

**(123) BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP  
MEETING of May 23, 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, May 23, 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 O'Connor

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

EXCUSED: Commissioner McKenzie

**PUBLIC**

Approximately 23 people in attendance.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

Mr. Sullivan noted an Executive Session was not held prior to the meeting. He then led the audience in the Pledge of Allegiance.

Mr. Sullivan then congratulated resident Merv Harris who was the recipient of the Lifetime Historic Achievement Award from County Council.

**Raymond White Officer of the Year Award and Police Commendations**

Chief Splain presented Commendations to several officers as follows:

Officer James Irej, Officer Steve Kilian and Detective Michael Erickson – for \$405,00 drug seizure.

Detective Michael Erickson and Officer James Irej – for \$595,000 drug seizure.

Sargant Patrick Fisher, Officer Michael Worrell and Officer James Irej – for a \$397,000 cash seizure.

Officer Matthew Liss and Detective Michael Erickson – for a DUI arrest and confiscation of illegal firearms.

Officer William Sweeney – for saving a human life after responding to an accident involving a drug overdose.

Traffic Officer Kevin Smith – for Traffic Enforcement and obtaining a MCSAP inspection certification resulting in a 10% reduction of traffic accidents in the township.

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Chief of Police Splain informed the audience that Officer Raymond White died in service on April 10, 1983 after 24 years with the NPPD. He further explained his namesake award is voted on by peers and that this year's recipient is James Irey. Officer Irey accepted the award to applause.

### **PUBLIC COMMENTS**

Mr. Sullivan asked for a show of hands of residents wanting to speak about 310 Wallingford Avenue. He gave the status of the property noting approval of 10 single homes was followed by an R-5 plan that was rejected by the Township Planning Commission and revised R-5 plans were then submitted. Mr. Sullivan asked to defer action on the revised R-5 plan to the June 27<sup>th</sup> meeting when Ms. McKenzie will be present. The Board and Ms. Sarah Peck of Progressive New Homes agreed.

Sherry Schaefer of 15 Shepherd's Lane noted a mistake on the county's assessment of the property listing it as a commercial property and it also is two parcels. She also referred to old South Media and noted Allen Lane went through property, so it is naturally R5 and R3 parcels. She asked if this is normal and suggested a development proposal. She said the tax records and deeds are wrong.

James Duffy of 104 Ronaldson Street said he loves South Media and noted the kids play with each other and he noticed due to high taxes that people are selling and losing their homes. He stated when he heard the houses would be around \$500,000 he thought it was a death wish for residents. He said Ms. Peck has worked to provide reduced cost housing and he hoped the Board would work to make sure South Media is a place where working class people can live.

Nanette Whitsett of 801 Forrest Avenue and Chair of South Media United stated she sent a letter earlier and then proceeded to read the letter. She noted the petition supplied to the Board in March and Ms. Peck's willingness to reduce sale cost of homes and the new R-5 development will have a positive impact on the community and hoped further gentrification would not occur.

Doug Minnick of 525 Vernon Street noted it's good to give police commendations, and he thanked the Board for dealing with this process. He said he has 3 children and works double shifts so being home is quality time. He stated it is foremost to preserve the community and felt the Board should support and work with Ms. Peck. He also noted the stream through the property is a mess and she is willing to fix it.

Alex Schwartz stated he is the listing agent for the seller of the property and the owner chose Ms. Peck as she is a residential developer and has buyers looking for affordable housing.

James Mason of 603 Washington Avenue said he has been to a lot of meetings and thanked the Board members for listening. He stated people in the neighborhood would want to buy these homes.

### **APPROVAL OF MINUTES**

Mr. Sullivan noted the meeting minutes were in the Board packets and he gave Mr. Cummings revisions.

**Legislative Meeting of April 25, 2019** - Mr. Sullivan moved to approve the minutes of Legislative Meeting of April 25, 2019. Mr. Garson seconded the motion which passed by a vote of 6-0.

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

Mr. Sullivan noted it's unfortunate that Tyler Bozutto is moving from the township so will be leaving the Shade Tree Committee, but Conner Diggins has submitted his name and will be great for the committee. Mr. Sullivan made a motion to appoint Conner Diggins. Mr. Dougherty seconded the motion which passed by a vote of 6-0.

### **SOLICITORS REPORT**

Mr. Scott stated he had nothing to report.

### **ENGINEERING REPORT**

Mr. Catania gave his report noting he had pre-construction meeting with the road resurfacing contractor (Glasgow) and the project is starting on Tuesday. He gave the schedule noting they will be completed in three weeks. It was noted the water main in Devon will be done next week and Waterford Way will be done the week of June 10<sup>th</sup>.

### **BUILDING AND ZONING COMMITTEE REPORT** (Mr. Dougherty)

**310 Wallingford Avenue subdivision (Progressive New Homes)** – Mr. Dougherty noted the earlier discussion and it will be deferred to the June meeting.

**Residential-Professional draft ordinance** – Mr. Dougherty noted the draft ordinance creating a new zoning district will be before the planning commission on Monday.

**SBA cell tower application to be before the Zoning Board** – Mr. Dougherty noted at the SBA special exception application will be before the zoning board on June 15<sup>th</sup>. Mr. Sullivan noted the Boards letter will be read and put into the record.

### **COMMUNITY ENHANCEMENT COMMITTEE REPORT** (Mr. Baker)

**Summer Recreation Program** – Mr. Baker noted Summer Camp starts on June 24<sup>th</sup> and there are just a few openings available.

**Don DeVito of 302 Henry Lane** noted his house at the bottom of the lane becomes a moat. He noted storm sewers were put in on other streets and was told they would be done on his but now the road is being resurfaced. He wants to know when storm sewers will be put in. Mr. Sullivan noted a storm sewer for Henry Lane is on the capital list, but it is very expensive, so it did not make the cut. He said a crown could be put in when the road is resurfaced so let's see if that helps. Mr. DeVito asked if one would need to be put in if it doesn't work then the street would be ripped up. Mr. Sullivan said the inlet would run along the street. Mr. DeVito asked why Aqua money couldn't be used to put in the storm sewer. The Board noted the funds from Aqua were to be used for resurfacing.

Mr. Dougherty left at 8:17 PM.

### **FINANCE AND ADMINISTRATIVE COMMITTEE REPORT** (Mr. Sullivan in absence of Ms. McKenzie)

**Motion to approve warrant list** – Ms. Sullivan went through the warrant list and asked about the police vehicle funding from the Police Capital Fund. He noted expenditures for Bare Root trees, the auditing cost by Bee Bergvall for the Parkridge Drive project, and Brandywine SPCA. Mr. Baker asked about the Charles Higgins maintenance fee and it was noted it is an annual fee. Mr. Sullivan moved to approve the warrant list. Mr. Baker seconded the motion which passed by a vote of 5-0.

**Verizon Franchise Agreement** – Mr. Scott noted the ball is in their court and we are waiting to

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hear back on the grant request.

**Act 172 tax credit ordinance** – Mr. Sullivan noted volunteers have to be active in at least 33% of activity. He noted Brookhaven Fire Company is listed as eligible. Mr. Baker asked if a third could be generic. Mr. Scott suggested maybe it could be any firefighter from any company which has a mutual aid agreement or any adjacent municipality. Mr. Knapp felt it might not be a lot of money, so adjacent communities were ok. Mr. Sullivan said the credit should be the maximum of 20% and the resolution should state a minimum to 33% of activity. Mr. Sullivan moved to advertise the ordinance for the June meeting. Mr. Baker seconded the motion. Mr. Baker suggested a sliding scale based on activity. Mr. Sullivan said that may be a problem in tracking the activity. The motion passed by a vote of 5-0.

**Social Media Policy** – Mr. Garson said he felt it is important to pass and made some suggested changes. Mr. Sullivan moved to adopt the policy with the changes. Mr. Garson seconded the motion which passed by a vote of 5-0.

**Right-to-know Resolution** – Mr. Sullivan said the Right-to-Know law is a state law and noted some vexatious requests. He noted one this week as expensive to respond to. Mr. Sullivan moved to approve Resolution 2019-6 and to send to PA State representatives and legislature. Mr. Knapp just wanted to make sure it is not used to quash legitimate requests. Mr. O'Connor seconded the motion which passed by a vote of 5-0.

#### **INFRASTRUCTURE COMMITTEE REPORT** (Mr. Sullivan)

**CMAQ grant opportunity** – Mr. Sullivan noted the grant application is due June 28<sup>th</sup> and is the one currently received for the E. Possum Hollow Road walk. He stated it could be used for a walk along Putnam Boulevard, but the cost is about \$1.1 million. Mr. Sullivan stated with all that we have going on we can let this one pass.

**Multi-modal grant due July 31** – Mr. Sullivan noted this grant has no match and suggested we submit for Providence Road sidewalks. Mr. Knapp noted he has received complaints and supported applying for Providence Road sidewalks under this grant. The Board asked Mr. Grady to prepare the grant.

**E. Possum Hollow Road public meeting** – Mr. Sullivan noted a public meeting will be held on June 27<sup>th</sup> and work is to start next year.

**Traffic Calming** – Mr. Sullivan noted a resident came up with 3D crosswalk idea for Harvey Road and that PADOT states it is not allowed. He noted Harvey Road is not suitable for speed humps either. Mr. Sullivan asked about the next Sidewalk Committee meeting and Mr. Cummings said it will be held June 12<sup>th</sup>.

#### **PARKS AND OPEN SPACE COMMITTEE REPORT** (Mr. Garson)

**DCED greenways trails and recreation grant due May 31** – Mr. Garson noted Furness Park or Sapovits Park are options. He stated we could also possibly help with the NPAA lighting in Houston Park. Mr. Grady noted estimates for Furness Park are old so maybe increase the cost by 10%. He noted Sapovits work could be funded by two separate grants. The Board discussed options for other various grants. Mr. Baker felt we should apply for Sapovitz Park. Mr. Sullivan said he liked improving the Sapovitz Park field and also wanted to continue the trail in Furness Park. Mr. Garson moved to pursue the DCED Greenways Grant for Sapovits Park at \$111,350. Mr. Sullivan second the motion which passed by a vote of 5-0.

**DCED watershed protection grant due May 31** – Mr. Sullivan stated we should use for sediment reduction credit and moved to pursue the watershed protection grant for streambank restoration and a basin for flood control. Mr. Knapp seconded the motion which passed by a vote of 5-0.

**Valley Forge Audubon Advocacy engagement** – Mr. Garson said it is being considered but it

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will be discussed in June.

**PUBLIC SAFETY COMMITTEE REPORT** (Mr. Knapp)

**Baltimore pike and Beatty Road/252 and Mulberry Road intersections** – Mr. Knapp noted PennDOT corrected the timing of the lights and Mr. Catania noted they will also correct the Providence Road Trolley signals.

**Animal Control** – Chief Splain noted many Police Departments use Alan Strickler and we can save significant money using his services instead of Brandywine Valley SPCA. He referred to a spreadsheet showing the savings based on last month's invoice. Chief Splain said we could also use D & D Animal Control for housing animals. After discussion, Mr. Knapp moved to accept the Strickler proposal and use D&D for housing animals subject to Solicitor review and approval. Mr. Sullivan seconded the motion which passed by a vote of 5-0-1 with Mr. Baker abstaining as the Upper Providence Police Dept use Strickler. Mr. Knapp gave the monthly Police Report and thanked Chief Splain and his officers again for their service.

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

**Recycling RFP for 2020** – Mr. Sullivan noted this must be advertised in August and has both recycling and trash so it should be discussed. The Board discussed a mutual renewal and expiration options. After discussion, Mr. Sullivan moved to exercise our option to extend the contract by 1 year and to communicate this to H & H. Mr. O'Connor seconded the motion which passed by a vote of 5-0.

**Aqua road resurfacing bids received** – Mr. Sullivan noted the Aqua payments and listed other roads. Mr. O'Connor noted the information in the folders. Mr. Sullivan moved to accept the Aqua contributions of \$195,000 and \$107,500. Mr. O'Connor seconded the motion which passed by a vote of 5-0. Mr. Sullivan noted this would leave a balance of \$155,000. Mr. Sullivan asked when it will go out to bid for the remaining Aqua roads. The Board discussed to include other roads. After further review of extra roads and further discussion, Mr. Sullivan moved to advertise to obtain bids for the discussed roads. Mr. O'Connor seconded the motion which passed by a vote of 5-0.

**MANAGERS REPORT**

Mr. Cummings noted a resident request for speed reduction on West Rose Valley Road and the Curb Your Clutter contract. He noted the loader for the highway department would need \$5,400 in repairs and that there will be an electronic recycling event on June 1<sup>st</sup> at St. Johns Church. He noted that May 23<sup>rd</sup> was 143-Day as declared by Gov. Tom Wolfe honoring Fred Rogers as May 23<sup>rd</sup> is the 143<sup>rd</sup> day of the year. Mr. Cummings stated the 70<sup>th</sup> Strawberry Festival at Wallingford Presbyterian Church will take place on June 3<sup>rd</sup> and the Board of Elections voting machine expo would be held on June 6<sup>th</sup> in Aston.

**ADJOURNMENT** – Mr. Sullivan noted the next meeting would be a combined session on June 27<sup>th</sup>.

There being no further business the meeting was adjourned.