

**(100) BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP
MEETING of March 28, 2019**

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, March 28, 2019 in the Board of Commissioners' Meeting Room, Township Municipal Building, 214 Sykes Lane, Wallingford, PA 19086.

ROLL CALL

PRESENT: Commissioner Sullivan
Commissioner Knapp
Commissioner Baker
Commissioner Dougherty
Commissioner Garson
Commissioner McKenzie
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

PUBLIC

Approximately 22 people in attendance.

ROLL CALL AND PLEDGE OF ALLEGIANCE

Mr. Sullivan noted an Executive Session was held to discuss personnel and real estate matters. He then led the Pledge of Allegiance. Mr. Sullivan asked the audience to remain standing for a moment of silence for long-time resident Mary Slowik and Officer Brian Bonnes's father. He then wished Mr. Catania a happy birthday!

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Sullivan noted the openings and that four people expressed interest in the Environmental Advisory Committee.

Jon Lichtenstein – Mr. Sullivan moved to appoint Mr. Lichtenstein to the Environmental Advisory Committee. Mr. O'Connor seconded the motion which passed by a vote of 7-0.

Shelby Hancock – Mr. Sullivan moved to appoint Ms. Hancock to the Environmental Advisory Committee. Mr. O'Connor seconded the motion which passed by a vote of 7-0.

Jason Devries – Mr. Sullivan noted that Mr. Devries was not present and would attend the April 11th meeting.

Sam Flint – Mr. Sullivan moved to appoint Mr. Flint to the Environmental Advisory Committee. Mr. Garson seconded the motion which passed by a vote of 7-0.

Mr. Baker asked what the Environmental Advisory Committee does. Mr. Sullivan noted they look at a lot of environmental issues including recycling issues and he mentioned there is also a multi-municipal Environmental Committee so Nether Providence needs a voice there.

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PUBLIC COMMENTS

Mr. Sullivan asked who was in attendance for the right turn lane and three people raised their hand. He said he would defer to that subject first.

Roseanne Mulcahy of 916 Surrey Road stated she is trying to interpret what is planned for the right turn lane on Baltimore Pike at Beatty Road. Ms. McKenzie stated our intention is to not put more traffic on Beatty Road. Ms. Mulcahy asked if they were going to consult with the neighbors. Ms. McKenzie stated she has sent out emails.

Nanette Whitsett, Chair of South Media United asked with respect to the traffic signal why the Township is spending any money on this as Starbucks is the problem backing up traffic on Baltimore Pike and it has been a long-term problem.

Janell Berry of 530 Wallingford Avenue noted she walked the 310 Wallingford Avenue site and the current plan leaves her no side yard, but rezoning would allow her a larger side yard.

Olivia Thorn of 102 Carleton Road stated she had no objection to development of the Wallingford Avenue site but has concern with storm water runoff. She noted problems with Dennis Lane and the creek behind her floods more often. She stated a lot of water does come from Wallingford Avenue, but we will need to address the issue with this development. Ms. McKenzie stated this is her concern as well and the plans do address the problem to some degree.

Julie DiRemigio of 414 Bickmore Drive spoke on two sewer back ups at her property in the past 11 years and wanted to know if the Board was aware of deteriorating lines. She stated she is here with neighbors on Morris Lane who had a recent back up. Mr. Sullivan stated he is aware of the issue and a public works crew is working on it and will videotape the line. He stated it appears there was grease in the line.

Chuck Weems of 122 Ronaldson Street wanted to ask the builder of the Wallingford Avenue development to keep construction traffic off Vernon Street noting there are a lot of kids there.

Lynne Alvarez of 1006 Bent Road (President of the Helen Kate Furness Free Library) stated DVDs can now be rented free of charge at the library, they have increased kids activities including solar projects have book discussions and are stating spring fundraising. They have Great Getaway tickets on sale, the Book It 5 K with Swarthmore Library and have the May Fair and book sale on May 11.

James Mason of 615 Washington Avenue asked if the Township has studied the traffic signals relative to the right turn lane on Baltimore Pike. Mr. Sullivan stated PA Dot is in charge of lights and they approve the timing.

APPROVAL OF MINUTES

Legislative Meeting of February 28, 2019 - Mr. Knapp moved to approve the minutes of Legislative Meeting of February 28, 2019. Mr. Sullivan seconded the motion which passed by a vote of 6-0-1 with Mr. Baker abstaining as he was not present.

SOLICITORS REPORT

Mr. Scott asked to ratify the settlement of the assessment appeal for 13 Strathmore Court. Mr. Sullivan moved to approve the settlement. Mr. Garson seconded the motion which passed 7-0.

ENGINEERING REPORT

Mr. Catania gave his report noting he submitted a draft of streets to be considered for road resurfacing. He also recommended the Township sign a Pa DOT highway occupancy permit application for 304 West Rose Valley Road to install sewer lines. He said the Township needs to be the applicant and we need to approve in a resolution. After discussion, it was agreed to sign the resolution.

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MANAGERS REPORT

Mr. Cummings stated there is a Furness Park Clean-up taking place on April 6th at 9:00 AM and the Township is holding an e-waste and shredding event on April 13th at the Acme. Mr. Cummings noted there will be free dental care for children from April 15 to April 22, the Book It 5 K race is on April 27 and announced Eagle Scouts from Troop 272. He said Delaware County Planning Commission requested a letter of support for its trails in Smedley Park to which the Board agreed.

BUILDING AND ZONING COMMITTEE REPORT (Mr. Dougherty)

310 Wallingford Avenue subdivision (Progressive New Homes) – Justin Moody was present representing Progressive New Homes. Mr. Cummings noted the summary of reviews and conditions of approval noting Ms. Peck had a few changes. Mr. Sullivan went through Ms. Peck's suggested changes and felt it was ok to amend to state to keep Anderson Street at the current width and the engineer having final say over plantings in the riparian buffer. Mr. Dougherty made a motion to grant Conditional Preliminary Subdivision Approval of the plans entitled, "Preliminary Subdivision and Land Development Plans for Progressive New Homes, LLC consisting of 9 pages all dated November 8, 2018 and last revised February 19, 2019, drawn by Commonwealth Engineers Inc. [their drawing no. 201880-1(c)] subject to submission of Final Plans addressing the following:

1. Compliance with the Delaware County Planning Commission comment w/r/t sidewalk installation (a sidewalk is proposed along main road, a possible sidewalk is shown along the accessway, and no new sidewalk is proposed along Anderson Street (neighbor prefer no widening of Anderson Street).
2. Compliance with the recommendations of the Township Shade Tree Commission dated February 4, 2019 as clarified by Sarah Peck's email of March 4, 2019 (attached) w/r/t the number of replacement trees, size of street trees and replacement of trees with shrubs (waiver granted from regulations as noted below).
3. Compliance with the recommendations of the Township Engineer per his February 27, 2019 letter noting deletion of "and improved as necessary" from note 16. However, the buffer area is to be planted with native plantings as determined by the Township Engineer, maintained in a vegetative state, and all deleterious materials must be removed as determined by the Township Engineer. It is noted the Wetlands Survey Report dated March 7, 2019 is accepted and is to be incorporated by reference into the approval.
4. Compliance with the recommendations of the Township Planning Commission from their March 4, 2019 meeting.
5. Compliance with the March 4 comments of the Township Fire Marshal except that the paved portion of Anderson Street will be kept at its current width and the Fire Marshall shall have input on planting of Street Trees along the Anderson Street frontage. It is to be clarified that a minimum 6-inch water main is to be installed with a hydrant located by the Fire Marshall (Aqua may require a larger main size).
6. Adequately addressing the Additional Stormwater comments below with respect to the riparian buffer and easement requirements for Vernon Run as modified above.
7. Issuance of a PA DOT Highway Occupancy Permit (HOP) for the new road and work within the Wallingford Avenue ROW.
8. A DEP NPDES permit and a sewage facilities permit approval or exception.
9. Compliance with other applicable local state and federal rules and regulations.
10. The applicant accept the conditions of approval.

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It was noted that in granting the approval, the following waivers are hereby granted:

Section 289-7C.(1)- Request to allow paved width of Anderson Street to remain.

Section 289-20(D)(1) – Request partial relief to allow the number of replacement trees calculated by the Shade Tree Commission to encompass replacement trees otherwise required by impervious coverage and to substitute shrubs for trees as noted above.

Section 289-20(C)(4)(a) – Partial relief to permit 2” caliper trees to be planted per Shade Tree Commission

Section 289-20(D)(5)(a)(2)[a] – Partial relief to allow the substitution of shrubs for a certain number of replacement trees, per the Shade Tree Commission.

Mr. Justin Moody stated he accepts the conditions of approval on behalf of Progressive New Homes LLC.

Mr. Knapp seconded the motion which passed by a vote of 6-1 with Mr. Baker voting No. Mr. Knapp explained this is a “by-right” plan and he thanked the developer and residents for working together.

COMMUNITY ENHANCEMENT COMMITTEE REPORT (Mr. Baker)

Bare Root Tree application – Mr. Baker noted 10 trees would be planted at Leiper Park.

Community Clean-up Day – Mr. Baker stated the event will take place on April 15th and that it is the first of two events. Mr. Baker noted that it takes place on a Monday, as trash would pile up if it takes place on a weekend. He stated there are three locations: the Public Works garage, South Media Fire Company and Hepford Park and it runs from 8:00AM to 4:00 PM. He noted no e-waste or hazardous waste would be accepted and the event is only for Nether Providence residents with ID’s being checked.

Summer Recreation Program – Mr. Baker stated registration begins April 8 at 9 AM at the Township Building.

FINANCE AND ADMINISTRATIVE COMMITTEE REPORT (Ms. McKenzie)

Verizon franchise agreement – Mr. Scott noted he is in the process of supplying data for a technology grant.

Motion to approve warrant list – Ms. McKenzie went through the warrant list highlighting various expenses. Mr. Knapp asked about PECO charges and reduced energy for street lights. A question was asked about the NRA expense. Chief Splain said it was the cost for improving shooting accuracy. Mr. Dougherty wanted to acknowledge the Public Works department as they do most of the vehicle repairs on the trucks and police vehicles saving the Township money. It was noted there were a lot of duplicate tax payments. Ms. McKenzie moved to approve the warrant list. Mr. Knapp seconded the motion which passed by a vote of 7-0.

INFRASTRUCTURE COMMITTEE REPORT (Mr. Sullivan)

Moore Road sidewalk - Mr. Sullivan noted his conversation with PADOT and engineers and noted cost estimates are higher than the grant funds. He stated PADOT’s regulation to build temporary walk ways and we are working to reduce the cost estimates.

CDBG Madison and Denver Courts – Mr. Sullivan noted we stand to receive community development funds for storm sewer improvements for Madison and Denver Courts.

CMAQ grant opportunity – Mr. Sullivan reviewed Mr. Grady’s list of upcoming grant opportunities and only the DCNR grant needs to be decided soon.

Aqua main replacement project began – Mr. Sullivan noted that work on Meadow Lane, Devon Lane, Oxford Lane and Waterford Way has begun and we will be seeking a contribution

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amount in lieu of final restoration from Aqua.

Amendment to sewer lateral inspection regulations – The Board discussed a draft ordinance and whether to include an appeal process. Mr. Catania said an issue only came up once. Mr. Grady said the issue that people question is the plumbers on the list may say work needs to be done when they would be the ones doing the work. After discussion, the Board agreed to advertise the ordinance as is.

PARKS AND OPEN SPACE COMMITTEE REPORT (Matt Garson)

Park rehabilitation grant – Mr. Garson noted the Parks Commission has decided to submit an application for a grant for Sapovits Park. He noted 7 options and there is a 50% grant match. He recommends the bulk of the work be done by the Public Works Department to reduce costs. Mr. Garson went through all options and noted engineering and construction costs total \$550,000 and the township paying 50%. He noted another grant opportunity is coming up. Mr. Garson went through each option with the Board and suggested taking care of ADA and infrastructure with the Public Works Department installing a pad. He said option # 7 would cost \$225,000 and with public works department labor valued in at \$107,000 we would have to pay \$3,400. The Board discussed lighting for the park. Mr. Baker noted drainage on soccer fields is poor so this should be addressed as well. Ms. McKenzie noted the soccer field is good except for drainage in one corner. Mr. Knapp suggested Mr. Catania look at how to help improve drainage and asked about an ADA trail. He also said we need to look at access roads for public works trucks and other vehicles so as not to destroy the walk. Mr. Sullivan says Option # 7 makes the most sense and we can use Greenways Grant due May 31 with a 15% match to address drainage. Mr. Garson made a motion to authorize a grant application under option # 7 to DCNR. Mr. Dougherty seconded the motion which passed by a vote of 7-0.

PUBLIC SAFETY COMMITTEE REPORT (Mr. Knapp)

DCED fire apparatus study – Mr. Knapp noted GCFC submitted their information but SMFC has not.

PennDOT suggestion for extending right turn lane on Baltimore Pike – Mr. Knapp explained the issue and stated it is not to harm anyone, but rather to get vehicles to merge into the left lane earlier and advise them they have to merge. He mentioned the Board will notify residents of any action. Mr. Sullivan said they will work with PADOT to time the lights but we will still have the issue with blocking the box in the interim. It was noted the cost is \$1,300 to \$1,700 to repaint the box and he asked the Police Department to enforce it. Chief Splain said they would begin next week. Ms. McKenzie suggested painting of the box with the most visual impact.

Mr. Knapp gave the monthly Police report noting the hiring of new part time officer Robert Brake.

PUBLIC WORKS COMMITTEE REPORT (Mr. O'Connor)

2019 Road Resurfacing Program – Mr. O'Connor asked the Board to review the list. Mr. Sullivan noted the Aqua contribution and resurfacing those roads would use a big chunk of our budget. Mr. Catania stated he is trying to get a payment amount from Aqua for the current projects, but noted we may not be able to include it in the 2019 contract. Mr. Catania stated he believed we get better pricing in April versus July and suggested to just bid the Aqua streets and see what is the balanced is. Mr. Sullivan reminded Mr. Catania we need to put a crown of Henry Lane as well as on Osbourne Lane. Mr. Sullivan then made a motion to advertise to receive bids for the Aqua streets. Mr. Knapp seconded the motion which passed by a vote of 7-0.

ADJOURNMENT – Mr. Sullivan noted the next meeting would be a work session on April 11th.

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There being no further business the meeting was adjourned.