

BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP
MEETING of July 7, 2016

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 7, 2016 in the Board of Commissioners' Meeting Room, Township Municipal Building, 214 Sykes Lane, Wallingford, PA 19086.

ROLL CALL

PRESENT: Commissioner Much
Commissioner Baker
Commissioner Sullivan
Commissioner Dougherty
Commissioner Kenworthy
Commissioner Knapp

Gary Cummings	Township Manager
Mike Maddren	Township Solicitor
Lisa Swan	Finance Director
Charles Catania	Township Engineer

EXCUSED: Commissioner O'Connor

PUBLIC

Approximately 18 people in attendance.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS

Cecile Charlton, Executive Director of Delaware County Transportation Management Association, spoke on all their services noting they are partially funded by PennDOT and have enhancement grants. Their mission is to ease traffic congestion at \$0.07/capita 959. Mr. Much noted we have a Sidewalk Committee and would like DCTMA to work with them. Steve Sempler, 33 Green Valley, asked about walking to the train off of Blackthorn Road and there is no fence there. Mr. Cummings said it is SEPTA's responsibility. Mr. Sullivan asked what other municipalities are involved. Ms. Charlton responded: Media, Upper Providence, Ridley, Springfield, Haverford and Upper Darby.

Jon Lichtenstein, Board of Directors, Helen Kate Furness Free Library – Noted an increase in circulation and visits by Nether Providence residents. He also mentioned the library is working on furnishings and electrical outlets. He thanked Mr. Cummings for helping with the grants for the HVAC system and ADA items in the amount of \$50,000.

Michele Slaven of 212 Pine Road asked Mr. Catania about road paving ratings. Mr. Catania explained he has a \$1 million list of a lot of roads that need to be resurfaced. He rates the roads based on a limited budget, and it is done subjectively.

Daphne Bogert of 208 Sherwood Lane said 224 N. Providence Road was brought up back in February and it has been 10 months since the zoning violation notice. She said there have been a lot of delays and believes they are not entitled to rights claimed by the owner and a hearing is needed. She said delays set a dangerous precedent to allow Mr. Lau to continue and can affect all areas of the township. She noted Dr. Heron and Mr. Lau have high end treatment centers and we need to protect our zoning code. Mr. Much said we all feel it is a township wide issue and all the Board members have heard from residents and want to have the hearing. Mr. Maddren noted the procedural issues and wants to make sure we do it correctly and explained reasons for the delays. He noted

we are requesting a subpoena and then to have a second hearing. Mr. Knapp stated we are working with a State Representative to update two bills pending on regulating sober homes.

Brad Lambertsen of 302 N. Providence Road spoke on 224 N. Providence Road saying that they formed a cooperative in December and want the hearing to go forward. He stated they are disappointed with the management of the case. He thought the subpoena should have been submitted earlier and the house should have been shut down. He said the transient activity continues and the failure to act can be deemed as approval while not knowing if mental and sexual addiction patients, in addition to the alcohol and chemical addiction patients are in the home. He feels this use is a business use and should be in a different zoning district.

Stephen Stempler of 33 Green Valley Road stated he is concerned that the hearings are being held in the summer and we should have additional hearings as people are away.

Christine Reuther of 18 E. Possum Hollow Road noted we are holding the Pickle Run at the Garden City Fire House on August 25th and will be sending a flyer. She stated she also is concerned about 224 N. Providence Road and noted Swarthmore has an accommodation process to allow argument that they are entitled to a FHA accommodation. She noted Lau just moved in and has not made a case so we do not know what they are doing. She stated the burden is on the property owner and we need to use the zoning hearing to get the facts.

Alex Sapega of 123 N. Providence Road stated he is in the medical profession and has concerns about the lack of state regulations on these facilities. He said he would have appreciated being better informed. He said it is part of the larger problem with taxes increasing 6 times and larger homes are having tax issues now and they are concerned this type of use may be only way to save these larger homes. If 224 N. Providence wins, all larger homes will become a target for this type of use. He said more transparency in these matters is better.

Ani Diakatos of 202 Dogwood Lane thanked the Board for the additional signage at Plush Mill Road and Dogwood Lane. She also spoke on 224 N. Providence Road noting a misrepresentation to the seller and neighbors was made and challenged the Board to challenge them to prove entitlement to an accommodation. She noted there are no state regulations on sober living homes and it could become an epidemic as it has in Delray Florida.

Sherry Schaefer of 15 Shepherds Lane mentioned she was supplied with information that 224 N. Providence Road is a commercial operation and said that Clay Elliot gave CPR on Brian Fertterman. She asked to see if Clay Elliot was a patient or not. She then spoke on the placement of Brian into the home and said she feels not much can be done to stop them. She asked the Board to find out what happened and find out about the commercial operations going on there.

Doris Elofer of 515 Wilder Road stated she was also here about 224 N. Providence Road and knows about addiction. She stated if it were not for treatment facilities her son would be dead. She spoke on addiction and asked the Board to do their job relative to the specifics for Mr. Lau's case only. She stated we should all be concerned about stopping drugs in schools and treatment facilities are needed.

APPROVAL OF MINUTES

Legislative Meeting of June 2, 2016

Mr. Cummings noted a minor change by Mr. Kenworthy. Mr. Much moved to approve the minutes of June 2, 2016. Mr. Baker seconded the motion which passed by a vote of 6-0.

SOLICITORS REPORT

Mr. Maddren stated legal matters were addressed in the executive session, and would also be noted on other parts of the agenda.

ENGINEERS REPORT

Mr. Catania stated he submitted his report and would comment at other points of the meeting. Mr. Much asked about Aqua replacing the main on Dennis Lane noting it was resurfaced a year ago. Mr. Catania noted the policy and stated they would need full width resurfacing.

MANAGERS REPORT

Mr. Cummings stated the SEPTA rail outage and Leiper Trail closure will be in effect until September 5th and the County Household Hazardous Waste Collection will be held on Saturday July 16th at the Marple Transfer

Station. Mr. Cummings stated the owner of the Houstonia property is requesting to use the driveway to Providence Road noting that this is township property and an easement would have to be granted. Mr. Sullivan and Mr. Much stated they were opposed to the use of it as an active driveway. After discussion the Board agreed not to be in favor of granting an easement. Mr. Cummings informed the Board the Township received our liquid fuels payment in the amount of \$379,283.00 in time to pay for the road resurfacing program. He also noted the shredding event with Media Borough is scheduled for October 15th at the Acme parking lot and that Xenia Home Care has adopted Avondale Road, Copples Lane and Moore Road as part of a road beautification program. Mr. Cummings mentioned that Senator Killian has set up an office at the township building every second Wednesday of the month from 9:00 am to 1:00 pm as an outreach and that there is a town meeting at South Media Fire Company on July 14th from 6:30 pm to 8:30 pm. He stated the township received a reimbursement check in the amount of \$1,265 for the June 2015 severe weather event and the scarab is repaired and the township was given a 3 year warranty instead of just 1 year. Mr. Cummings also noted the township should expect about \$162,000 in grant money for the purchase of the scarab. He stated that Pat Tilson submitted her resignation from the Planning Commission to which the Board accepted. Mr. Cummings noted Mark D'Amico indicated he would be glad to return to the Planning Commission. Mr. Much made the motion to appoint Mark Damico to Pat Tillson's term. Mr. Dougherty seconded the motion which passed 6-0.

COMMUNITY ENHANCEMENT COMMITTEE REPORT

Mr. Baker thanked Mrs. Elofer for her courage to speak earlier on addiction. Mr. Baker then went on to acknowledge Andrew Matthews, a scout from Troop 272, for sitting in tonight's meeting and that he picked a good meeting to sit in on.

Summer Recreation program – Mr. Baker noted camp started on June 27th and it is going really well. He thanked Mr. Much and Mr. Dougherty for sponsoring and paying for Ice Cream Day today at camp.

PUBLIC SAFETY COMMITTEE REPORT

Mr. Much gave his report.

Summit School – (improvements to roof) – (alarm system design) – (renaming of property) – Mr. Much noted the issues and discussed renaming the school for the late Mr. and Mrs. Gouley who donated a portion of their estate to the township which paid for about 70% to 80% of the school purchase. Mr. Kenworthy moved to name the property the Henry and Gertrude Gouley Park. Mr. Much seconded the motion. Mr. Baker asked if the name applied to the entire area and Mr. Kenworthy said that is his proposal. After discussion, the motion passed by a vote of 6-0. The Board suggested preparing a sign, to hold a dedication ceremony and to possibly host Family Fun Day there!

Street light request for Putnam Boulevard – Chief Splain stated that he would review the matter and report back next month.

FINANCE COMMITTEE REPORT

Motion to approve warrant list – Mr. Kenworthy went through the bills list noting 2 iPad Airs purchased for two officers for their Homeland Security duties and that the township will be reimbursed in full. He then moved to approve the warrant list. Mr. Baker seconded the motion which passed by a vote of 6-0.

Amend investment policy to accommodate new municipal investment regulations – Mr. Kenworthy moved to ask Mr. Maddren to draft a policy to amend the current Investment Policy to be in accordance with the new regulations. Mr. Much seconded the motion which passed by a vote of 6-0.

BUILDING AND ZONING COMMITTEE REPORT

Zoning Hearing on 224 N. Providence set for July 18 – Mr. Knapp noted the Zoning Hearing for 224 N. Providence Road is scheduled for July 18th and fully expected it to go forward.

Kinder Park II escrow release request in amount of \$183,600 – Mr. Catania stated he reviewed and approved of the release. Mr. Knapp moved to authorize the release of escrow in amount of \$183,600. Mr. Dougherty seconded the motion which passed by a vote of 6-0.

SolSmart program/solar building regulations – Mr. Cummings noted this proposal for a free technical review of solar regulations and noted information is in the files. After brief discussion, the Board agreed they needed

more time to review.

FIRE AND ADMINISTRATION COMMITTEE REPORT

Fire Companies fundraising – Mr. Dougherty reported no new information at this time.

Resolution No. 2016-7 (amending extended duties for volunteer firemen) – Mr. Dougherty noted the updates and Mr. Maddren has reviewed and approved the changes. Mr. Dougherty moved to adopt the resolution. Mr. Much seconded the motion which passed by a vote of 6-0.

Sale of SMFC pumper – Mr. Cummings stated no new bids were received on GovDeals. Mr. Sullivan suggested we reach out to the other institutions that have purchased our trucks in the past.

EIT – Mr. Dougherty informed the Board that he was waiting to hear back from Mr. Hackett.

PUBLIC WORKS COMMITTEE REPORT

Mr. Much gave the report in Mr. O'Connor's absence and noted the road resurfacing is completed. It was noted that the Pothole Killers program was used to fill in 150 pot holes in the township.

INFRASTRUCTURE COMMITTEE REPORT

DCED grant applications – Mr. Sullivan noted that two grant applications were submitted, one for Furness Park trails and one for repairs to the Parkridge Road outfall.

Wallingford Avenue sidewalk project – It was noted that the pre-construction meeting took place June 17th and that work should begin in late summer-early fall.

Copples Lane sidewalk project – Mr. Sullivan stated that a public meeting would take place July 21st.

Moore Road sidewalk project – Mr. Sullivan noted two engineering design proposals were submitted: Michael Baker International at \$146,292.32 and TPD Inc. at \$155,672.00. Mr. Sullivan recommended the township use Michael Baker International as they came in about \$10,000 less and he moved to award the contract to Michael Baker International. Mr. Kenworthy seconded the motion which passed 6-0.

Multi-Modal grant application – Mr. Sullivan noted the application is due July 31st and the Board received last year's list for review. Mr. Much went through the list. After discussion, Mr Sullivan suggested we extend the asphalt path versus the concrete and curb walk on East Rose Valley Road so as to extend the Leiper-Smedley Trail. He also suggested we include establishing bike lanes on W. Brookhaven Road. Mr. Sullivan moved to apply for the Multi-Modal Grant with those proposals. Mr. Baker seconded the motion and asked if the RRFBs are included. It was noted last year's grant submission is still pending. The motion passed by a vote of 6-0.

Sewer lateral testing classes – Mr. Sullivan gave the history of the sewer lateral inspection ordinance and noted his concerns in not being able to find certified people to do the inspections. He noted meetings were held with a plumbing contractors association and they came up with alternate certification test to make easier to become certified. Mr. Cummings noted we are still waiting on information from the contractors association. Mr. Kenworthy noted a concern about supplying residents a list..

Adjournment – There being no other topics for discussion the meeting was adjourned. Mr. Much stated the next meeting is scheduled for August 4th.