

(33) **BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP**  
**MEETING of FEBRUARY 14, 2013**

A legislative 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, February 14, 2013 in the Board of Commissioners' Meeting Room, Township Municipal Building, 214 Sykes Lane, Wallingford, PA 19086.

**ROLL CALL**

PRESENT: Commissioner Much  
Commissioner Sullivan  
Commissioner Dougherty  
Commissioner O'Connor  
Commissioner Baker  
Commissioner Kenworthy  
Commissioner Noyes (arrived shortly after the start of the meeting)

Gary Cummings	Township Manager
Charles Catania	Township Engineer
Thomas Flannery	Chief of Police
Michael Maddren	Township Solicitor
Dennis Sheehan	Assistant Township Manager
Lisa Swan	Finance Director

**PUBLIC** Eight persons were in attendance

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

Mr. Much led the pledge which was recited by all. There was a moment of silence for the deaths of Matt White and Marvel Wilson

**PUBLIC COMMENTS**

None

**YOUTH AID PANEL**

Arlene Lieberman addressed the Board to see if they were interested in starting a YAP which is beneficial to juvenile offenders and their parents. They work with juvenile police officers and are an alternative to the judicial system. There is an office in Media, PA. She noted they are volunteers and it is a great thing for the community. She also noted many YAP juveniles expressed their gratitude for being a part of the program and thanked her for the opportunity to avoid fines and a criminal record. She noted it is a confidential process and they work with Holcomb Behavioral Services who treat people for drug and alcohol abuse. Mr. Baker noted the county does have a program and asked if it could just be for Nether Providence residents. It was noted the township had a YAP long ago. There was a discussion on whether to include youths from outside the township. Ms. Lieberman was asked to work with the Chief on this.

**APPROVAL OF MINUTES**

**Legislative meeting of January 10, 2013**

Mr. Noyes noted a minor revision. Mr. Much moved for approval. Mr. O'Connor seconded and the minutes were approved by a vote of 7-0.

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**APPOINTMENTS TO BOARDS AND COMMISSIONS (vacancies on Sidewalk Committee and UCC appeals board and ZHB alternate) Motion to ratify appointment ZHB and Vacancy Chair appointments**

It was noted that Adam Fernandez was appointed to the Zoning Hearing Board and John Salvucci was appointed as Vacancy Chair.

**SOLICITORS REPORT**

Mr. Maddren had nothing to report.

**ENGINEERS REPORT**

Mr. Catania submitted his report but asked for action on Beechwood Road project change order. Mr. Much noted a meeting with JMC and their attorney stating that JMC agreed to address issues brought up at the meeting so the Commissioners would support the change order. Mr. Much moved to pay the \$4,263.50 change order noting it is for binding material and that it is in recognition of JMC addressing the issues. Mr. Sullivan seconded the motion which passed 7-0. Mr. Catania stated the Beatty Run sewer rehabilitation and the Laurie Lane sewer will both receive bids on March 6<sup>th</sup>. He also noted the Act 537 Steering Committee evaluated options for sewage treatment to divert existing flows to DELCORA's Chester plant, construct a new plant or stay with flows going to Philadelphia's Southwest Plant. He stated it is important to get flows down and we need to look at reducing I & I.

Mr. Much asked about a review of the Possum Hollow grading and noted JMC said we needed to keep a 3 to 1 slope. Mr. Catania said the original plan was 1 to 1 grade and JMC went about 10' further. Mr. Sullivan noted residents wanted to keep steeper slopes and the plantings and we will have to address this with JMC.

Mr. Baker asked about the Hepford Park lighting community development grant and noted it is in design. Mr. Catania noted the county needs to approve it before going to bid which he expects to occur in April. Mr. Baker stated he would like to be involved.

Mr. Much asked about raised manholes on Beechwood Road and JMC said it was approved by the site manager. Mr. Catania said he would look into it.

Mr. Noyes asked what time frame on responding to CDCA alternatives. Mr. Catania thinks there will be a final meeting in March/April. Mr. Noyes wanted to make sure that our representative to CDCA keeps the Board informed.

Mr. Bill Gonzalez 7 Church Road said the grading mentioned is in the back of his property, is a safety issue and he wants a privacy screen. Mr. Much noted JMC said he would work with us to address it. Mr. Gonzalez asked if he could discuss this with Mr. Catania.

**MANAGERS REPORT**

Mr. Cummings gave his report noting the Board approved the Rabena Escrow release last week in amount of \$7,895.25. He stated the CRC program on Restoring Habitat will be on Sunday, March 10 from 2:00pm to 3:30pm. Mr. Cummings also announced a Drug Take-back event on April 27<sup>th</sup> at the Township Police Department.

**BUILDING AND ZONING COMMITTEE REPORT**

Strathmore Court – Mr. Kenworthy noted the project has moved along from an engineering stand point and Mr. Catania noted a revised plan can be approved subject to a waiver being granted from the infiltration requirement. He noted he received emails from the Strathmore Court HOA noting 2 of their 6 requests have been addresses. He listed the other 4 issues as completing the improvements within 90 days of plan approval, the need to leave the fence around the basin, test sediment for any environmental concerns and address planting

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on the south side of the basin. Mr. Kenworthy also noted an email from residents on Palmers Lane regarding erosion on the property, and the developers should consider complying with infiltration requirements elsewhere on the site. Mr. Dougherty said this has dragged on too long over this drainage basin and wants to know what is required by the plan. Mr. Kenworthy said all items are required by the plan and we are reviewing a change in the plan.

Mr. Arters of AG&B. stated they are selling the last house and wanted to take care of the basin. He said there are issues with the basin and noted a punch list has been reviewed by the township. Mr. Arters stated a fence is required around the basin and has been there for 4 years, He stated they wish to complete all the items but need the basin approval and then can proceed to pave the street. He mentioned DCCD agrees this is how to proceed.

Mr. Kenworthy stated he just wants to have AG&B work with the HOA and residents on Palmers Lane. Mr. Dougherty said we can approve the change in basin and he will have to comply with the other conditions of approval. Mr. Arters noted the installed a diversion swale along the Palmers Lane properties to prevent water from Mr. Reid's property. Mr. Kenworthy moved the Board to approve the request to install the alternate basin and grant the waiver form requested from the infiltration requirement subject to a letter of affirmation from the HOA relating to maintenance of the basin. Mr. Dougherty asked if Mr. Catania is ok with this and he said yes. After further discussion Mr. Sullivan seconded and the motion which was approved by a vote of 5 to 2 with Mr. Much and Mr. Dougherty voting no

Puzzleface Properties – Mr. Kenworthy noted we have discussed the issue many times and moved to approve the agreement to allow them access to public sewer. Mr. Noyes seconded the motion. Mr. Dougherty asked if Mr. Catania was OK with this and he said yes. He asked Mr. Maddren if the agreement has adequate protections and he said yes. Mr. Sullivan said he will vote against the motion and was doing so because of the potential liability to the Township but he appreciated their incorporating all of my requested changes to the agreement. The motion passed by a vote of 5 to 2 with Mr. Much and Mr. Sullivan voting no.

### **FINANCE AND ADMINISTRATION COMMITTEE REPORT**

**Motion to approve the warrant list** – Mr. Dougherty went through the warrant list and noted he had received answers to questions on a new toilet and police car repairs. Mr. Dougherty made a motion to approve the warrant list. Mr. Kenworthy seconded the motion which passed Laurie Lane sewer 7-0.

**Motion to adopt Resolution No. 2013-2 establishing treasurer salary** - Mr. Dougherty noted a new state law separating the positions of Tax Collector and moved to approve the resolution. Mr. O'Connor seconded the motion. Mr. Sullivan asked about duties of the Treasurer and Mr. Cummings noted the Treasurer must sign all checks. The motion passed by a vote of 7-0.

### **PUBLIC SAFETY COMMITTEE REPORT**

Mr. Much gave the fire report and then the police report.

Restrict parking on S. Providence Road (across from Irving Lane/Road) – Chief Flannery noted there are three houses on Irving Lane across from a house at 1019 S. Providence Rd. He stated the Department ran speed checks and wrote several tickets. Chief Flannery stated he tried to contact the homeowner at 1019 to inform them about a parking restriction but they were not home. The discussion was tabled until the March 7<sup>th</sup> work session meeting.

### **GRANTS COMMITTEE REPORT**

DCNR Grant – Mr. Noyes noted this is a multi-municipal proposal for open space planning and noted there will be a Multi-Municipal EAC meeting on February 26<sup>th</sup> at Furness Library at 7:00pm. He said he cannot attend and hoped someone could attend. Mr. Noyes noted the shortfall of PEMA Grant but we may be able to get Sandy funding from FEMA.

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### **PUBLIC WORKS COMMITTEE REPORT**

Mr. O'Connor noted the Public Works Department assembled a brine system to help control slippery roads in the winter and also mentioned their interaction with PENNDOT.

Road Resurfacing – The Board received a list of roads surveyed by Mr. Catania. Mr. Sullivan stated we have \$100,000 in this year's budget. Mr. Much noted that 6 or 7 roads are ranked number 1 priority but total is well above the budget. Mr. Catania said he ranked all the streets no. 1 that may not make another year. After discussion the Board asked to prepare a bid for all roads ranked number 1 and see how it comes in, and maybe additional funds can be allocated at that time if all agreed.

### **COMMUNITY ENHANCEMENT REPORT**

**Motion to adopt Ordinance No. 772 (Scavenger Ordinance)** - Mr. Baker summarized the motion and moved to approve the ordinance. Mr. Kenworthy seconded the motion which passed by a vote of 7-0.

Hepford Park Lighting grant – Mr. Baker wanted to underscore the need for lighting in the park and it is a positive scenario for residents around the park relative to security. He thanked Delaware County Council for making it happen.

Mr. Baker also reminded residents about the CRC stream clean up and the NPE Earth Day event on April 29<sup>th</sup>. He announced that due to the NPE construction, the Summer Camp program will be held at WES this year.

### **INFRASTRUCTURE COMMITTEE REPORT**

TE Project Selection of Retaining Wall – Mr. Sullivan noted they are going with a wall not requiring reinforcement and as much disturbance. He noted the savings from the other wall on Turner Road will offset the costs of this wall on Possum Hollow Road. Mr. Sullivan noted they need to come to a resolution with JMC on the slope and need to add landscaping.

SRTS Wallingford Avenue Walkway – It was noted the scoping field view is to be held on March 6.

**Adjournment** – There being no further business, the meeting was adjourned. The next meeting is the work session on March 7.