

**(106) BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP  
MEETING of April 11, 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, April 11, 2019 in the Board of Commissioners' Meeting Room, Township Municipal Building, 214 Sykes Lane, Wallingford, PA 19086.

**ROLL CALL**

PRESENT: Commissioner Sullivan  
Commissioner Knapp  
Commissioner Baker  
Commissioner Dougherty – arrived 9:15 PM  
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
Maureen Feyas	Zoning Officer

**PUBLIC**

Approximately 34 people in attendance.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

Mr. Sullivan noted a brief executive session was held prior to the meeting concerning litigation and personnel matters, and then he led the audience in the Pledge of Allegiance.

**SWEARING IN OF FIRE POLICE OFFICERS**

Mr. Sullivan asked Ms. Linda Lawson to come forward and then swore in Fire Police Officer Lawson to applause. Mr. Sullivan asked Ms. Donna Rogers to step forward then swore in Fire Police Officer Rogers to applause.

**PRESENTATION BY PROGRESSIVE NEW HOMESS LLC- 310 WALLINGFORD AVE**

Mr. Sullivan asked for a show of hands of who is present for this project and there were many. He asked Ms. Sarah Peck to first make her presentation as it may answer some questions. Ms. Peck noted the exhaustive process to receive approval of the by-right plan. She stated she was approached by neighbors who requested she consider more affordable homes and ones which were more compatible with the neighborhood. Ms. Peck then went through a slide show presentation depicting a 16 duplex (32 unit) development with the bottom units starting at \$250,000 and upper units starting at \$375,000. She displayed renditions of the homes noting she is marketing to empty nesters, seniors, singles and couples with no children. She showed the development site plan under R-5 zoning and stated it would have to go to both planning commissions before coming to the board. She stated it would be beneficial from a tax standpoint and is lower risk from a sales standpoint compared to the approved plan. She estimated an increase in tax revenues of \$152,000 to the school district and \$19,000 to the Township and the

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traffic impact would be minimal. She stated she can lower the prices as there are more homes on the same infrastructure. Ms. Peck then went through typical financing scenarios in purchasing units and noted income and other census data for the area. She also stated a study shows to expect only 6% of the units to have children.

Boards Questions: Mr. Knapp stated he wanted to address race and economics noting the concern with gentrification. He stated he heard both sides and hopes comments do not go to race or class. Mr. Baker thanked Ms. Peck for following through and for an impressive presentation. Mr. Sullivan asked Ms. Peck what the assumed prices would be for the units. Ms. Peck stated she assumes the lower units would sell for \$265,000 and the upper units would sell for \$405,000 while noting the approved homes would be around \$500,000. Mr. Sullivan asked if the den could be a third bedroom and she said yes. Mr. Sullivan asked what waivers would be needed under the R-5 zoning. Ms. Peck said she was developing under the uniform condominium act so an interpretation on this is needed but stated under the SALDO, she would need a waiver to allow the paved street to be 24 feet wide. Ms. McKenzie asked how fire access is being addressed and Ms. Peck stated she is installing a hammerhead. Mr. Knapp asked is she was familiar with the new townhouses on Jefferson Street. Ms. Peck stated they were more expensive and were stacked townhouses. Mr. Sullivan stated no action will be taken tonight and he explained the process to rezone a property.

Public Comments:

Richard Louderback of 308 Denis Lane asked if the 50 foot wide access off the end of Dennis Lane would be used. It was noted the Township now owns the access. He noted the flooding issue and stated he was opposed to the rezoning.

Joseph Reo of 101 Carleton Road stated he was already concerned with traffic along Wallingford Avenue and 32 homes would produce more traffic. He stated he is a teacher and the class size at WES is already at its limit.

Darrell Blair of 220 Emerald Lane stated she has lived here for 40 years and she was the one who asked Ms. Peck to reconsider as she was against \$500,000 homes which would make South Media more of a step child. She thanked Ms. Peck for looking into this and thanked the Board for hearing her. She also thanked the Board for applying for the grant for Sapovits Park.

Dr. Alex Sapega of 123 N. Providence Road commended Ms. Peck for a great presentation on both plans and asked the Board to consider the plan best for the school system as well as for traffic.

Nanette Whitsett stated she is Chair of South Media United and wants to keep the diverse community and protect what her children and grandparents have grown up with. She stated they just wanted to see another plan and no way want it to be an us against them situation. She asked the Board to keep an open mind and thanked the Board and Dave Grady for trying to improve Sapovits Park noting it is a community park. She hoped that after the presentation some of the negativity can be put to rest.

Susan Baker of 509 Manchester Avenue said she has lived here for 25 years, has 3 children and lives across from the new homes built in Upper Providence Township. She noted there is a huge puddle on Manchester Avenue on the Upper Providence side. She stated 32 units may not be best for property values and she has to wait now to get out of her driveway. Ms. Peck noted appraisers look at price per square foot and feels it will not hurt but will help property values.

Elizabeth Cawley of 621 Vernon Street stated she feels the development is too dense and Anderson Street is just an alley and kids play there. She is concerned about traffic and prefers the 10-home plan. Ms. Peck noted there is only and emergency fire access onto Anderson Street

John Hartman of 108 Walker Lane stated there are a lot of assumptions with taxes and said

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retired people are not going to move in. He said this plan may burden the sewers and he did not want it to be like a city. Ms. Peck stated they could hold back more stormwater than with the 10-lot plan by using a cistern and they have adequate sewer capacity. She spoke again on tax impacts and effects on assessed values. Mr. Hartman stated older people are leaving the Township due to high taxes and children will be residing in the units.

James Mason of 615 Washington Avenue said he does not see a lot of residents with school age kids so should rely on a real study. He stated he want to speak on the Sapovits Park grant but it was noted it was submitted yesterday as that was the deadline. However, he noted that his concern was about the expensive lighting increasing the cost of the project, as he felt they were unnecessary, but Mr. Garson noted the lighting was not included in the application. Mr. Sullivan noted another grant opportunity was coming up and we would address storm water management in the park.

Kelly Whitehead of 10 Shepherds Lane said she sent a letter strongly in support of the by-right 10-lot plan. She stated she hopes the board realizes the precedent for rezoning to a higher density and they should not allow it.

Sara DeMauro of 212 Highland Avenue thanked Ms. Peck and Board for the discussion and felt assumptions on number of children in the duplexes cannot be assumed. She also stated traffic would increase and part of the wooded lot are would have to come down.

Rich Kahmer of Media (owns a couple of properties in South Media) noted most renters are older people downsizing and older people will not buy these homes but will be people with kids. Stephen Spaulding of 104 Walker Lane noted the creek by his house is in a FEMA designated floodplain and it already floods and they will have to deal with any impact.

Charles Jordan of 619 Vernon Street said he moved here for the school district and sees others doing the same. He stated he objected to access onto Anderson Street and it was noted it was for fire emergency access only and would be gated.

Dr. Sepaga of 123 N. Providence Road asked if an independent expert on number of school children could be hired. Mr. Sullivan said the Township Planning Commission is exceptional and they would thoroughly review that issue. Ms. Peck noted they used experts for this as well.

Mr. Baker asked if the Board decides to proceed with the R-5 plan would the other plan become void. Mr. Scott stated it would not and one site could have multiple approvals.

Roseanne Mulcahy of 916 Surrey Road asked for an update on Baltimore Pike and Beatty Road and 252 and Mulberry. Mr. Sullivan noted they are on the agenda as we received a request to allow right turns on red at both intersections. She stated Media Borough is having a borough wide traffic study done and that the trolley has priority. She also asked if the Township is a defendant in the ECHO quiet title action. Mr. Sullivan stated she was present for ECHO's conditional use hearing and it was approved to allow alcohol. She asked if it was to be permitted at the shopping center or just at the ACME. She said that ECHO is the owner of the license for the Frosted Mug. Mr. Scott stated he believed the Township relief was for the ACME only. She stated she was concerned about this and noted Rosemary Mulcahy submitted a memorandum of law and she was not sure of her standing and if she will receive a response to her pleading. Mr. Knapp stated a vast majority of neighbors and a vast majority of the Board agreed at the hearing to allow ACME to sell beer.

Janell Berry of 530 Wallingford Avenue asked if they could have a copy of the drawings so they can have them reviewed by their engineer noting she wants to keep their side yard.

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

**Environmental Advisory Committee** – Mr. Jason DeVries came forward and stated he purchased a home in South Media and moved here from New Hampshire. He is a researcher for Environmental Sciences and has a passion for non-profit organizations. Mr. Cummings noted the

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current status of membership. Mr. Sullivan moved to appoint Jason DeVries to the environmental Advisory Committee. Mr. Knapp seconded the motion which passed by a vote of 6-0. Ms. McKenzie asked Mr. Cummings to check on the appointment of Mr. Silverstein to the committee.

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

**310 Wallingford Avenue subdivision** – Mr. Sullivan noted the earlier presentation and discussion and this will be addressed in two weeks.

**Ordinance on Residential Office Zoning** – Mr. Sullivan noted the properties involved are 116 E. and 120 E. Baltimore Pike and input from the owners and residents has been received. Ms. McKenzie noted there were concerns with the barrier in the rear, the uniform construction code and stated they wanted to make sure there was no massage parlor noting she is not sure if it is allowed. Mr. Baker asked for clarification on the number of occupants and said it is not clear if two occupied professional offices are permitted. Mr. Knapp felt there was an intent to have one residential occupancy with a professional office and another professional office. After discussion, it was noted to have no more than two professional offices and one can be owner occupied. Mr. Scott noted the proposed zoning ordinance must be submitted to both planning commissions and then discussed at a public hearing.

Mr. Dougherty arrives at this point (9:15pm)

Mr. Sullivan moved to put the draft regulations in ordinance form and send to the township and county planning commissions. Mr. O'Connor seconded the motion which passed by a vote of 7-0.

**Sprinklers in new homes** – The Board discussed and noted the Builders Association would oppose this and the Board decided not to pursue.

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

**Welcome to the Township signs** – Mr. Baker asked this to be on the agenda going forward and noted he would like a large sign on Chestnut Parkway and other smaller signs elsewhere, He suggested we put this into the budget. The Board discussed options. Mr. Sullivan suggested the Board come up with a list of locations and get costs to be discussed at the May work session.

**Summer Recreation Program** – Mr. Baker noted 144 campers were signed up as of 4/11 and they are hoping to reach 200 enrolled campers.

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

**Verizon Franchise Renewal (expires March 8, 2019)** – Mr. McKenzie noted we are still waiting to hear back from the grant amount negotiations.

**Act 172 (tax credits for volunteer firemen)** – Ms. McKenzie noted fire fighters must be the owner to claim the credit. Mr. Scott noted we must follow the state law. Mr. Baker noted he is a fire fighter in Brookhaven and asked if he would be eligible in Nether Providence. Mr. Scott stated he will look into this.

**Social Media Policy** – Ms. Garson stated he looked at it but had some suggested changes. After discussion the Board will review further.

**Quarterly financial update** – Ms. McKenzie noted 86% of the taxes have been collected and some of the revenues are front loaded and some are backloaded. She mentioned the Police overtime is high and the fire expenses are related to the fire truck purchase and she had no other concerns at this time.

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

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**Moore Road Sidewalk** – Mr. Sullivan noted the plans are being finalized and construction will begin later this year. He noted the engineer has reduced some costs and it is back on track to go out to bid.

**E. Rose Valley Road Sidewalk** – Mr. Sullivan stated survey work is to begin.

**Aqua main replacement project** – Mr. Sullivan noted main replacement work began in wards 2, 7 and 5 and listed the roads affected. He said we will get an amount in lieu of Aqua repaving.

**Possum Hollow Road Sidewalk Project** – Mr. Sullivan noted 3 submissions to PA DOT and are proceeding.

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

**DCNR grant opportunity due April 10** – Mr. Garson noted the grant application was submitted for improvements to Sapovits Park and thanked Mr. Grady, the Parks Commission and the Board. He noted the application was exceptional!

**Other upcoming grant programs** – Mr. Garson mentioned several grants that the township could apply for and noted one could be used for stormwater management improvements in Sapovits Park. He noted a multimodal grant coming up with no match to the township. Mr. Grady suggested Providence Road sidewalks since it is estimated at \$3 million.

#### **PUBLIC SAFETY COMMITTEE REPORT** (Mr. Knapp)

**Animal Control contract with Brandywine SPCA** – Chief Splain said he contacted another agency and is waiting for a proposal.

**DCED Apparatus Study** – Mr. Knapp noted all information has been submitted from both fire companies.

**Baltimore Pike and Beatty Road/252 and Mulberry Road Intersections** – Mr. Knapp noted the Do Not Block the Box has been repainted and requested a timing study. Mr. Sullivan said the timing is following the plan, but the question is do we want to change the timing. Mr. Knapp noted requests to make the right turn on red have been received for both intersections. Mr. Cummings noted Mulberry Lane is in Media Borough. After discussion, requests will be made to PA DOT.

**PA CCD Grant (Body Cameras)** – Chief Splain noted the body cameras cost \$45k and are a 50/50 match. Chief Splain said \$22.5k will come from the Drug Forfeiture fund and there should be no cost for five years. Mr. Knapp made a motion to accept the grant. Mr. Sullivan seconded the motion which passed by a vote of 7-0.

**Traffic Calming** – Mr. Knapp noted the matrix is in our file folders and includes a request from a resident for speed humps on Vernon Street. Mr. Knapp noted it was never decided where to place the temporary speed humps on Plush Mill Rd. After noting there are two sets, the Board agreed to locate them toward Route 252 by Summit as per Mr. Catania's plan. Mr. Baker asked if we considered traffic calming based on total points or just as a category. Mr. Baker felt speed bumps on Pleasant Hill were put in even though it was not high in points. He asked for future traffic calming to be based on highest point values. Mr. Knapp said he looked at the matrix as a guide. Mr. Sullivan said he was inclined to follow the matrix. Mr. Cummings said we had to follow PADOT regulations in developing traffic calming criteria, but it is a guide.

#### **PUBLIC WORKS COMMITTEE REPORT** (Robert O'Connor)

**2019 Road Resurfacing** – Mr. O'Connor noted bids for Aqua roads are to be received April 18<sup>th</sup>.

**Recycling RFP** – Mr. O'Connor noted the draft RFP is in their file folders. Mr. Baker noted his objection to the township getting into the trash business and we will have enough with deciding what materials to collect. Mr. Baker stated we never have been in trash collection and should not be in it. Mr. Sullivan said we need to review and discuss at the next legislative meeting noting it needs to be advertised at least 90 days in advance.

Ms. McKenzie left at 10:00PM.

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**Curb my clutter program** – Mr. O’Connor noted they can be reached via a text and they will come to pick up e-waste and clothing. Mr. Sullivan said they will need an agreement with the township.

**Act 902 Recycling grant** – Mr. Cummings noted the leaf collection equipment has been ordered.

**Motion to adopt Ordinance No. 809 (U & O sewer inspections)** – Mr. Sullivan made a motion to adopt Ordinance No. 809. Mr. Dougherty seconded the motion which passed by a vote of 6-0.

Mr. O’Connor then gave the monthly Highway Report.

### **MANAGERS’ REPORT**

Mr. Cummings stated several local dentists are offering free dental evaluations for children during the month of April. He mentioned the Thomas Leiper House is opening for the season on Sunday April 14<sup>th</sup> from 1:00 – 4:00 pm. He stated the Township needs to install bamboo barricades in Furness Park. The police and County noted there have been rabid raccoons in the area so if they look rabid call 911 immediately. Mr. Cummings noted this is National Work Zone Awareness Week so please be aware of workers on the roadways. He noted Community Clean Up Day is on April 15, the CRC Annual Streams Cleanup is April 13<sup>th</sup> at Crum Creek in Smedley Creek Park and in Leiper Park, and there is also an e-waste event on April 13<sup>th</sup> be at the Acme on Baltimore Pike. Mr. Cummings also noted Community Day at Rose Tree Park on April 20 and bare root tree planting at Leiper Park will be on April 28. He stated we need to have a grant audit of the Parkridge Drive project and announced Easter egg hunts on April 14 at Hepford Park and April 20 at Sapovits Park.

**ADJOURNMENT** – There being no further business the meeting was adjourned. The next meeting will be a Legislative Meeting on April 25, 2019.