

**(188) BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP  
February 27, 2020**

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, February 27, 2020 in the Board of Commissioners' Meeting Room, Township Municipal Building, 214 Sykes Lane, Wallingford, PA 19086.

**ROLL CALL**

PRESENT: Commissioner Knapp  
Commissioner Garson  
Commissioner McKenzie  
Commissioner Knapp  
Commissioner O'Connor  
Commissioner Cooper

NOT PRESENT: Scott Spangler

ALSO PRESENT: Gary Cummings Township Manager  
Dave Grady Assistant Township Manager  
Bob Scott Township Solicitor  
Charles Catania Township Engineer

**PUBLIC**

Approximately 8 people in attendance.

**PLEDGE OF ALLEGIANCE** - Mr. Knapp noted an executive session on litigation and personnel matters was held before the meeting. He then led the audience in the Pledge of Allegiance.

**PUBLIC COMMENTS** -

Ms. Carolyn Santore of 1005 Beech Road said she was here to seek advice about an unstable woman in the neighborhood who is very threatening. She stated she is mostly home by herself and police have been there several times and arrested her. She stated she is unpredictable, and she is afraid of her. Mr. Cooper stated he has discussed the matter with Mr. Sullivan and Chief Splain. He noted she is in the legal system but to continue to police. Mr. Sullivan stated the Chief is well aware of her and there is no bad 911 call so do not hesitate to call. Ms. Santore asked if to call for trespassing and the Board told her yes. Mr. Garson suggested to possibly talk to an attorney. Mr. Cooper stated the number of police calls are taken into account with 302 complaints.

Nannette Whitsett of 801 Forrest Avenue stated she is Chair of South Media Neighbors United and thanked the Board members who supported the land development of Vernon Walk. Mr. Knapp thanked Ms. Whitsett for her continued involvement.

Jannell Berry of 530 Wallingford Avenue stated she lives adjacent to Vernon Walk and has been discussing issues with Ms. Peck and Mr. Macongie.

**Approval of Minutes** -

December 19, 2019 - Mr. Knapp moved to approve the minutes. Mr. Sullivan seconded the motion which passed 5 to 0 with Mr. Cooper abstaining as he was not present.

January 9, 2020 - Mr. Knapp moved to approve the minutes. Mr. O'Connor seconded the motion which passed 6 to 0.

January 23, 2020 - Mr. Knapp moved to approve the minutes. Mr. O'Connor seconded the motion which passed 6 to 0.

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**Appointments to Boards and Commissions** – Mr. Knapp noted a Mr. Lazzari expressed interest in the Sidewalk Committee but he is not present tonight.

**Solicitor's Report** – Mr. Scott stated Verizon returned the agreement but made some unexpected changes.

**Engineer's Report** – Mr. Catania stated the CDBG FY 2019 projects will be rebid on March 11.

**Manager's Report** – Mr. Cummings noted Eagle Scout projects in Leiper & Houston Parks, the Mare of Main Street returning to film and April is Pa 811 (One Call system) Month. He also noted new voting machine demonstrations were coming up.

**Community Enhancement Committee Report** (Mr. Kapp in Mr. Spangler's absence)

Update comprehensive plan - Mr. Knapp stated the plan should be updated every 20 years and noted Planning Commission member Bob Linn was in the audience. Mr. Linn noted our current plan is a multi-municipal plan completed in 2006. He stated it was a long effort, he summarized the plan and stated they usually have a shelf life of 15 years. He noted the new R-1A zoning district came out of the plan and many recommendations from the plan have been implemented. He read from previous plans on population projections. Ms. McKenzie asked who makes the decisions on the Comprehensive Plan and Mr. Linn stated the Board does. Mr. Scott noted there is grant funding to help. Mr. Linn stated it is a major undertaking. Mr. Sullivan asked if it we could do it ourselves in house and Mr. Linn stated he thought it was possible. Planning Commission Chair Bob Bode was also present and spoke on his background in real estate, land development and on writing a comprehensive plan in Oklahoma. Mr. Linn said it may be good to prepare a new plan now with the 2020 census data coming out. Mr. Linn stated he was involved in the last 2 Media Borough Plan and the did the last one in house. Mr. Garson suggested we reach out to the other municipalities part of the current plan and in the school district to gauge their interest. Mr. Grady will reach out to them.

Locations for Welcome to Nether Providence Township signs – Mr. Knapp asked about placing a sign on North Providence Road. Ms. Sullivan stated he thought placing a smaller sign on a single post would work there. After discussion, the Board agreed to place the first sign along Baltimore Pike just west of the I-476 interchange. Mr. Sullivan then suggested getting the signs for locations 1, 2 and 4 on the map.

Multi-municipal shredding event – Mr. Cummings stated Media and Swarthmore Boroughs are interested but no date has been set. Mr. Grady stated they are trying to get a date in the spring.

**Building and Zoning Committee Report** by Max Cooper

Vernon Walk Final Subdivision Plan Approval – Mr. Cooper noted concerns with stormwater runoff and asked Mr. Catania how it was coming. Mr. Catania stated he is comfortable with the calculations so now there are just a few details. Ms. McKenzie asked what changes they made. Mr. Catania stated the system was enlarged and basins improved so they are good. Mr. Cooper then moved to grant the plans titled 'Final Subdivision & Land development Plans for Vernon Walk' consisting of 11 sheets dated September 23, 2019, last revised January 22, 2020 prepared by Commonwealth Engineers, Inc. [their Drawing No. 201880-1(c)] Final Conditional Subdivision/Land development Approval subject to addressing the following:

1. Compliance with the February 24, 2020 comments of the Township Engineer.
2. Compliance with the February 3, 2020 comments of the Township Planning Commission.
3. Compliance with the December 2, 2019 comments of the Township Fire Marshal relative to adding a second hydrant and units being sprinklered.
4. Compliance with the recommendations of the Township Shade Tree Committee.
5. A PA DOT HOP be received for the new entrance road as well as any utility installations.
6. An NPDES permit being received and DCCD (Delaware County Conservation District) approval.

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7. DEP Sewer Planning Module approval (approval received)
8. Compliance with all other applicable laws and regulations.
9. The Post-Construction Stormwater Management Plan from CEI dated September 23, 2019, last revised January 22, 2020 remains subject to the approval of the Township Engineer, and shall be further amended to satisfactorily address the concerns of the Township Engineer as provided for under Section 301 R. of the Township Stormwater Management Ordinance No. 768.
10. Section 306 C. of the Stormwater Management regulations requires a 150 ft riparian buffer on each side of a stream but allows a reduction to 50 ft per recommendation of Engineer with consideration to supplement the buffer area with native plantings. The Engineer and Township Environmental Advisory Committee have accepted the reduction with enhancements.
11. The applicant shall enter into a developer's agreement acceptable to the Township Solicitor providing financial security for the completion of improvements.
12. The applicant shall accept the conditions of approval.

In granting this approval, the following waivers were granted:

Previous Granted Waivers

Section 289-7.C(1) - to allow paved width of Anderson Street to remain

Section 289-20(D)(1) – to allow Shade Tree Commission tree calculation to determine number of trees

Section 289-20(C)(4)(a) – to permit 2” caliper trees per Shade Tree Commission

Section 289-20(D)(5)(a)(2)[1] – to allow for substitution of shrubs for trees per Shade Tree Commission

Section 289-7C.(3) – to eliminate the cul-de-sac on an accessway

Section 289-7E.(4)(b) – to allow greater than 3% slope on 50 feet each side of the intersection

Section 289-9A. – to allow no sidewalks along Vernon Walk

Section 289-20.C.(3) – to allow some street trees placed outside of right-of-way

New Waivers

Section 281-34.B. – To allow .5 ft. of freeboard on a basin (requirement is 1.0 ft)

Section 289-9.D. – Partial relief to allow 3 foot wide interior walkways vs. 4 feet.

Mr. Sullivan seconded the motion while noting the Township did not want to accept the road or stormwater management facilities. He asked Mr. Catania if concerns in his February 24 memo have been resolved. Mr. Catania stated the information has been received but he has not reviewed all of it. Mr. Sullivan asked about soil testing and Mr. Catania stated they are trying to sort that out. Mr. Knapp asked Ms. Peck if she accepts the conditions. Ms. Peck stated she does accept them and thanked Board members. She then listed concessions she made to neighbors including lowering the starting price of the lower units to \$295,000, giving South Media residents first to buy and \$5,000 cash assist to first time homebuyers, and a condition that the units be the primary residence for 5 years. They will restrict rentals having no absentee rentals for 2 years enforced by the HOA. Ms. Peck noted they have restricted the wooded area, added the sidewalk along Anderson Street, added fencing, will plant the basins and adding to the buffer. She stated they are contributing a wall to the park to allow for a mural and are donating funds to South Media Neighbors United and will limit construction traffic on local streets. Ms. McKenzie asked about her contributing toward the Township's stormwater management work. Ms. Peck stated she lost a number of units and spent over \$100,000 on engineering so she cannot do anymore. Mr. Garson stated he was also under the impression she was going to contribute toward stormwater improvements. Ms. McKenzie said the project impacts a larger area and funds are going to the small area of South Media. Ms. Peck said they are putting in excess stormwater management facilities to help. Mr. Garson asked what the total funding she was supplying. It was noted she would give up to 5 first time homebuyers \$5,000 for a total of \$25,000, give \$5,000 to South Media Neighbors United, another \$5,000 to \$10,000 for neighborhood improvements, and also noted her landscaping plan. Mr. Sullivan asked Mr. Catania if this plan is going to improve drainage conditions to Dennis Lane properties. Mr. Catania stated

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it would not improve the conditions, just because Vernon Walk is relatively small part of a much larger drainage area. Mr. Sullivan asked if there would be any improvement and Mr. Catania stated yes but it would be negligible. Mr. Sullivan said that part of allowing the change to go to the R-5 District was discussion on making drainage improvements and now that is not happening and that is the frustration you are hearing from the Board. Ms. Peck stated that if the South Media community does not use all of the five first time homebuyer funds of \$5,000 each then maybe it could go to Sapovits Park improvements. Mr. Knapp stated he understands her working with the South Media community and also acknowledged her working with Mr. Catania on stormwater. Ms. McKenzie stated they were looking for about \$13,000 to help with the stormwater grant and thanked Ms. Peck for listening. Ms. Peck thanked Bob Linn and Bob Bode from the planning commission for working with her. The motion to grant approval passed 6 to 0. It again is noted Ms. Peck accepted the conditions of approval. The motion passed 6 to 0.

Mr. Knapp asked what her timetable is going forward. Ms. Peck stated the HOA documents will be sent to Mr. Scott, she is working on the Berry document for easement over the property and has to finalize financing. She said she is hoping to close by May 1, site work will take 3 to 4 months, sales to start in September and have the model open by the end of the year.

309 Ryanard Road (& 803 Pine Road) – Mr. Cooper noted they were going before Township Planning Commission on March 2.

Amendments to storm water management regulations – Mr. Cooper noted some items have come to light with the Vernon Walk subdivision. Mr. Sullivan said there were areas of the ordinance to improve. Mr. Catania noted a couple of options, but it was agreed to discuss in March.

#### **Finance and Administration Committee Report** by Kaitlin McKenzie

Motion to approve warrant list – Ms. McKenzie went through the warrant list noting expenses for yard waste disposal, Serve Pro, highway salt, auditor costs, ammunition and tax bill charges. Chief Splain noted the ammunition cost was for the entire year. He also thanked Mr. James Mason for helping to formulate their policy for use of body cameras. Ms. McKenzie moved to approve the warrant list. Mr. O'Connor seconded the motion which passed 6 to 0.

Audit/Financial update – Ms. McKenzie noted we are in the initial phase and hoping it is completed by April 1.

Pension and DROP ordinance – Mr. Cummings stated there are not too many changes to be made so he is hoping to get the ordinance to the FOP and advertise in 2 weeks and adopt at the next meeting after that.

Resolution on local authority over small wireless facilities – Ms. McKenzie explained the issue and stated we have a draft letter to state legislators. After making a couple of changes, Ms. McKenzie moved to send the letter to Representative Kreuger and Senator Killion. Mr. Sullivan seconded the motion which passed 6 to 0.

#### **Infrastructure Committee Report** by Matt Sullivan

Moore Road construction status report – Mr. Sullivan stated the ADA ramp design is going to PennDOT, Chester Water Authority is replacing their main, and then the contractor will start to do the curb and sidewalk in April.

Aqua main replacement schedule – Mr. Sullivan noted Aqua is replacing main on Locust Lane and Ridgewood Road and he listed remaining locations for the year.

#### **Parks and Open Space Committee Report** by Matt Garson

RACP submission – Mr. Garson said there is a meeting with the state consultant on March 10

NPAA Baseball lights at Houston Park – Mr. Garson stated Mr. Cooper, Mr. Grady and he met with neighbors to discuss the lights and said they are working on a utilization plan to be submitted to the

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Board. It was noted that NPAA has an opportunity to obtain bleachers for Houston and Hepford Parks. Mr. Sullivan stated he liked the idea, but he is concerned with all the clutter at our parks. He said we should do a comprehensive study on all the storage units, buildings and snack bars to see if some can be consolidated. Mr. Garson stated he agrees and is also concerned about maintenance of the buildings. He said we need to discuss with NPAA soccer and baseball what is allowed to go into our parks.

DCNR Recreation & Conservation grant due April 22 – Mr. Garson noted the grant is due April 22. He said they can use funding to make improvements to Summit School. Mr. Sullivan stated he would like to put in a perimeter trail and lighting for the trail. Mr. Garson asked Board members to think about what to put in once the building is down. Mr. Grady was asked to look if funding can go for lighting the trail.

Furness Park - authorization to advertise for bids – Mr. Garson moved to advertise for bids. Mr. Knapp seconded the motion which passed 6 to 0.

Summit School demolition and asbestos removal – Mr. Garson stated we are waiting to take action until after meeting with the state consultant.

### **Public Safety Committee Report** by Micah Knapp

Authorize advertisement of ordinance establishing stop signs – Mr. Knapp noted the list of possible stop sign locations and said they were waiting for Mr. Garson to discuss those on Avondale Road. Mr. Garson noted the sight distance allowed for one at Oak Knoll and a three way at Copples Lane. After further discussion, it was agreed to keep it the same for the time being. Mr. Knapp moved to advertise the ordinance but with the removal of the Avondale stop signs and with not to delete any stop sign. Mr. Sullivan seconded the motion which passed 6 to 0.

Turner and Plush Mill Road – It was noted that PennDOT will be asked to reconsider a 4 way stop at this intersection.

Beatty Road – Mr. Grady stated we can send a general letter to PennDOT for the four intersections, but they may want us to specify.

Traffic calming (see various requests) – Mr. Knapp noted the list of possible locations

Parking on Oakland Avenue – Mr. Knapp noted that there were now 7 cars parked there so he asked the ordinance be placed on the March agenda for consideration.

811 (Pa One Call) Proclamation – Mr. Knapp read and moved approval of this proclamation designating April as dial 811 month. Mr. Sullivan seconded the motion which passed 6 to 0.

Mr. Knapp asked Chief Splain when the body cameras will be active. Chief Splain said they will be tested in March and active in April.

### **Public Works Committee Report** by Robert O'Connor

Road resurfacing for 2020 – Mr. O'Connor noted Mr. Catania supplied a new list of roads including the Aqua Roads. Mr. Catania stated he will update the ratings but asked the Board to submit any new roads to be put on the list.

Yard waste drop off & collection – Mr. O'Connor read the note on the website expanding pick ups to 2 days per month and drop off at the yard on the 1<sup>st</sup> Saturday of each month.

**Adjournment** - Next meeting is work session on March 12