

**(128) BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP
MEETING of June 27, 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, June 27, 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
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

PUBLIC

Approximately 19 people in attendance.

Public Meeting for Possum Hollow Road Sidewalk Project

Mr. Sullivan acknowledged the E. Possum Hollow Road Sidewalk Project Public Input meeting was held before the tonight's Board of Commissioner's Meeting.

ROLL CALL AND PLEDGE OF ALLEGIANCE

Mr. Sullivan led the audience in the Pledge of Allegiance.

Bill Peck Recognition

Mr. Sullivan asked Mr. Bill Peck to step forward and read a Resolution which was a Tribute to Bill Peck as a former Commissioner, library volunteer, and for his donation of a portion of his property to Furness Park. Mr. Sullivan declared today as Bill Peck Day in Nether Providence Township and the audience gave Mr. Peck applause.

PUBLIC COMMENTS

Mr. Sullivan asked for a show of hands of residents wanting to speak about 310 Wallingford Avenue and about a dozen residents raised their hands. Mr. Sullivan asked for residents who wanted to speak about other topics to be heard first.

Kevin Sullivan of 111 Harvey Road noted the speed limit on Harvey Road is 25 MPH but people speed and make gestures when he tells them to slow down. He said the traffic speed sign works only when it's there. He said kids ride bikes on that street and noted the worst offenders are the parents dropping children off at the fields. Chief Splain stated he asked officers to do a detail on a daily basis.

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Commissioner Sullivan gave an update on the status of 310 Wallingford Avenue noting the 10 lot plan single homes received approval but Ms. Peck submitted an appeal to consider an alternative development under R-5 zoning. He noted the previous R-5 plan was rejected by the Planning Commission as it needed variances, so the township asked for and has received a plan that purportedly complies with R-5 zoning.

Adrienne Somaru of 620 Vernon Street said she objected to the higher density plans and said the original housing at \$250,000 may be affordable but not if much higher. She stated there is speeding on Vernon Street and traffic will increase, and there will be too many houses in a small area with the duplex plan.

Joseph Cammachio stated he represents the sellers. The Board did not allow him to continue to speak as he was not a resident of the township.

Nannette Whitsett of 801 Forrest Avenue and Chair of South Media United noted there will a softball game on June 29th at Sapovits Park and invited the Board. She stated there will also be a kickball game with the kids on June 30th. She noted the Unity Day fundraiser is starting and asked the Board for assistance if they can. She spoke on 310 Wallingford Avenue saying it is a bold move but gentrification is occurring here and across the country and said she felt she had to do something. She said she knows the proposal tonight will be attractive to seniors and will allow local residents to stay in the community. She asked the Board to allow Ms. Peck to at least present her plan. She noted she cannot understand how anyone would think \$500,000 homes will fit in their neighborhood and the majority of neighbors favor the plan and she urged the Board to vote yes to forward the plans to the planning commission.

Brian Fraser of 804 Washington Avenue said he also has a house at 603 Vernon Street. He stated he was opposed to all plans and knows that 10 units are approved now, but he does not want duplexes.

Elizabeth Cawley of 621 Vernon Street said the property is behind her, noted the storm water issue and she is opposed to higher density due to traffic. She stated South Media is an old community and noted other houses in the area are in the \$400,000 price range. She fears that the duplex properties will become rental properties and will not be taken care of in the future.

James Mason of 613 Washington Avenue said he was in favor of the duplex plan. He thanked the audience for respecting each other's positions. He thinks these duplexes will fit in with the twins in the area and thinks it will better the neighborhood with respect to school kids. He said it will not be a magnet for kids and should at least allowed to go to the Planning Commission and he expects it to comply with zoning in the end.

APPROVAL OF MINUTES

Mr. Sullivan noted the meeting minutes were in the Board packets and he gave Mr. Cummings revisions.

Work Session Meeting of May 9, 2019 - Mr. Sullivan moved to approve the minutes of Work Session Meeting of May 9, 2019. Mr. Dougherty seconded the motion which passed by a vote of 6-0-1 with Mr. Knapp abstaining as he was excused.

Legislative Meeting of May 23, 2019 - Mr. Sullivan moved to approve the minutes of Legislative Meeting of May 23, 2019. Mr. Baker seconded the motion which passed by a vote of 6-0-1 with Ms. McKenzie abstaining as she was excused.

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SOLICITORS REPORT

Mr. Scott stated he had nothing to report.

ENGINEERING REPORT

Mr. Catania gave his report noting the issue with resurfacing on Henry Lane and that it was not done properly. He noted the meeting with PECO representatives at Pembroke and Westbury Roads to discuss restoration and there will be a kickoff meeting for the Community Development Block Grant projects on July 17.

MANAGERS REPORT

Mr. Cummings noted the Leiper House was holding their annual Party on the Porch on Friday June 28th from 7:00pm to 9:00pm and that Luke Vacha is doing an Eagle Scout Project to aid access to the smoke house at the Leiper House. He stated a letter was drafted and will be sent to support a grant project at Rose Tree Park and that Bob Linn has prepared a revised zoning map correcting color code errors. He stated a Voting Expo will be held at the courthouse with respect to voting machines on July 9th, a county HHW event would take place on Saturday July 20th at DCCC, and Aqua would be continuing their work on several more streets in the upcoming weeks. Mr. Cummings noted the Shade Tree Commission was working on a licensing letter to tree contractors and the Delaware Valley Planning Commission was working on traffic counts in the area.

BUILDING AND ZONING COMMITTEE REPORT (Mr. Dougherty)

R-P Zoning Amendment – Mr. Dougherty noted this will be going before the planning commission on August 5.

SBA Cell Tower proposal – Mr. Dougherty stated this was approved by zoning board and included the conditions submitted by the commissioners.

Reverse Subdivision of Sean Kerr (119 meadow Lane) – After discussion, Mr. Sullivan Moved to grant Preliminary/Final Approval to the plans entitled, “Sean Kerr, 119 Meadow Lane, Reverse Subdivision Plan” consisting of 1 page dated April 17, 2019 (unrevised) drawn by H. Gilroy Damon Associates (their file no. D-340) subject to complying with the comments of the Township Engineer on adding property information and property markers, recording of the plan within 90 days as required by the County and the applicant agreeing to the conditions of approval. It was noted the following waivers are being granted:

- Section 289-20 C. to not require street trees
- Section 289-22 to allow a Preliminary/Final plan submission
- Section 289-9 to not provide sidewalks
- Section 289-10 to not provide curbs
- Section 289-22 C. (10) to not provide contour lines
- Section 289-22 C. (11) to not show trees
- Section 289-22 C. (3) to not show physical features within 500 feet

Mr. Kerr’s attorney, Jason Uhlrich, was present at the meeting and accepted the conditions of approval.

310 Wallingford Avenue R-5 Plan – Mr. Dougherty said he believes the request is to send Plans B and C to the Planning Commission. Ms. Sarah Peck, equitable owner of the property, made a presentation noting the decision is not approving anything other than just sending the plans to the planning commission. She said there are 12 duplexes although they will look like single family homes. She stated 35% of South Media residents make over \$100,000 and 45%

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make over \$75,000 so these homes will be affordable to them. She noted storm water management is a big concern and they are planning to intercept water from Anderson Street. With respect to school kids she said she provided statistics showing they expect between 2.8 to 6.7 kids will come from the site. She noted fire safety and they were supplying sprinklers. Ms. Peck explained she has 2 plans, one compliant with staff comments and one she believes is compliant, but the planning commission can review and decide. She stated the plan is for 12 duplexes and 2 single family homes. Ms. McKenzie asked if the homes can just be spread out a little to comply with setbacks and Ms. Peck said yes. She said we need a waiver to go from a 27 foot-wide street to 24 feet and she does not think she needs a cul-de-sac but will ask for a waiver if needed.

Mr. Dougherty asked how we address residents who are against it noting people bought houses here under the current zoning. She said to look at the facts and will improve values. He asked if it would increase their property values and Ms. Peck said yes. She said the storm water management will be improved by slowing and dissipating water. She noted the plan would bring in around \$30,000 in taxes and will need less services with these homes. She said with the R-3 plan, the rear of the houses will front on Wallingford Avenue and R-5 has the fronts facing Wallingford Avenue.

Mr. Garson asked if the township engineer has weighed in on the storm water management and Ms. Peck said no, but she will have to comply and take it to her engineer and noted the plan will buffer the basketball court more. Mr. Catania said he has not seen the storm water management calculations for the new plans and Ms. Peck said they have them finished.

Ms. McKenzie asked Mr. Catania to look at it independently.

Mr. Sullivan asked for the total square footage of the duplexes and Ms. Peck noted the areas as 1,200 sq. ft. for the bottom units and 1,900 sq. ft. for the top units. Mr. Sullivan asked about Plans B and C and noted he would want to only send Plan C.

Mr. Dougherty asked the solicitor if we should tie a specific plan to the R-5 zoning and Mr. Scott said he will have to think about it.

Mr. Sullivan moved to send proposed Plan C to the Planning Commission for review and comment. Mr. Garson seconded the motion. Mr. Dougherty said he agreed with Mr. Mason in that he also appreciated the tone of residents. He noted the plan being submitted was only making the builder more money. Ms. McKenzie said she is voting to send the plan on but wanted to make sure that the comparison was apples to apples.

Mr. Knapp noted when he authorized to send the R-5 Plan to the Planning Commission, he had concerns about gentrification and feels the data says there will be more kids in the 10 homes versus the duplexes. He felt the duplexes would not become rental units. He said he is concerned with storm water management and noted if it cannot be addressed, he will not support the plan. He hoped people will be able to walk from the site and he preferred Plan B but will agree to Plan C. He stated he wants quick responses from the Planning Commission. Mr. Sullivan noted the next Planning Commission meeting is in August. Mr. Sullivan said there is more impervious area, but it is more compact with less kids. Mr. O'Connor left the room at this time. Mr. Garson said he voted to move it to the planning commission as a balancing test. He noted a lot of time has gone into this by the planning commission and the township staff. He wanted to let the planners and engineer review the storm water management, but he would like to see the number of units cut down. Mr. Baker said he agreed with Mr. Dougherty and appreciates the residents of South Media. He stated he is concerned with changing the zoning and the storm water management issues but would vote to move it forward. Mr. O'Connor returned at this point stating he did not hear all the statements made, only what Mr. Dougherty had to say.

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The motion passed by a vote of 5-2 with Mr. Dougherty and Mr. O'Connor voting against.

COMMUNITY ENHANCEMENT COMMITTEE REPORT (Mr. Baker)

Summer Recreation Program – Mr. Baker thanked and congratulated all of the high school graduates and noted Summer Camp was in its first week and going well.

Welcome to Township Signs – It was noted we are still waiting on pricing. Mr. Sullivan said he would like to get smaller matching signs and asked to mark sign locations on the Township map.

FINANCE AND ADMINISTRATIVE COMMITTEE REPORT (Ms. McKenzie)

Verizon Franchise Agreement – Mr. Scott noted he heard back from Verizon and will have the agreement for approval in July.

Accept sale price bids from GovDeals (Police Tahoe and PWD truck) – Ms. McKenzie asked why the Tahoe didn't meet the minimum bid. Chief Splain said he thought this was the best we could do. Ms. McKenzie moved to accept the bids. Mr. Sullivan seconded the motion which passed by a vote of 7-0.

Motion to adopt Ordinance No. 810 (Loan documents VLAP fire truck loan) – Ms.

McKenzie noted we are refinancing VLAP Loan and the township needs to co-sign. Mr. Grady noted it was a \$200,000 PEMA Loan and GCGF took out a bridge loan but there was a snag in the township co-signing for the PEMA Loan. Mr. Scott said he was filing the enactment notice and sending it to DCED. Ms. McKenzie moved to adopt the ordinance. Mr. Sullivan seconded the motion which passed by a vote of 7-0.

Motion to adopt Ordinance No. 811 (Act 172 – tax credit for volunteer fire men) and

Resolution 2019-7 – Ms. McKenzie noted this would include volunteers in municipalities that share borders with Nether Providence Township. After discussion, Mr. Sullivan moved to adopt the ordinance. Ms. McKenzie seconded the motion which passed by a vote of 7-0. Mr. Sullivan moved to approve Resolution 2019-7. Mr. Dougherty seconded the motion which passed by a vote of 7-0.

Fair Districting resolution – Mr. Sullivan distributed background information and apologized for not doing it earlier. He noted redistricting would take place in PA after the 2020 census and bills are in legislature now to create a redistricting commission and we have been asked to support with a resolution. Mr. Baker said he is seeing this for the first time and would like time to look at it and look at the bills. It was noted the Board had time to discuss at the July meeting.

Motion to approve warrant list – Ms. McKenzie went through the warrant list and made a motion to approve. Mr. Sullivan seconded the motion which passed by a vote of 7-0.

INFRASTRUCTURE COMMITTEE REPORT (Mr. Sullivan)

Grant Schedules –

DCED Multi-modal grant due July 31 – Mr. Sullivan stated we would like to submit a grant for Providence Road sidewalks because there is no match. He noted that Mr. Grady is working this and that there is a \$3 million maximum grant amount. Mr. Catania is working on the estimates.

Additional Baker invoices (Wallingford Ave and Copples Lane Projects) – Mr. Sullivan noted change orders for additional work to Wallingford Avenue and Copples Lane were approved by Michael Baker but not run by the township. Mr. Sullivan noted the small expenditures and made a motion to approve payments. Ms. McKenzie seconded the motion which passed by a vote of 7-0.

Drainage issues (Fairfield Road, St John's Church, Henry Lane) – Mr. Sullivan noted Henry Lane was to have a crown when resurfaced but a couple of areas were not done correctly. The Board discussed sending a deficiency letter. Mr. Sullivan moved to approve sending a deficiency

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letter. Mr. Garson seconded the motion which passed by a vote of 7-0. Mr. Sullivan noted a series of drainage issues around Fairfield where the stream was piped and the pipe collapsed, and we are trying to figure out what to do. He also noted a problem with the basin at St. John's in that drainage from the southwest corner of the site was not going into the basin, and that storm water is piped from Springhaven Country Club onto the property. Springhaven will be contacted to consider improvements.

PARKS AND OPEN SPACE COMMITTEE REPORT (Mr. Garson)

Native Plant Resolution No. 2019-8 – Mr. Garson noted the Audubon Society would provide a free rain garden, but we need to pass a resolution to promote the use of native plants. Mr. Garson made a motion to approve the Native Plant Resolution. Mr. Sullivan seconded the motion which passed by a vote of 7-0.

PUBLIC SAFETY COMMITTEE REPORT (Mr. Knapp)

Mr. Knapp stated he is deferring giving the monthly report and the traffic calming matrix is in the folders. Mr. Sullivan noted Harvey Road is too steep for speed humps at 8% as it does not meet requirements in the PADOT manual, but speed pillows may work and are not subject to the 8% maximum grade. Mr. Catania agreed the pillows do not have to meet the criteria.

Ms. McKenzie leaves at this time.

Mr. O'Connor noted his resident had to leave but asked Mr. Catania if he could look at traffic calming on Putnam Boulevard and make some suggestions and the Board agreed. Mr. Sullivan noted the large drug bust in Philadelphia and thanked our 4 officers who were involved.

PUBLIC WORKS COMMITTEE REPORT (Mr. O'Connor)

Resurfacing Bids – Mr. Catania noted his bid tabulation his recommendation. Mr. Sullivan noted the good news is the low bid allows us to do all selected roads and alternates. Mr. O'Connor made a motion to accept the low bid from Joseph Sucher and Sons at \$451,168.50. Mr. Sullivan seconded the motion which passed by a vote of 6-0.

Recycling Contract – Mr. Sullivan noted we are waiting to hear back from H & H concerning a contract extension so this will be discussed at the July meeting.

Mr. O'Connor gave the Highway report.

Mr. O'Connor asked about the sink hole issue in the Mills of Rose Valley and it was noted the issue has been passed onto Brookhaven Borough

ADJOURNMENT – Mr. Sullivan noted the next meeting would be a combined meeting on July 25th.

There being no further business the meeting was adjourned.