

**BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP  
MEETING of AUGUST 23, 2018**

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, August 23, 2018 in the Board of Commissioners' Meeting Room, Township Municipal Building, 214 Sykes Lane, Wallingford, PA 19086.

**ROLL CALL**

PRESENT: Commissioner Sullivan  
Commissioner Garson  
Commissioner Baker  
Commissioner O'Connor  
Commissioner McKenzie-Fiumara  
Commissioner Knapp

Gary Cummings	Township Manager
Dave Grady	Assistant Township Manager
Robert Scott	Township Solicitor
Lisa Swan	Finance Director
David Splain	Chief of Police
Charles Catania	Township Engineer
Kris Laubscher	Township Tax Collector

NOT PRESENT: Commissioner Dougherty

**PUBLIC**

Approximately 12 people in attendance.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

Mr. Sullivan noted an executive session was held prior to the meeting and then led the audience in the Pledge of Allegiance. Mr. Sullivan asked for a moment of silence for the passing of the Police Department Secretary's father.

Former Second Ward Commissioner Bob Kenworthy of 404 Crumwald Lane said he is moving from Nether Providence Township upon his retirement and wanted to thank the Board and staff for running a first-rate township. He spoke on an accident where a vehicle ended up on the lawn of a neighbor's house and noted how police and neighbors helped the driver. The Board thanked Mr. Kenworthy for his service here and elsewhere.

**SBA cell tower proposal on Swarthmore College property (presentation)**

Rich Lemanowicz, stated he is Counsel for SBA Towers and noted they wished to install a cellular tower on Swarthmore College property. Mr. Lemanowicz then displayed aerial photos of the tower location on the college property noting it was next to I-476. A resident of Henry Lane asked about relative height of the tower. They displayed photos showing a balloon test performed during January when no leaves are on the trees. There were questions about viewing the tower from various areas in addition to those shown. It was noted they are proposing a single array of antennae. In response to questions, it was stated the site may be visited once a month by

a service technician in a van or pick-up truck, (not a commercial sized vehicle) and there may be multiple carriers. They also stated it will need a 240-volt electric line, will have back up power, and there will be a fenced compound of about 80' x 70' but they would be leasing a 100' x 100' area. The backup power could be supplied by battery, propane or diesel. It was noted there would be lighting in the compound, but it is on a timer and no warning light is on the top. Mr. Lemanowicz stated Verizon is to be the initial carrier and it is designed to hold up to 4 carriers. They stated they could screen the compound and the lease would be for 30 years, (29 years, 9 months). Mr. Garson asked if there was any economic benefit to the township and it was noted only to the college and they could not disclose the amount, although there would be an assessment by the county resulting in taxes. Mr. Lemanowicz then introduced their engineer, Andy Peterson, who spoke on the need for the tower in this location noting service issues both for coverage and capacity and both need to be present to provide adequate service. He explained variables and showed issues of coverage on the area map and noted the Wallingford area is now overwhelmed, resulting in slow downloads. There was a question on whether they could use existing facilities and Mr. Peterson said a close facility is an AT&T wood pole and they generally cannot handle multiple carriers. He stated others are more than a mile south while noting Verizon prefers to co-locate. A resident asked why not put the tower on Strath Haven Condominiums and they stated they could look into that. Mr. Sullivan asked if it would improve paging service used by firefighters, and it was noted it would not unless pager service providers co-located on their pole. They showed how this new tower would fill in coverage and capacity gaps and noted coverage in Nether Providence would be substantially improved. Mr. Peterson also showed usage graphs and noted it would improve 911 location services. Mr. Baker stated there was poor police radio service in the area and Mr. Lemanowicz said he would be glad to have his client consider trying to improve the service.

### **PUBLIC COMMENTS**

**Dan Hanson**, of Taylor Drive, noted his street has been ripped up twice noting Aqua has replaced a main there and asked if it was to be repaired. Mr. Catania asked if it was milled.

**David Landau** of Oak Knoll Drive noted the cell tower providers have been trying to put them in the township for a long time and was troubled by the change of zoning code to avoid the zoning hearing procedure.

### **Delinquent Tax Collection (Portnoff Associates presentation)**

Kevin Buraks of Portnoff Law Associates noted his firm has been representing the township for 14 years doing other collectibles but stated the township could benefit by them collecting delinquent taxes as well. He pointed out differences between the county and Portnoff services in collecting delinquent taxes and noted the county process is protracted. He stated they represent 65 municipalities and they provided incentives to get property owners to make payments quicker and have payment plans. He went through their fees and legal costs and cited cases where collection rates substantially increase. It was noted the township is above the cut-off of 50 delinquent accounts and tax collector Ms. Laubscher acknowledged this. Mr. Buraks said an ordinance would have to be adopted as well as a resolution to not have the county collect delinquent taxes. Mr. Buraks said we could combine the contract with our sewer contract or keep the fee schedule for taxes a separate contract. He noted the ordinance would have to be adopted by the end of the year.

## **APPROVAL OF MINUTES**

### **Legislative Meeting of July 26, 2018**

Mr. Sullivan moved to approve the minutes of the July 26, 2018 combined work session and legislative meeting. Mr. O'Connor seconded the motion which passed by a vote of 4-0-2 with Mr. Knapp and Ms. McKenzie-Fiumara abstaining as they were not present.

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

There were none at this time.

## **SOLICITORS REPORT**

Mr. Scott noted his report was given during the executive session.

## **ENGINEERING REPORT**

Mr. Catania submitted his report and noted the Act 537 approval is due next month and they were working on MS4 items.

## **MANAGER REPORT**

Mr. Cummings noted recent storm damage in the township and clean-up is underway. He noted the county reassessment project is underway, but residents should be aware of scammers around the neighborhood. He noted the County Transportation Improvement Inventory list to assess the transportation needs in the Township and a household hazardous waste collection event will take place at PSU Brandywine on 9/16 from 9:00am – 3:00 pm. He stated the blood drive on August 7<sup>th</sup> was again very successful and the Red Cross has asked us to sponsor drives on 1/2/19 and 8/6/19. Mr. Cummings stated a multi-modal grant application was sent in and residents should be aware of a 15% rate increase proposed by Aqua and that hydrant fees will also go up. He noted that we have converted all our PECO street lights to LED and that the census bureau is looking to fill jobs in the field. Mr. Cummings also noted several Shade Tree Committee heritage tree certificates for residents.

## **BUILDING AND ZONING COMMITTEE REPORT** (Mr. Sullivan in Mr. Dougherty's absence)

**Sketch plan for 908 S. Providence Road (four lot subdivision)** - Mr. Sullivan noted the initial comments received by the planning commission. Mr. Cummings stated a revised plan recently submitted addressed most of the comments.

**Maintenance of property and sidewalks within right-of-way** – Mr. Sullivan noted two ordinances requiring property owners to maintain curbs and sidewalks adjacent to their property and moved to advertise. Ms. McKenzie-Fiumara seconded the motion. Mr. Garson noted PADOT and utility companies work within rights-of-way and would they be responsible noting damage to the new Wallingford Ave sidewalk. Mr. Scott said he may look at this separately. Mr. Garson noted repair of the sidewalks down the line may get expense for the residents. The motion passed 6 to 0.

**Amend tree regulations to remove permit requirement for tree work** - Mr. Sullivan moved to advertise this ordinance. Ms. McKenzie-Fiumara seconded the motion which passed 6 to 0.

## **COMMUNITY ENHANCEMENT COMMITTEE REPORT** (Larry Baker)

**Summer Recreation Program** – Mr. Baker noted the Summer Recreation Program has ended another successful year and he would have a financial summary next month.

**Family Fun Day** – Mr. Baker noted this year's event will take place again at Strath Haven Middle School on Saturday, October 6<sup>th</sup>, and that the dunk tank would again be in operation!

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

**Motion to approve warrant list** – Ms. McKenzie-Fiumara went through the warrant list noting certain expenses. Ms. McKenzie-Fiumara moved to approve the warrant list. Mr. Knapp seconded the motion which passed by a vote of 6-0.

**Financing purchase of new GCFC pumper truck** – After discussion, the Board agreed to authorize Delaware Valley Regional Finance Authority to proceed with preparing a 2018 Note to finance the purchase of a fire truck.

**Authorize purchase of new PWD truck to replace truck #2 (F-550)** – Ms. McKenzie-Fiumara noted that the truck has had over \$6,000 in repairs and that it may not make it until 2022 when it was due to be replaced. She noted a new truck could be acquired in 2018 but paid from the 2019 budget. Ms. Swan handed out the vehicle replacement schedule. Mr. Dixon stated via phone he thought the approximately \$8,000 in new repairs would get the truck another 2 years of service. It was agreed to review this next month.

**MMOs (Minimum Municipal Obligations) for Police and Employee pension plans** – Ms. McKenzie-Fiumara noted the MMO amounts for 2019 for both pension plans.

**Authorize sale of police vehicles # 3 (2013 Charger) and # 5 (2011 Tahoe) on GovDeals** – Ms. McKenzie-Fiumara made a motion to sell the vehicles on GovDeals. Mr. O'Connor seconded the motion. Mr. Baker noted the township may want to give the Tahoe to the Fire Marshal. Mr. Sullivan noted we may want to give the Fire Marshal a mileage allowance and we can decide after we know the bid amount. The motion passed by a vote of 6-0.

**2019 Budget review schedule** – Ms. McKenzie-Fiumara noted the draft budget schedule and it initially has an increase of \$459,000.

**INFRASTRUCTURE COMMITTEE REPORT** (Matt Sullivan)

**Moore Road sidewalk project** – Mr. Sullivan stated the project is due to start in the spring of 2019.

**Multi-modal sidewalk project (E. Rose Valley Road)** – Mr. Sullivan noted the project is ready for the design stage, but the design work has not been awarded as an RFP must go out.

**CMAQ sidewalk project** – Mr. Sullivan stated this project is also in the design phase for next year.

**Motion to adopt Resolution No. 2018-5 (authorizing signers of commonwealth grant agreements)** – Mr. Sullivan moved to approve the resolution. Mr. Garson seconded the motion which passed by a vote of 6-0.

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

**Summit School Committee** – Mr. Garson noted the Summit Committee meeting minutes are on the township website. He also noted the Committee is looking to present to the Board on October 4<sup>th</sup>.

**Media-Smedley Connector Trail** – Mr. Sullivan noted Ms. Ralf Graves will be the second representative on this trail study committee.

**Planting triangle island at Turner Road and Rogers Lane** – Mr. Garson noted area residents want to improve the triangle and that families are providing a \$1,000 match for planting. They may ask for the township's help in planting. Mr. Sullivan noted it would need a long-term commitment and Mr. Knapp suggested to reach out to the Rose Valley garden club who planted flowers at the Moylan train station.

**PECO Green grant opportunity** – Mr. Garson noted the application is due October 31<sup>st</sup> and that the Park Commission would be asked for their input and suggestions.

**PUBLIC SAFETY COMMITTEE REPORT** (Micah Knapp)

Mr. Knapp read the monthly police report.

**Traffic Calming** – Mr. Knapp noted 3 bids were received for speed humps on Pleasant Hill Road. Mr. Knapp moved to approve the low bid from A. F. Damon in amount of \$5,600. Mr. Baker noted there are warrants for installation and he felt they are being circumvented. He noted Pleasant Hill Rd is low on the traffic calming list and if it is voted in, he said it will set a precedent to circumvent the warrants. Mr. Sullivan noted all streets on the list are there due to concerns and Pleasant Hill warrants permanent speed humps. Mr. Knapp stated he was not aware of a disagreement and noted it was requested by residents and that stop signs and speed humps anywhere are good. Mr. Baker stated there is a whole list of items and PADOT criteria to be met. Mr. Sullivan noted studies were done and they are in the matrix. Mr. Sullivan noted there are portable speed humps on Ridley Drive and that road is not on the matrix. Mr. Knapp noted residents want them and they are on the matrix, but he would be glad to review them in September. After much discussion Mr. Knapp moved to accept the bid in amount of \$5,600 from A. F. Damon to install 2 humps at Pleasant Hill. Mr. Sullivan seconded the motion. Mr. Baker noted the Board was not following standards. The motion passed by a vote of 4-2 with Mr. Baker and Mr. O'Connor opposed. Mr. Sullivan noted Harvey Road is also on the list, but humps are not viable, and striping was recommended.

**DCED Apparatus Study** – Mr. Knapp will be setting up a fire committee meeting with the fire companies to discuss.

**Fire Marshall Vehicle** – Mr. Knapp noted this was discussed earlier.

**Civil Service Test** – Chief Splain noted the deadline was today, that 21 applications were received, and he will be scheduling testing.

**Drug Forfeiture Expenditures** – Mr. Knapp stated that Drug Forfeiture funds were being used for a radar kit, pagers, and speed signs.

**Parking Restrictions on Maryland Avenue** – Mr. Baker stated there has been congestion and parking on both sides of the road particularly during ball games. Chief Splain and Mr. Dixon reviewed the site and noted the restriction may be best suited opposite the fire hydrant, but that the advertisement could be combined with other restrictions. This will be discussed at the September meeting.

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

Mr. O'Connor read the monthly highway report.

**Road resurfacing schedule** – Mr. O'Connor stated the project may not start until the end of September. Mr. Catania said that mid-September is likely.

**ADJOURNMENT** – There being no further business this meeting was adjourned. He noted the next meeting is a combined Work Session on September 13<sup>th</sup>.