

**(170) BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP
MEETING of December 19, 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, December 26, 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 Knapp
Commissioner O'Connor

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

PUBLIC

Approximately 9 people in attendance.

ROLL CALL AND PLEDGE OF ALLEGIANCE

Mr. Sullivan noted in the Executive session real estate and personal matters were discussed.

Mr. Sullivan led the audience in the Pledge of Allegiance. He stated this will be the last meeting for Commissioners Mike Dougherty and Larry Baker. He read a Certificate of Recognition acknowledging Mr. Dougherty's 12 years of service to applause. He also read a Certificate of Recognition acknowledged Mr. Baker for his involvement with Family Fun Day, Summer Camp, as well for over 9 years of service to applause.

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT

Mr. Sullivan opened the Public Hearing, explained the program and asked for comments. There were no comments.

PUBLIC COMMENTS

Eileen Dougherty and children thanked the Board and her husband Mike for 12 years of service and noted he made many improvements and they were proud of him.

APPROVAL OF MINUTES

October 24, 2019 - Mr. Sullivan moved to approve the minutes. Mr. Dougherty seconded the motion which passed 6 – 0 with Matt Garson abstaining as he was not present.

APPOINTMENTS TO BOARD OF COMMISSIONERS

Mr. Sullivan noted the list showing who was interested in being appointed. After discussion, he moved to reappoint all those who wished to be reappointed. Mr. O'Connor seconded which

(171)

passed 7-0. The following were reappointed: Dave Hackett – 6 year term on the Civil Service Commission; Jason Devries – 3 year term on the Environmental Advisory Committee; Nick Pulos – 3 year term on the Historical Commission; Ralf Graves – 3 year term on the Parks Commission; Lisa Jacobs – 3 year term on the Shade Tree Commission; Paul Fritz, Kaitlin Gurney and Michael Cleary each 3 year terms on the Sidewalk Committee; Jeff Zobel – 3 year term on the Zoning Hearing Board.

SOLICITORS REPORT

Mr. Scott spoke on the Republic Services contract for processing recyclables noting he sent Republic comments and hasn't heard back. He suggested we approve the contract with his changes.

ENGINEERING REPORT

Mr. Catania submitted report and noted Aqua's offer for payment in lieu of resurfacing Palmers Lane. After discussing Mr. Sullivan moved to accept the \$252,000 for Palmers Lane. Mr. Dougherty seconded the motion which passed 7-0.

Ms. McKenzie noted the resurfacing of lots of 4 ward roads have been pushed off to next year and the residents are not happy. Mr. Sullivan noted roads that have already been milled will be paved this year. Mr. Catania said he is trying to at least get base the repair done noting fluctuations in asphalt costs. He also noted there are time limits for completion with liquidated damages in contracts.

MANAGERS REPORT

Mr. Cummings noted the Board needed to adopt a resolution setting a priority for CDBG projects. After discussion Mr. Sullivan moved to adopt Resolution 2019-17, hereby endorsing for submission the priority project on the list which is Infrastructure Improvements in Garden City Manor. Ms. McKenzie seconded the motion which passed 7-0.

Mr. Cummings discussed the recycling collection schedule changes for Christmas and New Year's Day, the Habitat for Humanity Critical Care program, that we have a blood drive at the Township Building on January 2 and there is a municipal intern program. Mr. Grady noted the intern program costs are paid by the State and there is no set number of hours. Mr. Grady also noted he attended an information session on the 2020 Census.

BUILDING AND ZONING (Mike Dougherty)

Vernon Walk subdivision – Mr. Dougherty stated Fire Marshall Jack Gresch was concerned about not having a cul-de-sac and our options are to approve, request an extension or deny. Mr. Scott noted as a preliminary plan all conditions must be included. Mr. Scott also noted he changed the language relative to storm water management approval. Mr. Catania stated he felt Mr. Scott's language addressed his concern. Mr. Knapp said the issue with cul-de-sac was discussed and resolved. Mr. Cummings noted the applicant agreed to install a 2nd hydrant. Mr. Garson asked about the waiver on sidewalks and if it's possible for a contribution in lieu of the installation. Mr. Cummings noted the requirement and there is the new sidewalk along Wallingford Avenue, and they are proposing to install one along Anderson Street. Mr. Sullivan noted storm water problems downstream and that post construction calculations for a 100-year storm show an increase in volume. Mr. Catania stated with a little tweaking we can get there. Mr. Dougherty noted 10 conditions and asked if the Board was ready to approve. Mr. Sullivan went through Ms. Pecks suggested changes. After discussion the Board amended the language to reflect conditions by the planning commission and amend buffer language. Mr. Sullivan listed

(172)

all waivers. The Board continued to discuss the sidewalk waiver and whether a contribution was needed in lieu of installation. Mr. Scott suggested to not grant a waiver on sidewalk and to discuss it later. Mr. Sullivan moved to approve the Preliminary Subdivision & Land development Plans for Vernon Walk” consisting of 12 sheets dated September 23, 2019, last revised 11/13/2019 prepared by Commonwealth Engineers. Inc. [their Drawing No. 201880-1(c)], Preliminary Conditional Subdivision/Land development Approval subject to Final Plans addressing the following:

1. Compliance with the December 2, 2019 comments of the Township Engineer.
2. Compliance with the December 2, 2019 comments of the Township Planning Commission.
3. Compliance with the December 2, 2019 comments of the Township Fire Marshal recognizing the Preliminary Plans do not contain a cul-de-sac.
4. Compliance with the October 30, 2019 recommendations of the Township Shade Tree Committee.
5. Receipt of a PA DOT Highway Occupancy Permit (HOP) for the new entrance road as well as any utility installations.
6. Receipt of a NPDES permit and DCCD (Delaware County Conservation District) approval.
7. Compliance with all other applicable laws and regulations.
8. The Post-Construction Stormwater Management Plan from CEI dated September 23, 2019, last revised November 18, 2019 remains subject to the approval of the Township Engineer, and shall be further amended to satisfactorily address the concerns of the Township Engineer as provided for under Section 301 R. of the Township Stormwater Management Ordinance No. 768.
9. Section 306 C. of the Stormwater Management regulations requires a 150 ft riparian buffer on each side of a stream but the approved plan allows for a reduction to 50 ft per recommendation of the Engineer with consideration to supplement the buffer area with the native plantings shown on the landscape plan dated November 18, 2019.
10. The applicant shall accept the conditions of approval

In granting this approval, the following waivers were granted:

- Section 289-7.C.(1) - to allow paved width of Anderson Street to remain
- Section 289-20(D)(1) – to allow Shade Tree Commission tree calculation to determine the number of trees to be installed
- Section 289-20(C)(4)(a) – to permit 2” caliper trees per Shade Tree Commission
- Section 289-20(D)(5)(a)(2)[1] – to allow for substitution of shrubs for trees per Shade Tree Commission
- Section 289-7C.(3) – to eliminate the cul-de-sac on an accessway
- Section 289-7 D.(8) – to allow elimination of depressed driveway curbs
- Section 289-7E.(4)(b) – to allow greater than 3% slope on 50 feet each side of intersection
- Section 289-20.C.(3) – to allow some street trees placed outside of right-of-way

Mr. Sullivan noted this does not include the sidewalk waiver to be reviewed later and asked Ms. Peck if conditions were acceptable. Ms. Sarah Peck was in the audience and accepted the conditions of approval. Mr. Knapp seconded the motion and noted he would support a sidewalk waiver. The motion passed 7-0.

Arters & Ianoale subdivision

Mr. Cummings noted Lee Arters was not present at meeting and they have time. Mr. Baker noted

(173)

the comment to widen Willow Road and Mr. Catania said just to widen the road along the frontage. Mr. Sullivan stated we also need to clear up any dedication issues.

Kassab subdivision

Mr. Sullivan noted storm water management needs to be addressed and that only staff comments from the County Planning Department were received. Ms. Kassab was in the audience and explained her proposal. Mr. Cummings noted he did not ever recall a change from staff to official comments and we can always approve subject to compliance with official comments. Mr. Knapp said he is ok with that condition. Mr. Sullivan said the next meeting is in two weeks so the Board agreed to defer action until then.

Springhaven Country Club Pool Area Improvement

Mr. Knapp noted the Country Club made a presentation before us last week. Mr. Houtman, engineer for Springhaven, noted he spoke to the DCPD regarding staff comments and expects no changes. Mr. Sullivan moved to approve granted the plans titled, "Overall Plan, Pool House Reconstruction Project, Springhaven Country Club" consisting of 8 sheets dated November 9, 2019 drawn by G. D. Houtman & Son, Inc. (their file no. 36441) Conditional Land Development Approval subject to the following:

1. Compliance with the December 2, 2019 comments of the Township Engineer.
2. Compliance with the December 2, 2019 comments of the Township Planning Commission.
3. PA DEP sewage facilities planning module approval or exemption.
4. A contribution toward the Township sidewalk fund in amount of \$2,000.
5. Compliance with other applicable laws and regulations.
6. The applicant accepts the conditions of approval.

In granting this approval, the following waivers are also granted:

- Section 289-22.C.(3) – Partial waiver to not show features within 500 feet of the entire club property
- Section 289-22D.(1)(d) – Waiver to not show steep slopes as none are within the project area
- Section 289-22D.(5) – Partial waiver to not show vegetation map for the entire club property
- Section 289-22D.(6)(d) – Waiver to not show wetlands as none are within the project area

Mr. Josh Wilson, President of the Club, was in the audience and accepted the conditions on behalf of Springhaven Country Club. Ms. McKenzie seconded the motion which passed 7-0.

Mr. Dougherty acknowledged Larry Baker's years of service, the Township Staff and the amount of effort put forth by the Board in budget reviews. He noted the budget passes unanimously and is proud to be part of the Board. He noted the enormous amount of work and there has been no pay hike in 12 years. He said Police and Chief Splain are awesome and it now is run smoothly. He said Highway Department is excellent and their response is immediate. Mr. Dougherty then thanked his family for their support and keeping him straight and thanked the Board as well.

COMMUNITY ENHANCEMENT

Mr. Baker thanked the 5th ward for voting him in. He thanked Township staff by name and thanked Chief Splain for the level of professionalism he brought to the department. He stated Mr. Catania is great as is Mr. Dixon and his crew. Mr. Baker also thanked the Board and noted since the majority switched, he realized the Board always has the best interests of the Township in mind. He welcomed Scott Spangler as new Commissioner and said he will also stay on for

(174)

Family Fun Day noting local events are what counts.

Both Mr. Dougherty and Mr. Baker opened their parting gifts of Township shirts, mugs, hats and ornaments.

FINANCE AND ADMINISTRATIVE COMMITTEE REPORT - Ms. McKenzie

Motion to approve warrant list – Ms. McKenzie went through the warrant list and highlighted some expenditures. She then moved to approve the warrant list. Mr. Sullivan seconded the motion which passed 7-0.

Approval 2020 Budget – Ms. McKenzie noted there are no real changes and moved to approve the 2020 General Fund, Liquid Fuels and Capital budgets. Mr. Sullivan seconded the motion which passed 7-0. She noted the projected year-end balance is \$946,000 and it was half of that when she became finance chair.

Ordinance 817 (2020 Millage Rate) – Ms. McKenzie read and moved approval to set a millage rate of 5.731 mills. Mr. Knapp seconded the motion. Mr. Baker said for the taxes we pay we get a lot of service particularly through the public works department. The motion passed 7-0.

Resolution No. 2019-15 (2020 sewer rate) – Ms. McKenzie stated the fee is going up because the treatment costs are going up and it is a pass through. She read and moved to approve the resolution setting the 2020 sewer unit fee at \$548 annually. Mr. Knapp seconded the motion which passed 7-0.

INFRASTRUCTURE – Mr. Sullivan

Green Light Go – Mr. Sullivan noted Mr. Grady is submitting requests for left turn signals off Providence Road at 3 locations, at Possum Hollow Road, at Brookhaven Road and at E. Rose Valley Road.

H2O Grants – M. Sullivan stated grants submitted for flood control along Palmers Lane and for sanitary sewer extensions for Winding and Heathdale Lanes and off North Providence Road.

GROWING GREENER – Mr. Sullivan noted we wish to apply for streambank restoration in Houston Park and moved to approve the resolution authorizing the submission. Mr. Knapp seconded the motion which passed 6-0 (Mr. O'Connor temporarily left the meeting room).

Multi-modal grant agreement – Mr. Sullivan stated Mr. Scott is to review the grant agreement.

PARKS & OPEN SPACE COMMITTEE REPORT – Mr. Garson

Mr. Garson noted bids for demolition and asbestos removal at Summit School were received December 12. Mr. Grady noted we are still waiting for the State to review the business plan submission.

RACP Grant – Mr. Garson stated we have been awarded \$500,000 from the State and \$75,000 from the County for demolition and site improvement at Summit. He noted bids were low so we should have about \$136,000 left over so should decide how to use these funds. Mr. Sullivan said maybe consider parking lot layout changes and save for other improvements and we can discuss in January.

PUBLIC SAFETY – Mr. Knapp

Mr. Knapp noted police reports from October and November and Charles has performed a number of additional stop sign studies and all qualify. He asked the Board to review for January. Mr. Garson suggested we look at Martroy and Avondale and he is not fond of a stop sign for Sykes and Avondale.

PUBLIC WORK – Mr. O'Connor

Mr. O'Connor again noted if a street is milled, the contractor will be back to resurface and will do the rest of the roads in early 2020.

(175)

Mr. Knapp again thanked both Mr. Baker and Mr. Dougherty for their service.

Adjournment – There being no further business the meeting was adjourned.