

BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP – May 28, 2020
Virtual Meeting held via Zoom and shown on Youtube

A public meeting of the Board of Commissioners of Nether Providence Township was called to order at 7:30 PM on Thursday, May 14, 2020 via Zoom call and shown on Youtube.

ROLL CALL

PRESENT: Commissioner Knapp
Commissioner Garson
Commissioner O'Connor
Commissioner Cooper
Commissioner McKenzie
Commissioner Sullivan
Commissioner Spangler

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

Approval of Minutes – April 9 and April 23. Board members found a couple of issues so will defer action until the next meeting.

Media Quarry (discussion on zoning request by Chatham Bay developers) – Mr. Jay Freebery said they are developers from Delaware and they have an agreement of sale on the Media Quarry property. He said they reviewed their options including single homes and townhomes. He stated before they spend a lot of money, they wanted to propose 54 duplexes for the 11-acre site. He said they feel there is demand for high-end smaller units. Ms. McKenzie asked if they are also interested in running the quarry. Mr. Freebery said he was not sure they wanted to run a quarry but would continue running the quarry if they could not develop the duplexes within 2 years. Mr. Knapp thanked them for coming to the meeting. Ms. McKenzie noted the current zoning is R-1A and there is a lot of opposition to high density housing and neighbors prefer the ground be added to Smedley Park. She noted the neighbors have not been active in opposition to the quarry but an increase in blasting recently has caused concern. Ms. McKenzie stated there is not much appetite on the Board to rezone the property. Mr. Freebery asked what the Board would like to see there. Ms. McKenzie noted it is zoned R-1A. Mr. Knapp stated there could be a spot zoning issue if rezoned. He also noted it is a long process and a recent rezoning took a very long time and they had neighborhood support. Mr. Freebery stated that 4 lots does not work for them. He thanked the Board for their time.

Public Comments –

Mr. Knapp noted David Fiorenza, our new Finance Consultant, is online with us and welcomed him. Mr. Grady stated we are excited to have Mr. Fiorenza noting he has wide experience and is a Villanova University professor.

Ms. Marcia Heihle stated she is the tennis representative for the Wallingford Swim Club and asked if it is true that local governments do not have jurisdiction over private clubs. Mr. Knapp said that is true, but the state does have control. He stated the Board will be discussion opening up public areas later in the meeting.

Appointments to Boards and Commissions – Mr. Knapp noted there are 2 vacancies on the EAC and anyone interested should contact the township.

Solicitor's Report – Mr. Scott stated we are still waiting for Verizon's internal approval of the franchise agreement. He stated there is nothing new to report relative to the Republic rate increase notification. Mr. Scott stated the county and school district have agreed to a settlement in the real estate assessment appeal by 101 Chesley Drive and the Township usually accepts the settlement of the school district. Mr. Knapp moved to agree to the settlement to reduce the assessment from \$913,990 to \$831,900 effective January 1, 2020. Ms. McKenzie seconded the motion which passed 7 to 0.

Engineer's Report – Road resurfacing for 2020 bids Mr. Catania stated bids were received and the low bidder was Glasgow Inc. for both the base and alternate bid. He stated the alternate was to resurface the other remaining lane of Avondale road and he recommended the award for both to Glasgow Inc. Mr. Catania stated we have received two bids for repair of the Bungalow. He asked for a third bid but has not received it. He stated the low bidder was RC Titter Construction in the amount of \$20,375. Mr. Sullivan asked what our out of pocket costs for resurfacing would be. Mr. Grady stated it would be between \$40,000 to \$50,000. Mr. Sullivan asked if we have put our insurance carried on notice about damage to the bungalow and Mr. Grady stated we have. Mr. Knapp stated we could condition an award subject to insurance carrier approval.

Mr. Knapp moved to award the resurfacing base bid in amount of \$442,083.08 and the alternate bid in amount of \$21,516.30 to Glasgow Inc. Ms. McKenzie seconded the motion which passed 7 to 0. Mr. Knapp moved to award the bungalow repair contract to RC Titter Construction in the amount of \$20,375 subject to insurance carrier payment of the amount less the deductible. Ms. McKenzie seconded the motion which passed 7 to 0. Mr. Sullivan stated we should think about a long-term plan for the bungalow noting it is not a substantial revenue stream.

Manager's Report – Mr. Cummings stated June 2 is the PA primary election. Mr. Cooper stated we cannot use a retirement community so voting will not be held at Plush Mills Senior Living. Mr. Knapp noted changed voter locations for the 1st, 3rd, and 4th wards. Mr. Knapp noted you can do provisional votes if you believe your mail in ballot will not be received in time. Mr. Cummings noted the Senior Drive-By is June 5. Chief Splain said it will start at 7 pm from the high school, will be limited to 250 vehicles and the route will pass all 6 schools in the district. Mr. Cummings stated the Township received notice of a CDBG 2020 award in amount of \$115,000 to install a new manhole in Salem Court and to replace a section of sanitary sewer line in Pennsylvania Avenue. He also acknowledged Carter Shelton attained the rank of Eagle Scout.

Community Enhancement Committee Report by Scott Spangler

Summer recreation program – Mr. Spangler noted the program is held at Nether providence Elementary School and the schools are closed. He also noted the potential difficulties of getting the campers to socially distance, as well as the need for frequent sanitizing of the games, desks, etc. He recommended that the camp be cancelled for 2020. Ms. McKenzie noted there are insurance concerns. Mr. Garson stated registrations are at about 70 so they are way down. Mr. Knapp stated schools will remain closed under the Governor's orders, so he unfortunately suggests we cut the program this year and restart the program next year. We should also give the counselors a heads up. Mr. Cooper stated with all the guidelines including handwashing and distancing, it will be hard to operate. Mr. Spangler noted that if we do not cancel now, parents will not have enough time to make alternative plans. After further discussion, Mr. Knapp moved to cancel the 2020 program. Mr. Cooper seconded the motion which passed 7 to 0.

Building and Zoning Committee Report by Max Cooper

Motion to approve Ordinance No. 819 (amendments to storm water management regulations) – Mr. Cooper thanked the Board members for helping to develop the regulations, especially Mr. Sullivan. Mr. Cooper then moved to adopt Ordinance No. 819. Mr. Sullivan seconded the motion which passed 7 to 0.

Motion to adopt Ordinance No. 820 (amendment to pool regulations) – Mr. Cooper said as public pools are closed, we are seeing more private pool installations and realized our regulations are not in line with state regulations. Mr. Cooper noted it was discussed at the last meeting and moved to adopt Ordinance No. 820.

Mr. Sullivan seconded the motion and suggested we clarify by changing portable wading pool to just wading pool. He also noted the ordinance lists the depth as 24” and questioned if that was the depth of the pool or water depth. Mr. Scott stated he felt the ordinance was not ambiguous. The motion passed 7 to 0.

Media Quarry zoning change request to R-4 zoning – Mr. Cooper noted this matter was already discussed earlier.

Motion to waive permit fees for School District for secure entrance except actual costs – Mr. Cooper noted this allowance was done in the past. He then moved to waive permit fees except for actual costs. Mr. Garson seconded the motion which passed 7 to 0.

Vernon Walk – It was noted the name Vernon Walk concerned EMS as there could be some possible confusion with other street names beginning with Vernon. Mr. Scott noted the naming of streets is up to the Board. Mr. Cooper noted a resident’s suggestion of South Media Way. After discussion, the Board agreed to the name South Media Way.

Finance and Administration Committee Report by Kaitlin McKenzie

Motion to approve warrant list Ms. McKenzie went through and summarized the bills noting expenses for body cameras, BFI, Republic Services, Higgins for signal work, bullet proof vests and yard waste costs. She asked if we are keeping track of COVID 19 costs and Mr. Grady said yes. She noted other expenses and then moved to approve the warrant list as summarized below. Mr. Knapp seconded the motion which passed 7 to 0.

AP Procurement Card: \$51,345.63
AP Interims: \$549,271.83
AP Bills List: \$34,171.15
AP Bills List: Leiper House Check \$1500
AP Bills List (Grants Fund): \$7530

Motion to adopt Ordinance No. 821 (Police pension restatement and new DROP provisions) – Ms. McKenzie stated there are still discussions between our labor attorney and the FOP. She noted we have time so will discuss in June.

RE tax payment face period extended through August 31 – Ms. McKenzie moved to ratify this decision made at the May 14 meeting. Mr. Knapp seconded the motion which passed 7 to 0.

Infrastructure Committee Report by Matt Sullivan

Moore Road construction – Mr. Sullivan said work is underway and gave the schedule noting the completion will not be until August due to COVID 19.

DCED Watershed Restoration grant due date extended to July 31 – Mr. Sullivan stated the past discussion was to submit for flooding on Palmers and Briarwood Lanes. Mr. Grady stated the deadline is extended so can discuss in June and/or July.

Mr. Sullivan noted this was his last meeting as he was moving from the Township, so he is submitting his resignation tonight. He stated it was a joy, he treasured serving, and developed great friendships with all Board members. He stated the Township is in great shape with Gary, Dave, the Chief and Darryl. He thanked the Township staff as well as Bob Scott and Charles Catania. Ms. McKenzie stated he will be missed. Mr. O’Connor said he enjoyed talking to Mr. Sullivan over the years. Mr. Knapp stated to follow Matt as President he felt a little dread when he heard he was moving. Mr. Garson said it is not easy to be a commissioner and Mr. Sullivan served with grace and levelheadedness.

Parks and Open Space Committee Report by Matt Garson

Summit School asbestos abatement and demolition status – Mr. Garson stated the demolition work is just about completed. He noted it was mentioned at the last meeting the need for additional asbestos abatement at a cost of \$32,000, but we have additional funds to cover the cost. Mr. Garson then moved to approve the contract change order for this work. Mr. Sullivan seconded the motion which passed 7 to 0.

Greenways grant agreement with County – Mr. Garson noted we received funds for improving the Leiper-

Smedley Trail, but it is located entirely within the PennDOT right-of-way. Mr. Scott stated there is an agreement with the state for the Township to maintain. Mr. Garson moved to approve the agreement with the County. Mr. Sullivan seconded the motion which passed 7 to 0.

DCED Greenways and Trails grant due date extended to July 31 – Mr. Garson noted the deadline for this grant was extended to July 31. He stated we discussed applying for the loop trail in Furness Park but just a suggestion for discussion next month.

Public Safety Committee Report by Micah Knapp

Info on COVID 19 – Mr. Knapp said there are 216 cases, which is 1.5 % of population in Nether Providence, and 34 deaths, most of them in congregate care facilities. If you have questions you can call 1-800-PAHealth.

Food Insecurity – Mr. Knapp stated there are plenty of places to donate so please give. Mr. Garson asked about the school district program. Mr. Knapp stated they give out food three days each week and plan to continue at least through June 30. Mr. Knapp noted there is free shopping pick-up and delivery sponsored by COSA and DelCo Transit.

Send opposition letter to State preemption of municipal regulations on Single-Use Plastic – Mr. Knapp asked the Board to review the draft letter and we can discuss next month noting it applies to mostly shopping bags.

Regulation of Food trucks – Mr. Knapp said this relates to inspecting propane tanks on food trucks. Mr. Cummings stated he felt we already have the authority to do so. Mr. Knapp stated we can discuss this in June. Ms. McKenzie asked why this was on the agenda and Mr. Knapp said it was brought up by the Fire Marshal. Mr. Cummings stated we can review this with Mr. Scott.

Stop sign issue (Vernon and Anderson) – Mr. Knapp stated he received complaints on this and that the stop sign should be on Anderson at Ronaldson. After discussion, Mr. Knapp moved to authorize advertising of an ordinance to establish stop signs on Anderson Street on each side of Ronaldson Street and to rescind the stop signs on Ronaldson Street and Anderson Street. Ms. McKenzie seconded the motion which passed 7 to 0.

Revise emergency restrictions on outdoor parks – Mr. Knapp stated we may have overstretched by including schools and other locations, so the question is do we lift our restrictions on public grounds. Mr. Cooper stated he is an emergency doctor but will defer to state regulations. Discussion ensued on the Governor's order relative to entering the yellow phase. Mr. Knapp noted it precluded organized sports and may want to discuss what the school plans are. Mr. Cooper suggested installing signs at parks advising of the risks of using facilities. Mr. Knapp noted the restrictions were put in place by emergency declaration. Mr. Scott stated he does not suggest we lift the declaration at this time. After further discussion, Mr. Knapp proposed that on June 6 if we go to the yellow phase, we allow the staff to reinstall rims and allow park equipment to be used. Mr. Scott stated we should tie our allowances to the state's allowances. Mr. Knapp moved the Township to be in lockstep with the state phases and the staff is authorized to act accordingly with respect to rim installation and use of park equipment. Mr. Sullivan seconded the motion which passed 7 to 0.

Public Works Committee Report by Robert O'Connor

PWD work schedule – Mr. O'Connor said this is to see if we should go back to the normal schedule. Mr.

Cooper said we can treat work outside differently but felt we should continue to not share vehicles and have men work in close proximity to each other unless wearing masks. This will be relayed to Mr. Dixon.

Yard waste drop off/collection – A memo from Mr. Grady was shown where he suggested reopening the Public Works Yard for yard waste drop off for two days a week and on the first Saturday of the month. Ms. McKenzie asked if this was an insurance issue. Mr. Sullivan stated drop off was stopped due to cost and abuse. Mr. Knapp stated it was stopped due to insurance concerns, cost, and abuse but we should try to find some middle ground. Mr. Garson stated he is getting a lot of emails on what to do with yard waste. After discussion, the Board agreed to give the staff discretion to pick up the yard waste backlog.

Matt Sullivan Resignation – Mr. Knapp asked if we need to act to accept Mr. Sullivan's resignation. Mr. Scott stated we have 30 days to appoint a replacement or then the vacancy board is to appoint a replacement within an additional 15 days and if not, it goes to Common Pleas Court. Mr. Knapp moved to accept with a heavy heart Mr. Sullivan's resignation as 7th ward commissioner. Mr. O'Connor seconded the motion which passed 6 to 0 with Mr. Sullivan abstaining. Mr. Sullivan said he wanted to thank his wife and kids for all their support while he was commissioner.

Adjournment – It was noted the June (June 11) and July (July 9) meetings will be advertised and held virtually. There being no further business the meeting was adjourned.