

**(117) BOARD OF COMMISSIONERS OF NETHER PROVIDENCE TOWNSHIP  
MEETING of May 9, 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 9, 2019 in the Board of Commissioners' Meeting Room, Township Municipal Building, 214 Sykes Lane, Wallingford, PA 19086.

**ROLL CALL**

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

**PUBLIC**

Approximately 24 people in attendance.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

Mr. Sullivan noted an executive session would be held after the meeting concerning litigation and personnel matters. He then led the audience in the Pledge of Allegiance and asked the audience to remain standing for a moment of silence for the passing of Police Sergeant Montgomery's father.

**Response to Lost Child incident** – Mr. Sullivan noted the swift action taken by 2 Township public work employees helped police locate the parents of the child found on Wallingford Avenue.

**PUBLIC COMMENTS - (On 310 Wallingford Avenue)**

Shari Schaefer of 15 Shepherds Lane spoke on the development on 310 Wallingford Avenue and spoke to COSA and we were the laughingstock in thinking \$400,000 homes as being affordable. She said they are not affordable for seniors and noted the average social security payment is about \$900 per month and we should take a step back. She stated the South Media United families own lots of properties around and across from 310 Wallingford Avenue and someone had stated there are no lots for sale in South Media but there will be. Mr. Dougherty asked Ms. Schaefer to refrain from speaking about specific people and making assertions.

Douglas Minnick of 525 Vernon Street stated he moved to South Media several months ago because it was affordable and noted residents welcomed them. He stated kids came and sang Christmas carols and he likes that children play in the area. He stated he enjoyed Unity Day and there are migratory birds on the property, so he preferred the denser development. He stated he

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felt single-family homes will add more school children.

Sarah Peck, Equitable Owner of 310 Wallingford Avenue stated she has heard a lot of concerns and has ideas to address the concerns and would welcome going back to the planning commission to address the communities' concerns.

Darrell Blair of 220 Emerald Lane said she received calls about flyers received referencing low-income housing and that is not true.

Janell Berry of 530 Wallingford Avenue stated she lives directly next to the property and so was not in favor of development. She said she does not like the divide and felt we need to come together to discuss what works for everybody.

Nanette Whitsett of 801 Forrest Avenue said it has been a process and journey and if there is an invisible line in between communities, we should erase it. She said an aerial view showed the density and Ms. Peck wanted to show the plan and inside of units, but no one would listen. She said the proposed front porches are consistent with the area. Ms. Whitsett stated Ms. McKenzie obtained school children numbers from the Superintendent showing little difference with either development. She noted problems with storm water on Vernon Run and that the developer is willing to put money in to address it. She said relative to traffic, people come and go at different times. Ms. Whitsett noted the concern with higher density but that the developer is willing to reduce the number of units. She noted the PRD regulations require a minimum of 20 acres, but the development is preserving the back of the property.

Mary Kassab owner of 226 Wallingford Avenue stated she looked at what may be best for the property at 310 Wallingford Avenue and she said she felt 24 units would work.

Susan Baker of 509 Manchester Avenue stated she lived in South Media for 26 years and felt that if rezoned, there would be apartments the proposal looks like a big cement block. She stated she is opposed to anything that will reduce her property value. She noted people move here because of the school district and rezoning will change the area forever.

Brian King of 522 Wallingford Avenue stated he went to a meeting and was not opposed to development but not in favor of that many units. He knows a traffic study was done but noted traffic on Wallingford Avenue does get heavy in the morning and evening.

Elizabeth Cawley of 621 Vernon Street stated she was the one who passed out the flyers and meant not to say low-income and it is great to see people discuss the issue and compromise. However, she stated quads are too dense and there is no other area in the Township that dense except for the former army barracks in Garden City. She stated that although the forest is left in the back, impervious areas for quads is much more. She stated \$250,000 units may not be doable and an R-5 zoned property is not what she bought next to.

Krikor Panossian of 510 Vernon Street stated he was fine with the 10 homes but when he heard of the revised plan, he felt there are too many units. He felt there may be a number in between.

#### **OTHER PUBLIC COMMENTS -**

Roseanne Mulcahy of 916 Surrey Road asked for an update on Baltimore Pike and Beatty Road. Mr. Sullivan stated it is on the agenda for discussion. She asked what the right to Know agenda item was about. Mr. Cummings noted it was a request from another municipality to limit vexatious requests. Ms. Mulcahy ask about complying with the sunshine law and if it is policy by the Township to limit public comment.

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

Mr. Sullivan noted the Board is looking into any available openings on the Sidewalk Committee and the Environmental Advisory Committee.

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

**310 Wallingford Avenue subdivision (Progressive New Homes LLC) R-5 sketch plan** – Mr.

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Dougherty summarized by stating that he attended the planning commission meeting and was interested in seeing the commission's comments. He stated that it was voted 5-1 to not recommend rezoning as proposed. He noted the concerns on storm water management stating the plan shows an 80% increase in stormwater runoff and there also is sets back concerns. Mr. Sullivan told Ms. Peck of Progressive New Homes that if she wants to go back before the Planning Committee it needs to be a different plan with reduced density. Ms. Peck responded by saying its hard to present a plan without seeing the comments noting what's suggested may not be able to be done. She said she does not want to be geared towards something that doesn't work. Mr. Cummings noted she may want to withdraw the plan from the County. **Ordinance on Residential Office zoning (116 and 120 E. Baltimore Pike)** – Mr. Dougherty noted the zoning amendment was approved by the County Planning Commission, but we are waiting on comments from our Planning Commission. Mr. Scott noted once we receive the Township Planning Commission comments the next step is to authorize a public hearing. Mr. Baker asked if this was a change in zoning as is the proposal for 310 Wallingford. Mr. Sullivan said yes, but this one is existing and not proposing new development.

**SBA cell tower before zoning board on May 20** – Mr. Dougherty noted they are seeking a special exception before the Zoning Board on May 20<sup>th</sup>. Mr. Sullivan asked what the next step is and it was noted they just need to make application for their construction permit. Mr. Sullivan asked about any mitigating factors and Mr. Scott said it needs to go before the Zoning Hearing Board. After discussion, Mr. Sullivan asked for a letter to be put together requesting the applicant include street scope improvements to Avondale Road to which the Board agreed. Mr. Sullivan stated he would draft a letter.

**Jordan Estates lot on Twyckenham Road** - Mr. Dougherty noted the Jordan Estates Homeowners Association wanted to know of our interest in acquiring the lot. Ms. McKenzie said it appears to be too small for a park and she noted both adjacent neighbors were present and both expressed an interest in acquiring the lot. A neighbor from across the street said she would be concerned with a park. After discussion, it was agreed to send it to the Park Commission while noting there is little interest in the lot at this time. Mr. Scott said the HOA may have to submit an amended plan.

**Resolution opposing HB 349** – Mr. Dougherty noted we talked about this a couple of weeks ago and said this forced us to use two code inspectors. After discussion, Mr. Dougherty moved to approve Resolution 2019-5 opposing HB 349. Mr. Sullivan seconded the motion which passed by a vote of 6-0.

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

**Summer Recreation Program** – Mr. Baker noted 185 campers were signed up to date. Ms. McKenzie asks what the enrollment goal is at this point. Mr. Baker noted they hope to have 200 campers.

**Welcome to the Township signs** – Mr. Baker said he prepared a mock-up of a sign based on and is working with Fast Signs to prepare it. He noted he is looking at areas for sign placement and the sign material can be red wood, composite or foam board. Mr. Baker mentioned Brookhaven Road by Waterville Road is one location as well as Providence Road coming from Chester and Baltimore Pike at Route 476 is another location.

**Houston Park lights for baseball field** – Ed Bonett, President of Nether Swarthmore Baseball, noted there are about 570 children in the program. He said they were asked to expand the program and asked about the possibility of lighting the field. He stated they could then double the amount of games played at the park. He said they went to all the neighbors and all but one signed the petition. He introduced Mike Keller as a Board member who noted problems with the weather and having make up games and the lights would help with scheduling. He noted the other leagues have lights and that it would help in adding games until 10:00pm. He stated he has not discussed this with NPAA Soccer but felt that the lighting would light part of the soccer field as well. It was noted they may be able to apply for a grant and the cost would be around \$130,000 and they would ask the township for 20% support in funding. The current proposal is for 4 light towers and that there are other NPAA programs it would benefit. Mr. Sullivan stated there are 2 hurdles to overcome. The first are the neighbors which appears to be resolved and the

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other is the township contribution; He stated it will be difficult for the Township to supply any funds, but we could supply the labor. Mr. Baker said he supported the effort but was concerned that NPAA Soccer will then ask for lights. Mr. Dougherty said he agreed with Mr. Sullivan's and Mr. Baker's comments and said he is also concerned with the soccer program requesting lights. Mr. Keller asked if it is okay to proceed and Mr. Sullivan said yes. It was noted there could be zoning issues with the height of the towers. Mr. Grady asked how to proceed in applying for grant funding and Mr. Sullivan said whatever is more advantageous, but to be clear on where the match funds are coming from.

#### **FINANCE AND ADMINISTRATIVE COMMITTEE REPORT** (Ms. Kait McKenzie)

**Verizon Franchise Renewal (expires March 8, 2019)** – Mr. Scott noted we are still waiting to hear back with a financial grant proposal.

**Act 172 (tax credits for volunteer firemen)** – Mr. Scott said the Act is not clear if a fire fighter from another municipality living in Nether Providence would be eligible. After discussion, Mr. Scott was authorized to prepare an ordinance. Discussion continued concerning a volunteer fire fighter belonging to two companies and it was agreed it is acceptable if they meet the criteria with the two companies.

**Social Media Policy** – Ms. Garson stated he is in favor of pursuing this policy but just wanted to review the specific language.

**Right to Know resolution (relief from Vexatious Requesters)** – Ms. McKenzie noted Mr. Cummings explained this earlier and we're asking to sign a resolution. Mr. Sullivan asked Mr. Cummings to prepare the resolution. Mr. Scott noted the recent request for all permits issued since 1978. Ms. Mulcahy asked if she could comment on the matter and Mr. Sullivan said once it is drafted.

**Authorize sale of PWD Truck No. 2 and Police Tahoe No 7 on GovDeals** – Ms. Swan explained the status of PWD #2. Ms. McKenzie went through the truck repair expense versus the cost of a new truck. Mr. Sullivan said he was ok moving forward to get a new vehicle noting it should arrive in the 4<sup>th</sup> quarter. Ms. McKenzie stated the Durango that replaced the Tahoe was purchased with drug forfeiture funds. Ms. McKenzie made a motion to authorize the Tahoe to be placed for sale on GovDeals at a minimum of \$10,000. Mr. Sullivan seconded the motion which passed by a vote of 6-0. Ms. McKenzie then made a motion to sell the PWD Truck # 2 on GovDeals at a minimum of \$5,000. Mr. Sullivan seconded the motion noting the truck was not to be replaced until 2022 but that was the only vehicle to be replaced before 2024. The motion passed by a vote of 6-0.

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

**MS4 Report (municipal separate storm sewer system) under NPDES regulations** – Mr. Catania noted an annual report must be done and named 6 criteria that must be met and noted the new requirement to reduce sediment 10% over the next 5 years. He asked residents to submit any comments to the township. Mr. Sullivan noted the list of materials requested by Mr. Dixon would cost about \$3,800. Mr. Sullivan moved to approve their purchase. Mr. O'Connor seconded the motion which passed by a vote of 6-0. Mr. Grady explained a separate fund account could be created to keep funds separate and that \$20,000 would be placed to open the fund. Mr. Sullivan made a motion to open the special MS4 fund. Ms. McKenzie seconded the motion which passed by a vote of 6-0.

**Moore Road Sidewalk** – Mr. Sullivan noted the cost estimate came in high, but we will be going out to bid to get actual costs.

**E. Rose Valley Road Sidewalk** – Mr. Sullivan stated survey work has begun.

**Possum Hollow Road Sidewalk Project** – Mr. Sullivan moved to approve a resolution on amending the traffic signal plan at Possum Hollow and Providence Road. Mr. O'Connor seconded the motion which passed by a vote of 6-0. Mr. Grady noted a public meeting on the E. Possum Hollow Road project is scheduled for June 29<sup>th</sup>.

**Aqua main replacement project** – Mr. Sullivan noted the project has been finalized but the

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roads are beat up and the township will get a payment proposal from Aqua in lieu final restoration.

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

**Demolition Fund grant received from Delaware County (\$75,000)** – Mr. Garson noted the Township was awarded a county grant of \$75,000 for the demolition of Summit School and thanked County Council and Mr. Sullivan for their diligence. A discussion focused on what to specifically use the funds for and whether to prepare and RFP. After discussion, it was agreed to prepare a scope of work.

**Other upcoming grants** – Mr. Grady noted the DCED Sewage Facilities grant application is due May 31 but it's just for planning. Mr. Catania noted only engineering will be eligible under the 537 Plan. This will be investigated.

**DCED Greenways and Trails** – It was noted the application is due May 31. The Board discussed and will review again at the May 23<sup>rd</sup> meeting.

**DCED Watershed Protection due May 31** – Mr. Sullivan noted there are 2 suggestions, Henry Lane and Sapovits Park. Mr. Catania explained the proposals noting installation of BMPS on Henry Lane and Callender would count as sediment removal as well as field drains under the field at Sapovits Park. He also noted culverts would be installed at Sapovits Park. Charles noted we could receive credit for a lot of sediment reduction for Sapovits but there was a question on disturbing use of the field. Mr. Catania stated you need to allow for grass to grow back and be established. Mr. Garson said the cost to the Township for Sapovits is \$80,000 and Henry Lane is \$142,000. Ms. McKenzie agreed. Mr. Sullivan asked if the Sapovits project would reduce flooding. Mr. Catania said it would. Mr. Sullivan also asked where would be in meeting the sediment removal requirement. Mr. Catania said he would have to look but every project helps. Mr. Garson said we are going to crown Henry Lane when resurfaced and will look for grants later. Ms. Whitsett noted that Ms. Peck suggested to do something similar in Sapovits Park. After discussion Mr. Sullivan asked to have Mr. Grady prepare grant applications for Furness Park Phase 2 and Sapovits Park.

**Multi-Modal due May 31** - It was noted the Multi-Modal grant is already authorized for the Providence Road sidewalk.

**CMAQ** - It was noted the application is due June 28.

### **PUBLIC SAFETY COMMITTEE REPORT** (Mr. Sullivan in Mr. Knapp's absence)

**Animal Control contract with Brandywine SPCA** – Mr. Sullivan noted Chief Splain's recommendation to go from Brandywine SPCA to Alan Strickler and asked the Chief about the cost. Chief Splain noted Mr. Strickler cost is much less and he also does wildlife noting the police had to dispatch 6 rabid animals the last two months. He noted there are two options for boarding of animals. Ms. McKenzie noted the cost for both acquisition and lodging is cheaper for dogs but more for cats. The Chief said the majority of the time animals are not being lodged and there is no animal fee with Mr. Strickler. He stated the savings would be 30% to 40% and noted Upper Providence and Aston are very satisfied with Mr. Strickler The Board will review and consider a change at the May 27 meeting.

**DCED Apparatus Study** – Mr. Grady noted the reviewer is sending all the information to Harrisburg and then he will want to meet with the Fire Chiefs.

**Baltimore Pike and Beatty Road/252 and Mulberry Road Intersections** – Mr. Cummings noted he has not heard back from PADOT on the request to remove the No Turn on Red prohibition. Mr. Scott said he passed on the request for Mulberry at Providence to Media Borough officials. Mr. Sullivan asked what we can do to adjust the timing issues. Mr. Catania stated he will ask PADOT for an update.

**Traffic Calming** – Mr. Sullivan noted the matrix is in the packets and suggested a 3-D sidewalk which Mr. Dixon is testing.

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

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**2019 Road Resurfacing** – Mr. Sullivan suggested we wait until Aqua sends us their information on the roads they are current working on.

**Recycling RFP** – After discussion, the Board agreed to address this at the May 23 meeting.

**Curb My Clutter program** – Mr. Scott said this has to be promoted a minimum of 3 times a year, but the township cannot contract with anyone else. Mr. Grady said we can still do our township Community Clean-up Days. Mr. Sullivan made a motion to enter an agreement with Curb My Clutter for a 1-year period. Mr. O'Connor seconded the motion which passed by a vote of 6-0. Mr. O'Connor then gave the Highway report.

### **MANAGERS' REPORT**

Mr. Cummings stated there will can hold an electronic collection event on November 2<sup>nd</sup> at Summit School with Media and Swarthmore Boroughs with the cost being split between the 3 municipalities at \$250 each. The Board agreed to go in on the event. Mr. Cummings stated the annual May Fair at Furness Library will take place om May 11 and a Voting Expo will be held at the Aston County Community Center on June 6. He also noted the bare root tree planting at Leiper Park was held on April 28 and May 5<sup>th</sup> through the 9<sup>th</sup> is Children's Mental Health Week. Mr. Cummings asked about the Summer Meeting Schedule. After discussion, it was agreed a combined meeting would be held on the 4<sup>th</sup> Thursday of June, July and August. He noted the Audubon Society have asked us to consider a resolution supporting native plantings and rain gardens. Mr. Catania noted this would be great for our sediment reduction program.

**ADJOURNMENT** – Mr. Sullivan noted a quick Executive Session would take place after the meeting. There being no further business the meeting was adjourned. The next meeting will be the Legislative Meeting on May 23.