

**BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP  
MEETING of JULY 26, 2018**

A public 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 26, 2018 in the Board of Commissioners' Meeting Room, Township Municipal Building, 214 Sykes Lane, Wallingford, PA 19086.

**ROLL CALL**

PRESENT: Commissioner Sullivan  
Commissioner Dougherty  
Commissioner Garson  
Commissioner Baker  
Commissioner O'Connor

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

NOT PRESENT: Commissioner Knapp  
Commissioner McKenzie-Fiumara

**PUBLIC**

Approximately 6 people in attendance.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

Mr. Sullivan noted an executive session was held prior to the meeting and then led the audience in the Pledge of Allegiance.

**PUBLIC COMMENTS**

**Emil Skobeloff** of Brent Drive noted there is access easement for their property and others shown on the Young subdivision and last house built has placed dirt on the easement. He presented a petition asking for the township to require the contractor to remove the dirt barrier and hold up the certificate of occupancy until the barrier is removed. He stated that if he still refused, then he should be cited daily. Mr. Sullivan stated we do have some leverage and will pressure them to correct the situation. Mr. Dougherty asked for the township to contact the contractor. Mr. Sullivan suggested we pull the grading permit and not issue it until it is resolved.

**Rosemary Mulcahy** of 916 Surrey Road referenced 1959 decree and the request to amend it to allow alcohol and allow expansion of the building imprint at 501 E. Baltimore Pike. She went through recent court action and Judge Burr's ruling and stated she was concerned about the restaurants in the strip stores, overbuilding and effects of allowing alcohol there. She spoke on the square footage of each of the buildings in Nether Providence and in Media. Mr. Sullivan said the developer was trying to clean up the center and agreed to make the conditions apply to all of the shopping center in both Media and Nether Providence. He stated we tried to intervene but

were not permitted by the Judge. Ms. Mulcahy noted she believes they must come to the township to remedy any inconsistencies in our resolution. Mr. Sullivan said we hired counsel who went reviewed the amended decree and he asked Ms. Mulcahy what she would have us do. She said she will submit her questions. She also noted the new building will take additional parking spaces and that may affect the required parking.

### **APPROVAL OF MINUTES**

#### **Legislative Meeting of June 28, 2018**

Mr. Sullivan noted changes and moved for approval of the minutes of the June 28, 2018 combined work session and legislative meeting. Mr. Garson seconded the motion which passed by a vote of 4-0-1 with Mr. O'Connor abstaining as he was not present.

### **CDCA REPORT**

CDCA Representative Christine Reuther noted the Township Engineer will discuss DELCORA 537 Plan Amendment which all member municipalities will have to approve and will expand the capacity. She noted CDCA has requested the township to supply current and expected EDU's. She noted most EDU's are metered flows and noted we are over our EDU's by 20% of our estimate. This is relevant as we pay based on flows and the cost is allocated by whether we are over or under our estimates. She noted we are in our 8<sup>th</sup> year of the service agreement and the township needs to take serious look at our EDU number count to see if it is accurate, or we have a lot of I & I, or our meters are wrong. She noted we could end up paying a substantial portion of capital expenses. Mr. Sullivan asked for clarification and she stated the treatment costs are based on flows and capital projects are based on EDU's including reserve EDU counts. Mr. Sullivan asked Mr. Catania if Nether Providence has a higher I & I than other municipalities. Mr. Catania said no in general, but some of our areas are very high. Ms. Reuther said what is important is that we need an accurate account of our EDU's. Mr. Cummings asked if we should do this for our DELCORA system as well.

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

None at this time.

### **SOLICITORS REPORT**

Mr. Scott noted his report was given during the executive session.

### **ENGINEERING REPORT**

Mr. Catania submitted his report. He noted DELCORA's pump station needs capacity increase due to the wet weather flows, and any change requires all 8 municipalities to approve the amended Act 537 plan. He displayed a plan showing options on upgrading the DELCORA central pump station pump station to divert the flows. Options include upgrade capacity, build a force main to go to Chester plant, remove I & I while noting that is it is very expensive. He stated it is not viable to do nothing. Mr. Sullivan asked about temporary storage of overage, but Mr. Catania said that was frowned upon by DEP. He noted he was presenting the study to the township planning commission and the Board needs to approve it by September 30<sup>th</sup>.

### **MANAGER REPORT**

Mr. Cummings asked resident to be vigilant in cutting bushes and trees on corner properties as it obscures driver vision. Mr. Cummings noted a grant application for improvement alternatives was coming up, and the township has a request for fireworks to be held on Sept 2<sup>nd</sup> at the Springhaven Country Club. He noted the Red Cross Blood Drive will be held on August 7<sup>th</sup> in

the township meeting room and the joint e-waste and shredding event with Media Borough will be held on July 28<sup>th</sup> in the Acme parking lot from 9:00am to 1:00 pm. He noted the household hazardous waste collection will take place the PSU Brandywine Campus on September 16<sup>th</sup> from 9:00am to 2:00pm. Lastly Mr. Cummings noted we are waiting to hear back on our Growing Greener watershed restoration grant application.

#### **BUILDING AND ZONING COMMITTEE REPORT** (Mike Dougherty)

**SBA cellular tower proposal on Swarthmore College Property** – Mr. Dougherty noted SBA submitted a revised amendment to allow the tower. Mr. Scott said he would like to review and mark it up and send to the SBA attorney. Mr. Sullivan and Mr. Garson stated they would like to notify residents, so SBA will be asked to make a presentation at the August meeting.

**Sketch plan 908 S. Providence Road** - Mr. Dougherty noted background information and stated they will be going to the Planning Commission.

**Maintenance of property and sidewalks within right-of-way** – Mr. Scott noted we need to refine the code and he will work on a revision.

**Swimming pool fence requirement appeal to Board** – Mr. Dougherty noted this was reviewed by our inspector. The Board discussed but declined to grant an appeal based on the information submitted. Mr. Scott noted the Board would have some liability.

**Amending tree regulations** – Mr. Sullivan noted there are regulations for permits for contractors doing tree work. After discussion the Board agreed to remove the licensing requirement and have Mr. Scott prepare an amendment.

#### **COMMUNITY ENHANCEMENT COMMITTEE REPORT** (Larry Baker)

**Summer Recreation Program** – Mr. Baker noted today is the last day of Summer Recreation Program and that 200 students attended for another wonderful session. He thanked the great group of counselors and volunteers and reported no issues. He will have a formal recap in September. He also thanked Brianna Dunn, Mellissa Gallagher, Maureen Feyas, Dave Grady and others. Mr. Sullivan thanked Mr. Baker for his outstanding efforts.

**Family Fun Day** – Mr. Baker noted this year's event will take place again at Strath Haven Middle School on Saturday, October 6<sup>th</sup>.

#### **FINANCE AND ADMINISTRATIVE COMMITTEE REPORT** (Mr. Sullivan in Ms. Kait McKenzie-Fiumara's absence)

**Motion to approve warrant list** – Mr. Sullivan went through the bills list and noted expenses for Abel Recon for sewer work, for the Copples Lane Sidewalk and or the Wallingford Avenue projects which he noted are reimbursable. Mr. Sullivan also noting expenses for the LED streetlight project and he moved for approval. Mr. O'Connor seconded the motion which passed by a vote of 5-0.

**Delinquent tax collection (Portnoff Associates attending August meeting)** – Mr. Sullivan noted the township was approached by Portnoff Associates to collect delinquent real estate taxes and they will present to the Board in August. Mr. Grady noted there should be an increase in collections, they allow for a payment plan, and that the Board would need to pass an ordinance by the year's end.

**Quarterly Finance Report** – Mr. Grady went through the report noting the township looks pretty good so far and noted the sewer transfer to the general fund and the Moore Road sidewalk expenses and reimbursements will now be in 2019. He noted expenses are generally in line, but highway road maintenance is high due in part to the Copples Lane project and that should be reimbursed.

**MMOs (Minimum Municipal Obligations) for Police and Employee Pension Plans** – Mr. Sullivan noted both the Police and Employee Pension Plan MMO’s explaining that the township has to fund the plans to make them sound. He noted the 2019 Police Plan MMO is \$684,393, a 14.5% increase over last year, and the 2019 Employee Plan MMO is \$168,746, at a 3.29% increase.

**INFRASTRUCTURE COMMITTEE REPORT** (Matt Sullivan)

**Moore Road sidewalk project** – Mr. Sullivan noted the project is due to start in the spring of 2019.

**Multi-modal sidewalk project (E. Rose Valley Road)** – Mr. Sullivan noted the project ready for the design stage, but it has not been awarded as an RFP must go out.

**CMAQ sidewalk project** – Mr. Sullivan stated this project is also in the design phase for next year.

**Multi-modal grant application** - Mr. Sullivan stated he asked Mr. Catania to prepare estimates for a sidewalk from Moore Road to Providence Road. The Board reviewed the proposal and agreed to submit this as the grant application.

**Countywide Transportation Improvement Inventory (provide list of projects for consideration)**- Mr. Sullivan listed suggestions and noted that traffic calming is eligible.

**Cost overages – Wallingford Avenue and Copple Lane project** - Mr. Sullivan noted some overruns and noted we are working with the engineers to resolve the matter.

**Abel Recon request for additional compensation** - Mr. Sullivan noted a payment request for extra work was received from the contractor. Mr. Catania said they did not seek pre-approval. The Board did not take action on the request.

**PARKS AND OPEN SPACE REPORT** (Matt Garson)

**Summit School Committee** – Mr. Garson noted the Summit Committee meeting minutes of June 26<sup>th</sup> and July 10<sup>th</sup> are on the township website. He also noted the Committee is trying to wrap up and present to the Board at the September 20<sup>th</sup> meeting but may have to go into October.

**Tree Vitalize grant submitted** – Mr. Garson noted they are working with the Shade Tree Committee to submit a grant on the Emerald Ash Borer noting arborists are available and pamphlets will be mailed to residents. Mr. Grady said we should hear back in about a month, and the township’s cost is estimated to be around \$3,500. The Board discusses the proposal but agreed they do not want to pay \$3,500 so the Board decided to withdraw the grant.

**Media-Smedley Connector Trail** – Mr. Sullivan explained the study to be conducted by the County and noted they are requesting the Township appoint 2 members to the study committee. Mr. Sullivan volunteered to be a representative and suggested a second one be a parks Commission member. After discussion the Board agreed.

**PUBLIC SAFETY COMMITTEE REPORT** (Mr. Sullivan in Micah Knapp’s absence)

Mr. Sullivan read the monthly police report.

**Traffic Calming** – Mr. Sullivan noted proposal for speed humps on Pleasant Hill Road is to be received in August and that the Police performed speed studies noting nominal change on Plush Mill Road. He stated a study did show the speed humps worked on reducing speed on Meadow Lane. Mr. Baker stated he saw no reason for permanent speed humps on Pleasant Hill Road, and Plush Mill Road was previously discussed. Mr. Sullivan said Plush Mill Road is long and putting temporary speed humps down will allow us to see the effect and permanent humps there would be a sizable cost compared to temporary ones. Mr. Sullivan said he will look at it again after getting proposals. Mr. Baker said Pleasant Hill Road is low on the list and he is not sure if the expense of humps will be effective or if humps will be warranted.

**DCED Apparatus Study** – Mr. Sullivan noted the need for a Fire Committee meeting to get everyone on board with the study.

**Fire Marshall Vehicle** – Mr. Baker noted past requests for a vehicle for the Fire Marshall and that Fire Marshall Gresch is using his own vehicle causing a lot of wear and tear. He asked the Board to consider giving the outgoing police Tahoe to the Fire Marshall. Chief Splain said the vehicle will be out of service in two weeks at 120,000 miles and it received a new transmission and engine. Chief Splain noted the resale of the Tahoe will pay for the upfit of the new vehicle being purchased. Mr. Dougherty asked if a portion of the new vehicle can be paid for from Drug Forfeiture funds and the Chief said he thought so. The Chief noted he thought we could get \$9,000 to \$10,000 for the Tahoe. There was a discussion on other vehicles which could be used. Mr. Sullivan suggested listing the vehicle as in the past on GovDeals and see if we get a good price and then decide if we wish to give it to the Fire Marshall.

**Garden City Fire Company purchase of new pumper** – Mr. Sullivan summarized GCFC truck purchase and financing. Mr. Cummings was asked to look at financing through the Delaware Valley Regional Financing Authority (DVRFA).

**Civil Service Test** – Mr. Sullivan noted applications will be accepted through August 23<sup>rd</sup>. Chief Splain stated he met with the Civil Service Commission and they will be scheduling all testing. Her said he hopes to have a list of candidates to present to the Board in October.

**Drug Forfeiture Expenditures** – Mr. Sullivan summarized past expenditures of \$25,000 and \$30,000 and it was noted about \$115,000 is left. The Board went through the Chief's requested expenditures for \$58,000, including radar equipment, a tag reader, tazers, speed displays (solar and Non-solar), and a radar trailer and ENRADD system. After questions, the Chief said to wait on the ENRADD System to see if the Radar Bill is adopted in Pennsylvania. After discussion, Mr. Sullivan moved to authorize expenditures in the amount of \$54,000. Mr. Dougherty seconded the motion which passed by a vote of 5-0. It was noted this includes the trailer and solar powered pole speed monitor devices.

#### **PUBLIC WORKS COMMITTEE REPORT** (Mr. Robert O'Connor)

Mr. O'Connor read the monthly highway report.

**Road resurfacing schedule** – Mr. O'Connor noted Copples Lane and Hempstead Road are done and Sucher will be back to complete the remaining roads in August. Mr. Sullivan asked if we forego paving Fitzpatrick Drive (off Morris Lane) and instead use the funds for the new box paver. Mr. Catania will check with PennDOT. Mr. O'Connor read a letter from a resident thanking the Board for paving Copples Lane.

**Box Paver** – Mr. Sullivan noted the box paver was received however there is an issue with a hydraulic line which can be repaired via the one-year warranty.

**ADJOURNMENT** – There being no further business this meeting was adjourned. He noted the next meeting is a combined Work Session/Legislative meeting on August 23<sup>rd</sup> as we are now on the summer meeting schedule.