

(134)

**BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP  
MEETING of July 9, 2015**

A legislative meeting of the Board of Commissioners of Nether Providence Township, duly advertised and posted in accordance with law, was called to order at 7:30 PM on Thursday, July 9, 2015 in the Board of Commissioners' Meeting Room, Township Municipal Building, 214 Sykes Lane, Wallingford, PA 19086.

**ROLL CALL**

PRESENT: Commissioner Much  
Commissioner Baker - arrived late  
Commissioner Noyes  
Commissioner Sullivan  
Commissioner Kenworthy  
Commissioner Dougherty

Gary Cummings	Township Manager
Charles Catania	Township Engineer
Dave Grady	Assistant Township Manager
Mike Maddren	Township Solicitor
David Splain	Chief of Police
Lisa Swan	Finance Director

EXCUSED: Commissioner O'Connor

**PUBLIC**

Approximately 12 people in attendance.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

Mr. Much led the Pledge of Allegiance which was recited by all.

**RECOGNITIONS**

Matt Matys and Zack Zarko were recognized by the Township Board of Commissioners. Chief Splain reported on the incident at Creekside Swim Club where an 8 year old girl was unconscious in the pool and was revived by Zack Zarko and Matt Matys. Mr. Much asked Mr. Matys to come up and he presented him with a certificate of recognition to applause. He asked Mr. Zarko to come up and also presented him with a certificate of recognition to applause.

**PUBLIC COMMENTS**

Mac Given of 841 Surrey Lane spoke on vegetation being removed at 102 Chesley Drive and they now can see lights on in the building. He noted his wife Barbara Scott has a list of zoning code violations and cited the code on buffer requirements. Ms. Scott submitted before and after photos. He said they cannot use the rear of their property and supplied a petition signed by all affected residents. She noted she worked with Mr. Much and Mr. Cummings to get the lights turned out but they were turned on last night. Mr. Given noted Mr. Cummings handed out a planting plan received from the building owner which he rejected. He implored the Board to make sure full restoration is made.

Jim Peck of 900 Surrey Road gave the history of the development of Chesley Office Campus and has had no problem until now when the entire buffer was removed and also the generator was put in without permits. He said it is like sticking it in the neighbor's face. He asked the Board to enforce the code and help him and his neighbors.

(135)

Stephanie Kropac of 837 Surrey Lane said she is diagonal from the building and can see the building and hopes a precedent has not been set.

Dave Gettes of 839 Surrey Lane wants the Board to understand the 35' high dense bamboo buffer completely blocked the view and asked the Board to assist in getting just as dense a plan and for it to be substantial when installed. He stated he thought a little bamboo could be left there for a little screening but that has been removed. He asked the Board to be conscious of the timetable to replace the buffer.

Henry Beck, a 30 year resident, noted he is familiar with the Given/Scott property and is astonished and saddened to see the willful removal of the screening, particularly with their big picture windows. It is a shame and she hopes the code is enforced.

Mr. Baker arrives at this time.

Barbara Scott of 841 Surrey Lane said she talked to a planner and said the 6" high buffer planting does nothing and said 6 families can see the building, the dumpsters and the generator so it affects two neighborhoods. She said we don't know the process of what is going on which is frustrating. She noted 4 big spot lights are still on but somewhat redirected down. She stated you cannot overestimate the lack of privacy. She asked the Board to consider substantial screening.

Mr. Much said he heard from all the residents and we are not ignoring or taking this lightly. We will address them legally. Mr. Maddren said they pushed back on the generator so it may possibly go to litigation. Mr. Much said we will be on them with zoning officer and solicitor and knows it is not fast enough for the residents. Mr. Gettes asked if we could require them to put in temporary screening. Mr. Maddren said he did not think so short of litigation. Mr. Much advised them to call the police if any problems occur. Mr. Gettes noted there are ways to sound proof generators. Mr. Much said we will do everything we can.

Al Hurd of 309 Woodward Road wanted to talk about saving the Stage One Performing Arts Center at the Summit School building noting it is important to residents of Nether Providence Township. He stated people can play instruments all your life where as soccer players stop playing at or after college. He noted the Center is the envy of other towns. He asked the Board to consider buying the property to save it.

Erich Carr Everbach of 212 Dogwood Lane said he shared the vision of Mr. Hurd and wished to see it not used as a housing development. He talked to Swarthmore College to find direction and offered his services to aid in the township purchasing and preservation the property.

Mr. Much said he lives behind Summit and is most affected. He stated the township does not own the property but the school district does. He believes the school district wants a lot of money, a million maybe, and he is not sure all of the tax payers in Nether Providence are willing to pay to purchase the property. He noted we have asked the school district to delay an award until their next meeting.

Mr. Kenworthy said it is a real estate transaction and is an Executive Session issue. He noted the amount of money falls into the realm of a bond issue and that process is not done easily. He views the property as a liability at present. There was discussion on the school district bid process and the asking price.

Mr. Dougherty asked Mr. Hurd if he has been before the school board and he said he has been but was met with polite silence. Mr. Hurd thought value was \$250,000 due to all the costs of demolition and development. Mr. Noyes noted the value is what a buyer is willing to pay. He said he was interested because the soccer field may go away. Carr Everbach said he is acting in the public's best interest and thanked the board for their interest.

(136)

Mr. Much again said he is not sure all the residents will support buying the property. Mr. Maddren noted the school board has to seek court approval for the sale.

### **APPROVAL OF MINUTES**

#### **Legislative Meeting of June 11, 2015**

Mr. Baker moved to approve the minutes of the June 11 meeting. Mr. Noyes seconded the motion which passed by a vote of 5-0-1, with Mr. Much abstaining as he was not present.

### **PARKS COMMISSION REPORT**

No report.

### **SOLICITORS REPORT**

Mr. Maddren noted he had comments on items in other reports.

### **ENGINEERS REPORT**

Mr. Catania stated the contracted advised street resurfacing is to start next week.

### **MANAGERS REPORT**

Mr. Cummings noted Septa is doing a lot of work resulting in temporary closing of the Route 101 trolley line and the PA Dept. of Health was holding vaccine clinics. He stated the public works department employees would attend a DVIT drivers training seminar in the near future and that the township would be using Constellation Energy for streetlights until the end of 2015. Mr. Cummings noted the Multi-modal grant is due July 31 and that a DCED grant for the Parkridge outfall is due July 10. Mr. Cummings stated we are discussing a possible E-waste collection and shredding event with Media Borough and that the new emergency generator was installed at municipal building.

Mr. Cummings said he was advised the Board of Commissioners were selected to receive the "Outstanding Public Official" award from the Delco Library Board which would be presented at the next County Council meeting.

### **PUBLIC SAFETY**

Mr. Much announced the retirement of Fire Marshal Jim Ortoleva after 41 years of fire service and thanked him for his many years of service. He then gave the police report and noted the police held their 3<sup>rd</sup> sobriety checkpoint within the last 9 months.

### **COMMUNITY ENHANCEMENT REPORT**

**DCED Grant submitted for trails at Furness Park** – Mr. Baker noted the grant submission for Furness Park due at the end of the month.

**DCNR Grant submitted for Parkridge storm sewer outfall** – Mr. Baker noted we are applying for a grant to replace the Parkridge storm water outfall.

**CORPOS sports forum on Wednesday, July 22 from 7:00PM to 8:30 PM** – Mr. Grady noted a forum for sports organizations was to be held in the end of July.

**New baseball dugouts installed at Houston Park** – Mr. Baker noted that the new dugouts at the Field of Dreams have been installed and they look great.

**Summer recreation program** – Mr. Baker stated the program is doing well and will be ending on July 23. The Board discussed holding Family Fun Day which is to be held in September at the middle school property...

### **BUILDING AND ZONING COMMITTEE REPORT**

**Flood plain ordinance** – Mr. Kenworthy spoke on the flood plain ordinance and that DCED comments have been received. He stated Mr. Maddren will address this with Mr. Grady.

(137)

## **FINANCE AND ADMINISTRATIVE COMMITTEE REPORT**

**Motion to approve Warrant List** – Mr. Dougherty went through the warrant list and asked for questions. There were none. He moved to approve the warrant list. Mr. Kenworthy seconded the motion which passed by a vote of 6-0.

**PEMA Loan documents for financing of new South Media fire truck** – Mr. Dougherty said there was a little miscommunication and will ask to table the ordinance and move to file the FEMA application first as needed. Mr. Dougherty moved to table to next month. Mr. Noyes seconded the motion which passed by a vote of 6-0. Mr. Much asked to table the PEMA loan guarantee to a date to be determined by the Board. Mr. Dougherty seconded the motion which passed by a vote of 6-0.

**EIT** – Mr. Dougherty asked to put on the agenda and will ask to keep it on the agenda for discussion so we can have funds to do things such as purchase the Summit School. He suggested we get an expert to talk to us and suggested attorney Leo Hackett.

## **PUBLIC WORKS COMMITTEE REPORT**

In Mr. O'Connor's absence, Mr. Much gave the Public Works report.

Mr. Much noted the bad condition of Twyckenham Road. Mr. Cummings noted pictures of the bad conditions were sent by Mr. Dixon and said \$20,000 is left over from the resurfacing budget relative to the bid amount, and we may have some extra funds in the Liquid Fuels Fund so we could have about \$40,000 available.

Mr. Baker noted that PECO is doing work on the tree streets and asked if repaving has to be done. Mr. Catania stated he will look into this.

## **INFRASTRUCTURE COMMITTEE REPORT**

**Sanitary sewer lateral inspection ordinance** – Mr. Sullivan noted that Mr. Maddren reviewed and made some changes to the ordinance. Mr. Maddren said he went through and made it one document and made it 5 years between inspections for re-sales and 10 years for new construction. Mr. Maddren said he wanted to discuss how to interface with our U & O inspections. Mr. Sullivan also noted Mr. Baker's concern on how to address shared laterals.

Mr. Noyes questioned the status of changing the left turn on Beatty Road. There was a discussion on letting PENNDOT make the changes. There was also a question on when changes to the Rt. 320 left turning signal were to be made by PA DOT.

Mr. Sullivan moved to approve the resolution authorizing application for the multi-modal grant. Mr. Dougherty seconded the motion. There was a discussion on what all would be included. The motion passed by a vote of 6-0.

**ADJOURNMENT** – There being no further business, the meeting was adjourned, stating that next month's meetings will be a combined meeting on Thursday, August 6<sup>th</sup>.