

**(138) BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP  
MEETING of August 22, 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, August 22, 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 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

EXCUSED: Commissioner Baker

**PUBLIC**

Approximately 17 people in attendance.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENTS**

John Schwartz of 209 Governors Drive asked about additions not resulting in increased assessments. Mr. Dougherty noted the county reviews permits and assesses property. He noted the website does not have increased assessment information. Mr. Sullivan noted the county is behind in posting this information. Mr. Schwartz also asked about wall height at 200 Governors Drive. Mr. Cummings stated the Code Enforcement Officer did measure the wall height but we would look at it again.

Norman Gruwell of 125 Ronaldson Street would like to get approval to build on his lot the same way as 310 Wallingford Avenue. Mr. Knapp noted there are procedures to follow in order to be considered.

**APPROVAL OF MINUTES**

**Combined Work Session/Legislative Meeting of July 25, 2019** - Mr. Sullivan noted some corrections were made and moved to approve the minutes of July 25, 2019. Ms. Dougherty seconded the motion which passed by a vote of 5-0-1 with Mr. O'Connor abstaining as he was not present.

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### **SOLICITORS REPORT**

Mr. Scott noted nothing new to report.

### **ENGINEERING REPORT**

Mr. Catania stated the road resurfacing is scheduled to start in about 90 days but the contractor asked for an 8-10 week window. Mr. Sullivan asked about correcting Henry lane. Mr. Catania noted the proposal is to pave 2 long sections. Mr. Sullivan asked that we move forward to get it done.

### **MANAGERS REPORT**

Mr. Cummings noted Spring Haven Country Club is having a fireworks display on 9/1. He stated the Township received the DVPLT invoice for 2020 noting rate reductions. He noted Mr. Baker's request to buy a shed to be used for Summer Camp equipment and Family Fun supplies with excess summer camp program funds. Mr. Cummings mentioned the PECO Green grant is due 10/31 and that the township is forwarding a list of projects for the State Capital Projects list on 9/20 and it could include possible projects such as a community center, firehouse, or administration building. Mr. Sullivan asked if it could include flood control behind Palmer's Lane and it may not be eligible. Mr. Cummings stated the Township received a \$500,000 grant for demolition of Summit School and the First Class Township Code would be updated. He noted there will be a Celebration of the Arts at Wallingford Swim Club on 8/28 that would include a 5K Race and there is a household hazardous waste collection on 9/14 at PSU Brandywine Campus from 9:00 am to 3:00 pm. Mr. Cummings noted the latest list of assessment appeals and also the township would be purchasing some equipment that was suggested by DVIT after their annual township visit.

### **BUILDING AND ZONING COMMITTEE REPORT** (Mr. Dougherty)

**310 Wallingford Avenue R-5 Plan** – Mr. Dougherty noted the project went before the Township Planning Commission and they recommended to change the zoning from R-3 to R-5 Residential. Mr. Sullivan noted a new plan was received and the county is to review that plan. Ms. Peck of Progressive New Homes went through the revised plans and noted attorney Don Petrosa was present who walked through the process of proceeding to change the zoning. He noted the garages are wider, there are 25 homes with 3 being singles. Ms. Peck noted the concerns with turnarounds and noted 2 turnarounds with ample space. She said if a cul-de-sac was preferred, they can supply it. She noted substantially increased storm water management with 2 storm water management beds, the walkways are cobblestone and there are increased parking spaces. Mr. Petrosa noted DCPD reviewed and recommended strongly to go forward. He requested the Board schedule a public hearing for Sept. 26<sup>th</sup> and to authorize staff to send the ordinance to the Planning Commission again. He also asked that the township Planning Commission review the plans in time to supply comments to the Board at the Sept 26<sup>th</sup> meeting. Mr. Scott asked how soon preliminary plans need to be submitted and Ms. Peck noted the township Planning Commission has required 3 weeks advance notice. Mr. Sullivan asked how we know this is the plan being submitted and noted a concern that the market change may result in development by others. Mr. Sullivan noted we are also making some R-5 regulation changes and Mr. Scott said we can parallel track both ordinances. Mr. Sullivan asked is they will have a reduction in storm water due to both volume and velocity. Ms. Peck said both and explained the entire volume is captured on site and will let out it out slower. Ms. McKenzie noted complaints from Dennis Lane and asked her to explain the improvements to her and the residents. Ms. Peck said the township applied for a grant, but if it is not received, she noted she agreed to do stream restoration if the township does the permitting. Mr. Sullivan suggested she help with the match

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and she said it is too much. Mr. Dougherty asked about sidewalks being pervious and Ms. Peck noted they are using eco-pavers. Mr. Knapp asked about the pocket park and she noted the county planning commission comment suggesting a cul-de-sac be put in so may have to relocate the pocket park. Mr. Knapp asked about plantings along the stream and she noted they will be planting lots of trees and will add plantings as part of the stream restoration. Ms. McKenzie agreed we need to do whatever we can to reduce flooding. Mr. Garson said he is still concerned about a buffer along Dennis lane and said he would like to see the closest single home removed and put elsewhere. She said the township is strictly interpreting the SALDO limiting the development area and she cannot further reduce the number of units.

Mr. Knapp said if we moved forward, an option would be to remove the cul-de-sac to reduce impervious surface.

Mr. Sullivan moved to authorize Mr. Scott to prepare and advertise the ordinance to change the zoning from R-3 to R-5. Mr. Scott asked if two ordinances were requested or a combined ordinance with R-5 removing the quads. Mr. Sullivan asked for two ordinances. Ms. McKenzie seconded the motion. Mr. Petrosa asked about scheduling the public hearing and Mr. Scott said to try for the Sept. 26<sup>th</sup> meeting. The motion passed by a vote of 6-0.

Mr. Sullivan moved to authorize Mr. Scott to prepare and advertise an ordinance to remove quads in the R-5 regulations. Mr. Dougherty seconded the motion which passed by a vote of 6-0. Ms. Peck asked for the planning commission to review the plans at their Sept. 9<sup>th</sup> meeting and the board agreed to forward to the planning commission.

**R-P Zoning Amendment** – Mr. Dougherty noted this will be sent to both planning commissions for review and comment.

**Wallingford Realty Partners** – It was noted the extension granted would run until Sept. 24<sup>th</sup>.

**COMMUNITY ENHANCEMENT COMMITTEE REPORT** (Mr. Sullivan in Mr. Baker's absence)

**Welcome to Township Signs** – Mr. Sullivan noted the costs came back too high and asked Mr. Grady to continue to look.

**Summer Recreation Program** – Mr. Sullivan noted that Mr. Baker will present the summary next month but noted a surplus of about \$15,000 which may be used to purchase a shed.

**Family Fun Day** – Mr. Sullivan noted Family Fun Day will take place on Saturday October 5<sup>th</sup> with a rain date of October 6<sup>th</sup>.

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

**Verizon Franchise Agreement** – Mr. Scott noted this has been a slow and frustrating process and we are waiting for them to respond.

**2020 Budget Schedule** – Ms. McKenzie noted the schedule is in the Board packets for review.

**Motion to approve warrant list** – Ms. McKenzie highlighted some expenses. Mr. Knapp asked about the camera for the sewer truck and if it was under warranty. Ms. McKenzie noted the camera invoice is for U.S. machinery. Ms. McKenzie made a motion to approve the warrant list. Mr. Knapp seconded the motion which passed by a vote of 6-0.

**Portnoff Associates Ordinance** – Mr. Scott noted this was to extend their current collections to include municipal liens. Mr. Sullivan moved to advertise the ordinance. Ms. McKenzie seconded the motion which passed by a vote of 6-0.

**Resolution to amend septic system reviews by Sewage Enforcement Officer** – After discussion, Ms. McKenzie made a motion to approve Resolution 2019-10. Mr. O'Connor seconded the motion which passed by a vote of 6-0.

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

**Aqua main replacement projects** - Mr. Sullivan noted the township is waiting for roads to be repaired from the earlier project and noted more roads would be ripped up soon as the latest project continues on the Grandview Road and Palmers Lane areas.

**Moore Road sidewalk project bids** – Mr. Sullivan said the bids came in high and were rejected last month, but the township has reached out to DVRPC and PADOT and they agreed to provide additional funding to cover the balance. Mr. Sullivan moved to retract the former rejection. Mr. O’Connor seconded the motion which passed by a vote of 6-0. Mr. Sullivan then moved to award the project to the low bidder Marino Corporation at the bid amount of \$ \_\_\_\_\_. Mr. O’Connor seconded the motion which passed by a vote of 6-0.

**E. Possum Hollow Road walkway** - Mr. Sullivan noted a request to modify the guardrail is being made to allow access by residents across the road.

**Drainage issues (Fairfield Road, St John’s Church, Henry Lane)** – Mr. Sullivan noted a study is being done for the drainage issues in the areas of Henry Lane, Fairfield Road and Windsor Place.

**PARKS AND OPEN SPACE COMMITTEE REPORT** (Mr. Garson)

**RACP Grant** - Mr. Garson noted a \$500,000 grant was approved for demolition of the Summit School building and thanked Mr. Grady for a great job. He also noted the Township has already \$75,000 county grant as well. He stated the next step is to prepare an RFP for demolition. The Board agreed to have Mr. Catania prepare the RFP for demolition.

**Del Co Greenways grant program** - Mr. Garson noted 2 suggestions are trails at Furness Park and also improving the Leiper-Smedley trail. Mr. Sullivan suggested submitting both and moved to authorize Mr. Grady to apply for both projects. Mr. Garson seconded the motion which passed by a vote of 6-0. Mr. Sullivan then moved to adopt the resolution authorizing both applications. Mr. Garson seconded the motion which passed by a vote of 6-0.

**Bullens Lane Park** – Mr. Garson noted DVIT suggested a fence for a portion of the park during its annual walk through the township. Mr. Dougherty noted security issues at night. The Board questioned the type of fence and the light location. The upgrades will be further discussed at the September meeting along with the guardrail along Westminster Drive.

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

**Traffic Calming (Harvey Road, Putnam Blvd.)** – Mr. Knapp noted a complaint of speeding on Knoll Road and asked Chief Splain to look into studies. Chief Splain said he did a study and did not see a problem there. Mr. Sullivan asked about speed pillows on Harvey Road and asked to see if Mr. Dixon could install them in-house with the Township crew.

**Stop sign requests (4 way at Plush Mill & Turner; Turner at Knoll Road; Wisteria at Beatty)** – Mr. Knapp noted the township has asked PADOT for a 4-way stop sign at Turner and Plush Mill roads. The Board asked Mr. Catania to look at the stop signs on Beatty Road and various locations. Mr. Knapp said he looked at Ronaldson St and saw no stop signs. Mr. Catania said there cannot be a 4-way there, but we can do one at both Anderson Street as it approaches Ronaldson Street. Mr. Knapp moved to authorize a 2-way stop sign. Mr. Sullivan seconded the motion, but after discussion the motion was withdrawn to see if we can advertise with other locations.

**Resolution for speed timing devices** – Chief Splain explained that PA State Police regulations does not allow municipal police departments to use radar in the same manner as State Police. A resolution maybe forth coming.

**DCED Apparatus Study** – Mr. Knapp noted the DCED consultant visited both departments on

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September 9<sup>th</sup> and he is drafting a report which will go to Harrisburg before the township sees it. Mr. Dougherty asked if merging the companies is to be considered.

**South Media Fire Company update** – Mr. Sullivan stated we have scheduled a Fire Committee meeting to review South Media Fire Company procedures to ensure proper controls are in place for both companies, noting similar issues years ago with Garden City Fire Company.

Mr. Knapp gave the monthly Police Report.

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

Mr. O'Connor gave the Highway Report.

**Recycling Contract** – Mr. O'Connor noted the bids for recycling services are due September 9<sup>th</sup>.

**ADJOURNMENT** – Mr. Sullivan noted the next meeting would be a Legislative Meeting on September 12<sup>th</sup>.

There being no further business the meeting was adjourned.