Mr Lesniak noted the NPAA lease language is good but it does not include NPAA baseball, only soccer, noting it would be considered later in the agenda.

## **ENGINEERS REPORT**

Mr Catania noted resurfacing bids have been received and noted the low bidder, Joseph E. Sucher & Sons, Inc. wants to start as soon as possible. He also note JFC Contractors completed the CDBG today and noted the Parkridge storm sewer outfall problem and that DEP looking for a feasibility response. Mr. Catania asked to be authorized to obtain bids for the Salem and Trenton Court storm sewer project. Mr Much asked about the Oak Valley Road storm sewer problem and Mr Cummings noted the highway department is putting in storm sewer pipe. Mr Sullivan moved to authorize to prepare and advertise for bids for Salem Court and Trenton Court. Mr Much seconded the motion which carried by a vote of 6-0.

Mr Lesniak left the room at this point.

## **MANAGERS REPORT**

Mr Cummings wished Polly Hickman the Township Code Enforcer a speedy recovery from a recent accident and also congratulated Maureen Feyas on the birth of her new born son Liam. He noted he and Mr. O'Connor met with Danbury Village management on the easement agreement and 6 dumpsters were filled and removed during Community Clean-up Day. Mr Cummings stated that the township received a rebate of \$500 for the P-Card usage program, urged constituents to fill out the 2010 Census, and noted leaf mulch is available. Mr. Cummings stated that there are a limited number of recycling sticker for residents to place on their cans noting a limit to one per residence.

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**FINANCE AND ADMINISTRATION COMMITTEE BUSINESS AND REPORT**

**MOTION TO APPROVE WARRANT LIST**

Mr. Dougherty asked for questions concerning the Warrant list. Mr Baker asked about the \$22,000 Suburban Waste payment. Ms Swan stated that was the monthly recycling bill. Mr Dougherty said that this is offset by the Recycling fee paid by the residents. Mr Dougherty read the warrant list noting \$634.00 to dispose of yard waste. There were additional questions on the PASCDU payments and E-Gov. Ms Swan explained PASCDU was support payments from payroll deductions. Mr Sullivan noted the \$194,000 sewer fee to CDCA. Mr Dougherty moved to approve the list. Mr Noyes seconded the motion which passed by a vote of 6-0.

**MOTION TO CANCEL E-GOV CONTRACT**

Mr Cummings said this was a good but duplicate service and the staff felt it is unneeded. Mr Dougherty asked if this can be cancelled at anytime without penalty and Mr. Cummings acknowledged it could be. Mr Dougherty moved to terminate on condition that this can be done contractually as soon as possible. Mr Noyes seconded and the motion which was approved by a vote of 6-0.

**MOTION ADOPTING RESOLUTION NO. 2010-8 (AUTHORIZING SALE, AUCTION OF USED VEHICLES/EQUIPMENT)**

Mr Dougherty asked about who will bid and Mr Cummings said there is an on-line bidding service but anyone can bid. Mr Dougherty moved to adopt the Resolution. Mr Noyes seconded the motion which passed 6-0.

**MOTION TO AUTHORIZE LETTER GIVING POTENTIAL NOTICE TO LEAVE DVIT**

After discussion, this motion was tabled until the June meeting so that Mr Cummings could speak to BPI first and also to weigh the situation for a substantive reason to take this step.

Commissioner O'Connor arrived at 9:10pm.

**INFRASTRUCTURE COMMITTEE REPORT**

There was nothing new to report on the Woodward Road traffic calming or the preparation and advertisement of sanitary sewer bids.

**BUILDING AND ZONING COMMITTEE BUSINESS AND REPORT**

**MOTION TO RATIFY DECISION SETTLING HAMPTON INN ZONING APPEAL**

Mr O'Connor moved to ratify the decision. Mr Much seconded the motion which passed by a vote of 7-0.

**MOTION TO RATIFY DECISION ON STRATHMORE COURT ROOF DRAINS**

Mr Dougherty said he missed the discussion. Mr Kenworthy explained the decision to have the developer comply or put in an underground piping system. Mr O'Connor moved to ratify the decision. Mr Much seconded the motion which passed by a vote of 7-0

**MOTION TO SCHEDULE PUBLIC HEARING AND ORDINANCE CONSIDERATION FOR ORDINANCE AMENDING SIGN-BILLBOARD REGULATIONS ON JUNE 10 DEPENDING UPON TOWNSHIP AND DCPD REVIEWS**

Mr Cummings noted that the need to send a prepared ordinance to the County and Township Planning Commission and noted the suggested changes proposed by Mr Noyes. Mr Lesniak

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said he included sign language because the billboard regulations are now part of the sign ordinance, but is fine to change the definition of billboard. After a discussion it was agreed to proceed with scheduling the hearing on the ordinance. Mr Much moved to schedule the hearing and ordinance consideration for June. Mr Dougherty seconded the motion which passed 7-0.

#### **HAMPTON INN EXTENSION REQUEST**

Mr. Cummings noted Mr. Kerr from firm of High Schwartz requested an extension of time until July 12, 2010 in which the Board would render a decision for the Hampton Inn. Mr O'Connor so moved. Mr Much seconded the motion which passed by a vote of 7-0.

### **PUBLIC WORKS COMMITTEE BUSINESS AND REPORT**

#### **MOTION TO AWARD ROAD RESURFACING BID TO JOSEPH E. SUCHER & SONS**

Mr. Catania recommended to award the contract to Joseph Sucher and Sons in the low bid amount of \$247,875.00 . Mr Baker so moved. Mr O'Connor seconded the motion which passed by a vote of 7-0.

#### **MOTION TO ADOPT RESOLUTION DESIGNATING AGENT FOR PEMA FUNDING REQUEST**

Mr Baker read the resolution. Mr Much moved to adopt the resolution. Mr. Baker seconded. the motion which passed by a vote of 7-0.

#### **MOTION RATIFYING DECISION TO UTILIZE 12' BY 4' BOX CULVERT FOR WOODWARD ROAD**

Mr. Much moved to ratify decision to use a 12' by 4' box culvert on Woodward Road. Mr Baker seconded the motion which passed by a vote of 7-0.

### **POLICE COMMITTEE BUSINESS AND REPORT**

Mr Much gave the statistics for the month and a report. He noted some break-ins and car thefts and noted Detective Irey believes arrests are imminent. Mr Much reiterated that residents should lock doors to homes and cars and report any suspicious persons.

### **FIRE COMMITTEE BUSINESS AND REPORT**

Mr Noyes read excerpts on a rescue of two critically injured persons in a car accident at I-476 and Baltimore Pike. He noted Mr Kokonos said the driver was removed in 14 minutes from the time the call came in. Mr Kokonos thanked the volunteers fire fighters involved.

### **COMMUNITY ENHANCEMENT COMMITTEE REPORT**

#### **MOTION TO APPROVE LEASE AGREEMENT WITH NPAA SOCCER FOR USE OF ROBERT URBAN FIELDS**

Mr Kenworthy asked about the Philadelphia Union using the Field of Dreams. John Brennan, representing NPAA Soccer, said they have used the Field of Dreams, but also use Chester Field. Mr Brennan said they can name the Township as an additional insured. Mr. Sullivan asked if the Union would also need a permit from the Township and Mr Lesniak said they would. Mr Noyes said he objected to the township being brought in as additional insured. Mr Brennan said since NPAA had control over the field they felt they could let the Philadelphia Union use the field. Mr Sullivan handed out a marked up revision saying he preferred it not be a lease. Discussion ensued on NPAA, improvements, and field use. Mr Dougherty advised we should let NPAA Soccer know the Union needs to get a permit. Mr Sullivan said it is a township owned park for all residents to use. Mr Kenworthy noted the NPAA asked for a ten year land use agreement and noted a condition of having the right of first refusal. Mr Brennan

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spoke on improvements to Chester Park field and the Field of Dreams, stating his business has paid for the improvements and the grant to the USFF is to maintain the field and they need a 10 year land use agreement. Mr Brennan said he felt annoyed and insulted. Mr Brennan stated that without the lease agreement the grant for the NPAA Soccer could not be processed. The Union's appearance on the field was an NPAA sponsored event. After further discussion, Mr. Kenworthy moved to approve the land use agreement subject to NPAA's solicitor approving the agreement as well. Mr Much seconded the motion which passed by a vote of 6-1 with Mr Noyes voting no.

### **APPOINTMENTS TO BOARDS AND COMMISSIONS RECYCLING, PLANNING, PARKS**

#### **MOTION TO APPOINT MR SIMMS TO THE RECYCLING COMMITTEE FOR A 3 YEAR TERM**

Mr Much so moved. Mr Kenworthy seconded the motion which passed by a vote of 7-0.

#### **MOTION TO APPOINT MS BAKER TO THE RECYCLING COMMITTEE FOR A 3 YEAR TERM**

Mr Much so moved. Mr Noyes seconded the motion which passed by a vote of 7-0.

#### **MOTION TO APPOINT MS FLOYD TO THE RECYCLING COMMITTEE FOR A 2 YEAR TERM**

Mr. Kenworthy so moved. Mr Noyes seconded the motion which did not pass by a vote of 3-4, with no votes from Mr. Much, Mr Baker, Mr Dougherty and Mr O'Connor. Mr Kenworthy asked why the partisan politics and stated that there is no one more qualified for the position.

#### **MOTION TO APPOINT MR KENNEDY TO THE RECYCLING COMMITTEE FOR A 3 YEAR TERM**

Mr Much so moved. Mr Baker seconded the motion. Mr Kenworthy takes exception with the appointment stating Mr Kennedy had a great deal of misunderstanding of the issues in the past. Mr Much said party politics Mr Kenworthy said he questioned his capabilities. Mr Kenworthy suggested those who were not on the board when the last decision was made should educate themselves on why this decision was made. The motion to appoint Mr. Kennedy passed by a vote of 4-3, with Mr. Kenworthy, Mr. Noyes and Mr. Sullivan voting no.

#### **MOTION TO APPOINT MR BUHLER TO THE PLANNING COMMITTEE FOR A 3 YEAR TERM**

Mr Much so moved. Mr Dougherty seconded the motion noting that Mr Buhler was on a Planning Commission, although Ms. Knight was from the 5<sup>th</sup> Ward and no one from 5<sup>th</sup> ward was on the planning commission. The motion passed by a vote of 4-3 with Mr Sullivan, Mr Noyes and Mr Kenworthy voting no. Mr. Sullivan and Mr. Kenworthy stated they voted no only because he preferred Ms Knight and as no one on the commission is from the 5<sup>th</sup> ward. Ms Knight was asked if she would consider being on the Recycling Committee and she said yes.

#### **MOTION TO APPOINT MS KNIGHT TO THE RECYCLING COMMITTEE FOR A 2 YEAR TERM**

Mr Sullivan so moved. Mr Noyes seconded the motion which passed by a vote of 7-0.

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**Adjournment** – With no further business the meeting was adjourned at 11:05pm  
Next meeting is on June 3 at 7:30 pm