

**(112) BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP
MEETING of April 25, 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 25, 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

Gary Cummings	Township Manager
Dave Grady	Assistant Township Manager
Carl Ewald	Township Solicitor
Lisa Swan	Finance Director
Charles Catania	Township Engineer

Commissioner O'Connor arrived late (approximately 8:50 pm)

PUBLIC

Approximately 9 people in attendance.

ROLL CALL AND PLEDGE OF ALLEGIANCE

Mr. Sullivan noted an Executive Session was held prior to the meeting to discuss personnel and real estate matters. He then led the audience in the Pledge of Allegiance.

PUBLIC COMMENTS

Mr. Sullivan gave background information on 310 Wallingford Avenue noting the property is currently approved for 10 lots. At the request of local residents to allow development under a change of zoning, a sketch plan has been submitted under R-5 for eight 4-unit buildings for a total of 32 units. He noted that Mr. Knapp and Ms. McKenzie had neighborhood meetings and if the Board votes to move forward, the proposal will have to go to the county planning commission and have a public hearing so it would still have a far way to go.

Philip DeSilva of 216 Moylan Avenue thanked Mr. Knapp for the meeting and noted he was concerned about setting a precedent. He said although there were compelling reasons on both sides, changing the zoning at the developer's request opens a can of worms. Mr. Baker said it was the residents who requested the zoning change.

Sherry Schaefer of 15 Shepherd's Lane said she was not present for the last presentation but did research on other area properties. She stated that if the change is permitted here, then others can do the same noting Mr. James Mason has 5 properties and Nanette Whitsett and her husband have 5 properties. She noted the locations of the properties and with Nanette and James fighting for more density, they could do the same. She suggested the developer, Ms. Peck, just drop the price noting the previous owner acquired the property at tax sale for a small amount of money.

(113)

Ms. McKenzie asked why she changed her mind on the zoning change and she said she wanted senior housing and vertical development and did not know Ms. Peck had a previous plan.

Nanette Whitsett of 801 Forrest Avenue and Chair of South Media United stated she supports diverse backgrounds and affordable housing to continue the unique diversity in South Media that would be lost with the R-3 plan. She said they asked the Board to consider not doing an affluent development but to consider an R-5 option and their petition was signed by diverse community members. She stated she circulated the petition to Dennis Lane and other surrounding areas and this development would be a new type of housing. She stated it should be allowed to go to the planning commission to look at traffic and other issues such as high school taxes and flooding in Vernon Run.

Elizabeth Cawley of 621 Vernon Street noted this property is directly in her back yard and she favors the 10-lot plan. She stated the property backs up the Dennis Lane and they are against the change. She noted the high-end duplex will be selling for &400K and she knows on no seniors who can afford them. She noted that Anderson Street is just an alley, the units are packed in, there will be much traffic and she is concerned about the properties turning into rental units.

Barbara Burger of 455 Manchester Avenue stated she supports what Nannette said about South Media being a blend. She felt selling unites at \$260k to \$280K is a little high but that it would continue economic diversity and the 10-lot plan would lead to gentrification. She asked to Board to allow the plan to go to the planning commissions.

Darrell Blair of 220 Emerald Lane stated she hears a lot of fear that lower income families will move in with the revised plan. She stated it would not but would attract families with kids and seniors. She stated her son would buy one if the homes were priced under \$400k so it may be geared toward millennials who also want a nice area and school district.

APPROVAL OF MINUTES

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

Work Session Meeting of March 14, 2019 - Mr. Sullivan moved to approve the minutes of Work Session Meeting of March 14, 2019. Mr. Dougherty seconded the motion which passed by a vote of 6-0.

Legislative Meeting of March 28, 2019 - Mr. Sullivan moved to approve the minutes of Legislative Meeting of March 28, 2019. Mr. Garson seconded the motion which passed by a vote of 6-0.

Work Session Meeting of April 11, 2019 - Mr. Sullivan moved to approve the minutes of Work Session Meeting of April 11, 2019. Ms. McKenzie seconded the motion which passed by a vote of 6-0.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Sullivan noted there are no new appointments.

SOLICITORS REPORT

Mr. Ewald noted Mr. Scott did not forward a report.

ENGINEERING REPORT

(114)

Mr. Catania gave his report noting we have received bids for Aqua roads. He noted Aqua is having problems tying in with the Ridley main project.

BUILDING AND ZONING COMMITTEE REPORT (Mr. Dougherty)

310 Wallingford Avenue subdivision (Progressive New Homes) – Mr. Dougherty noted the latest plan is in the packet. Ms. McKenzie said the most important issues are flooding and the number of students the housing would bring in. She noted she spoke to the WSSD Superintendent and checked school enrollment to find out that not much would change between R-3 and R-5 for the number of students attending in the district. Mr. Dougherty said the zoning is to protect areas and people buy property based on zoning next to them and felt it is important to maintain. He said he may consider a change if people weren't against it. Mr. Dougherty stated he is not concerned about the number of students and the cost of housing because it is a free market and people should get what they can. He said he will be voting against a change. Mr. Sullivan said he was originally opposed to a rezoning for similar reasons. He is now looking to aesthetics and what will blend best with the surrounding community, the environmental aspects of each plan, and how much open space we can preserve noting it is next to Sapovits Park. He stated the storm water management will have to be addressed either way and there is less site build out and can save more space with an R-5 plan. Mr. Sullivan stated he is concerned on the impact on WSSD noting the average number of students points to 12 with R-3 and only 9 with R-5 and that R-5 would have higher tax revenue as well, so he favors proceeding based on this. Mr. Knapp stated he met with neighbors on both sides and favors the R-5 plan as he feels it will have more effect on South Media. He said from an economic standpoint, South Media is walkable and should have diverse housing in a diverse community. He believes the location is a part of South Media and the R-5 design fits better in the neighborhood. He noted the neighborhood does not need a sprawling development with a cul-de-sac. Mr. Knapp stated he was most concerned about storm water on Vernon Run noting it is already a problem and he is hoping if the plan goes forward, he would like to see more storm water management than required. Mr. Knapp said with respect to the school numbers he felt there would be little difference, but he is concerned with traffic noting it is a walkable community but that planners can address this. He noted concerned with spot zoning but feels this parcel should be R-5 and should have been zoned R-5 from the beginning. He hoped those opposed understand and he's not sure if it will ultimately pass but wants it to be reviewed to be the best plan possible. Ms. McKenzie stated she is fine with the number of school children and noted her major concern is storm water management and hopes the plan will address it. Mr. Baker noted he lives in Garden City and there a lot of good people living there as well as South Media. He feels the zoning would set a precedent and that is why he will not vote in favor of the change. Mr. Garson stated both sides spoke passionately, and it is a tough vote. He noted that he sees the point of setting a precedent and is not in favor of the building aesthetics noting it looks like a wall. He said he is also concerned about school impacts on taxes and school students. Mr. Knapp asked Mr. Garson to reconsider. Mr. Sullivan then moved to forward the R-5 plan to the Township Planning Commission for review. Mr. Cummings said if the zoning changed, both planning commissions would have to review it. After consultation with the Township Solicitor he withdrew the motion. Mr. Baker suggested waiting until next month when seven Commissioners may be present to avoid a tie vote. Mr. Sullivan moved to send the plan to the Township and County Planning Commissions for a review of the potential map change from R-3 to R-5. Mr. Knapp seconded the motion. The motion passed by a vote of 4-2 as follows: Mr. Sullivan, yes; Ms. Mckenzie, yes; Mr. Knapp, yes; Mr. Garson, yes; Mr. Baker, no; Mr. Dougherty, no. Mr. Garson said he voted yes to avoid a tie but it does not mean he will vote for

(115)

the change.

Mr. Knapp left the meeting at this point.

Residential-Professional draft ordinance – Mr. Dougherty noted the draft ordinance was sent to the planning commissions and noted the amended language.

House Bill 340 (PA BCO request for resolution prior to going for Senate vote) – Mr.

Dougherty noted this proposed law would require us to have a minimum of 2 building code officials. After discussion, Mr. Dougherty asked the Board to review the resolution and discuss in two weeks.

COMMUNITY ENHANCEMENT COMMITTEE REPORT (Mr. Baker)

Summer Recreation Program – Mr. Baker noted Summer Camp starts on June 24th and 170 campers have enrolled so far.

FINANCE AND ADMINISTRATIVE COMMITTEE REPORT (Ms. McKenzie)

Motion to approve warrant list – Ms. McKenzie went through the warrant list highlighting various expenses. Mr. Dougherty asked about the GO2 bill of \$2,300 and asked if it is a monthly bill. Ms. Swan said it is monthly for both Police and Administration and it is within the budget. Mr. Sullivan noted his father's name is listed on the warrant list and will abstain from voting. Ms. McKenzie moved to approve the warrant list. Mr. Dougherty seconded the motion which passed by a vote of 5-0-1 with Mr. Sullivan abstaining.

Verizon Franchise Agreement – Mr. Ewald noted a conference call is scheduled and we are operating under the existing contract.

Repairs to Highway Truck #2 – Ms. McKenzie went through the expenses to repair the truck and that it is used a lot. She noted the engine issue and would like to get costs to repair the engine vs. cost of a new truck.

Act 172 tax credit – Ms. McKenzie noted a question on eligibility of resident fire fighters that are volunteering in other towns, Mr. Ewald said he would check but felt they would not be eligible. Mr. Sullivan said he was in favor of preparing an ordinance and authorizing advertising the associated resolution. Mr. Sullivan moved to have Mr. Scott prepare an ordinance based on Morton Borough's ordinance and resolution. There was a discussion on eligibility criteria. Ms. McKenzie seconded the motion which passed by a vote of 5-0.

INFRASTRUCTURE COMMITTEE REPORT (Mr. Sullivan)

CMAQ grant opportunity – Mr. Sullivan asked if this has no match and if so, he was inclined to do sidewalks all along Providence Road since it will cost \$3 million.

DCED sewage facilities grant due May 31 – Mr. Sullivan noted a 50% match and said could complete Beatty Run and asked Mr. Catania if he had any suggestions. Mr. Catania said the sewer budget wish list had a couple of projects on it. This will be reviewed in May.

Multi-modal grant due May 31 – Mr. Sullivan noted this grant has no match and CMAQ has 30% match so this could be used for Providence Road sidewalks. This also will be discussed in May.

Mr. O'Connor arrived at this point.

Traffic calming – Mr. Sullivan noted various complaints and said a resident came up with 3D crosswalk idea and asked Mr. Dixon and Mr. Catania to look into this.

PARKS AND OPEN SPACE COMMITTEE REPORT (Mr. Garson)

DCED greenways trails and recreation grant due May 31 – Mr. Garson noted there is a 15%

(116)

match and Summit, Phase 2 on Furness Park or Sapovits Park are options.

DCED watershed protection grant due May 31 – Mr. Garson noted Henry Lane or Sapovits Park could be applied for under this grant.

PUBLIC SAFETY COMMITTEE REPORT (Mr. Sullivan in Mr. Knapp's absence)

Baltimore pike and Beatty Road/252 and Mulberry Road intersections – Mr. Sullivan noted the signal timing issues and that we are working with PADOT on that. He noted a request to remove the No turn on red at Beatty Road has been sent to Pa DOT.

Animal Control – Mr. Sullivan summarized the costs of Brandywine SPCA as well as Allan Strickler. There were questions concerning the cost of boarding animals and if Alan Strickler can board them. It was noted Mr. Strickler also picks up wild animals.

PUBLIC WORKS COMMITTEE REPORT (Mr. O'Connor)

Recycling RFP for 2020 – Mr. O'Connor noted an RFP would need to be advertised in August. After discussion the Board will review and discuss again in May.

Aqua road resurfacing bids received – The bid results were noted and that Mr. Catania recommends awarding the project to Glasgow at the low bid amount of \$575,570. Mr. O'Connor moved to approve the award of the contract to Glasgow. Mr. Sullivan seconded the motion. Mr. Sullivan noted the bid estimate for the work was \$680,000 and was about \$100,000 less but Aqua's contribution was only \$494,000. He asked Mr. Catania if the pricing included crowning Henry Lane as well as its intersection with Osbourne and Mr. Catania said it was. The motion was passed by a vote of 6-0.

Resurfacing of other roads in 2019 – After discussion the Board decided to wait and see how much more we would receive from Aqua for the current main replacement projects. Mr. Catania said he will contact Aqua.

MANAGERS REPORT

Mr. Cummings stated the police Tahoe was asked to be placed on GovDeals and noted the bare root trees are going to be planted in Leiper Park on Sunday. He stated the Book It 5 K will be held Saturday and the kehillah 5K will be held Sunday. He noted the first HHW collection will be on May 4 at Calgon Hook Road and noted the Curb My Clutter program and Aqua was planning to dredge the Crum Creek reservoir. Mr. Baker noted we may use trash trucks for Community Clean-up day versus bigger dumpsters this year.

ADJOURNMENT – Mr. Sullivan noted the next meeting would be a work session on May 9th.

There being no further business the meeting was adjourned.