

BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP – July 14, 2022

A public meeting of the Board of Commissioners of Nether Providence Township was called to order at 7:30 PM on Thursday, July 14, 2022. Combined meeting.

ROLL CALL

PRESENT:

Commissioner McKenzie
Commissioner Barnes
Commissioner Garson
Commissioner Molloy
Commissioner O'Connor
Commissioner Cooper
Commissioner Knapp

ALSO PRESENT:

Dave Grady	Township Manager
Robert Scott	Township Solicitor
Charles Catania	Township Engineer

Ms. McKenzie chaired the meeting. She announced that Executive Session would be held after the meeting.

About 25 members of the public were in attendance.

Appointments to Boards and Commissions- ZHB-

Ms. McKenzie made a motion to appoint Ati Bailey to a full position on the Zoning Hearing Board. Mr. Molloy seconded the motion, which passed 7-0.

PUBLIC COMMENTS –

Patricia Sloskey- 416 Hawthorne Road: Mrs. Sloskey said, “In April of 2022 Nether Providence started to build a pedestrian walkway that was to be beneficial to the residents. Unfortunately, they built the roadway on my easement property 12 to 24 inches above ground level. Some of the that walkway abuts a fence on my property causing a large ditch. This is a known hazard which was made known to the builders and township officials, one of which is Dave Grady. They knowingly made this a problem for me as a 40 plus year homeowner. It is a hazard which may cause injury to anyone using the path. It is impossible to keep trimmed as it is above ground level. The grass on the roadside will be dangerous to keep trimmed. I am requesting that area be redone and made level. A known hazard may cause me to sue if an injury occurs. If the township will not do this, they must take ownership and responsibility. I cannot properly open my gate. They said they would reverse the hinges. This is not really possible with the design of the fence, additionally, the grass that was placed is mostly weeds and somewhat will be trees. Nothing seems to be what was discussed when this project was explained. I am not the only homeowner affected. Please redo this area.”

Ms. McKenzie said the Board is aware of how unhappy the resident is about the sidewalk. She said Ms. Sloskey’s fence was improperly installed in the “right of way”. The public works department is willing to switch the fence hinges. Ms. McKenzie said tearing up and rebuilding the small section of walkway the resident is referring to is not a good use of township funds as the walkway was built in accordance with the Township Engineer’s designs.

Approval of Minutes- Ms. McKenzie made a motion to approve the Minutes for May 26th, 2022. Mr. Knapp seconded the motion which, passed 7-0. Ms. McKenzie made a motion to approve the minutes from June 9th, 2022. Mr. Knapp seconded, which passed 6-0. Mr. O'Connor abstained.

SOLICITORS REPORT – Mr. Scott had nothing to report.

ENGINEER REPORT- Mr. Catania had nothing to report.

6 Chestnut Parkway Subdivision: Ms. McKenzie noted that Steve Wasylyszyn from GD Houtman and Sons, representing the Anthony Morroni subdivision of 6 Chestnut Parkway, was in attendance. Mr. Grady read comments from the Planning Commission, the County Planning Commission, the Shade Tree Commission, and the Township Engineer. Mr. Grady said the proposed project could receive conditional final subdivision approval subject to the plans complying with the comments of the Township Engineer, the Township Planning Commission and Shade Tree Commission as follows:

1. A fee in lieu of sidewalk installation along Ridley Drive and Chestnut Parkway shall be paid to the Township. Payment should be made prior to recording of the plans.
2. PaDEP Sewage Facilities Planning Module Exemption is required.
3. Compliance with other applicable regulations.

In granting this approval, the following waivers would also be granted:

1. Section 389-9A – waiver from installing sidewalks, payment in lieu of sidewalk.
2. Section 389-10 – waiver to installing curbing

Mr. Wasylyszyn said his clients agree with the comments. He noted there were a few comments that he wanted to address, including the comment of widening the roadway. The Board asked to table the comments until the next meeting so members can review Planning Commission notes and further answers can be supplied from Mr. Wasylyszyn. The plans would be reviewed at the meeting in August.

GOVERNMENT RELATIONS REPORT- Max Cooper

PECO Tree Work- Public Comment-

Jill Davis 210 Moylan Avenue. She commented on her extreme displeasure and concern about PECO's plans to remove trees for a utility project. She said PECO told them they were replacing power line poles and would remove more than 50 healthy trees along Moylan Avenue, including shade trees and heritage trees. She said PECO's plan impacts multiple streets in the Moylan area. She said PECO approached residents and manipulated residents by leaving out the plans of destroying the trees and yards. She urged residents to not sign the notification from Davey Tree Company, which is the PECO tree contractor. She said that signing it informs PECO that the resident will not cause any problems for PECO. She had three areas of concern: the environmental impact, safety concerns, and the impact to the value of their homes. She asked the Board for three things: contact PECO on the residents' behalf to look for other less destructive ways; contact local representatives and ask for help; and lastly, immediately notify residents if PECO sends updates. Ms. McKenzie and Mr. Knapp said they share the residents' concerns, and they plan to work with PECO and the State Elected Officials.

Lorri Primavera- 208 Highland Ave- She asked if PECO has performed a cost analysis for burying the lines. Mr. Molloy said he and his ward fought that battle with PECO, and they were unsuccessful. He said PECO is obviously concerned with cost, and they claim it is safer as well.

Swarthmore resident- She said Swarthmore is requesting PECO bury lines for the same type of work happening in Swarthmore. She said no one should accept that PECO cannot do it due to the cost, because she believes they can. She said she believes that PECO is moving onto other projects to avoid the extreme resistance that they received in Swarthmore. Mr. Knapp agreed that making noise will be critical in getting PECO to reconsider the project.

John Shaw- 205 Moylan Ave- Mr. Shaw is strongly urging PECO to consider burying the lines. He believes PECO will make up whatever story they can to avoid burying the lines. He thinks the residents should ask for cost data, and he said he found information from a utility in Florida that compared overhead costs of \$2,200 to underground costs of \$2,400.

Swarthmore resident- She said that PECO has to pay a third-party designer to engineer underground lines, since PECO does not design it themselves. Therefore, it is cheaper and easier for them to do overhead designs. She said there is an option for underground directional drilling that PECO could do. She said utilities in other places, such as California, are putting thousands of miles of lines underground. She also explained that the amount of water that these trees absorb will create stormwater issues if the trees are no longer there to absorb the water.

PARKS AND OPEN SPACE COMMITTEE REPORT – Matthew Garson

Love our Parks – June Parks Commission Events – Mr. Garson said the Parks Commission is organizing several cleanup events in each of the parks. Each park has a representative who is leading the event. Dates will be made available soon for the locations. "Love Our Parks" yard signs are being sold at the Township building for \$20, and the proceeds will go towards improvements in the parks.

Sapovits Movie Night – He said there will be a movie night in Sapovits Park on August 13th at 8 PM. Encanto will be shown.

PUBLIC SAFETY COMMITTEE REPORT- Micah Knapp

Stop Sign request-Hastings & Beech- Mr. Knapp moved to Authorize administration to draft an ordinance for a four-way stop sign on Hastings Avenue and Beech Road. Ms. McKenzie seconded the motion, which passed 7-0.

Restarting Sidewalk Committee- Mr. Knapp moved to appoint Mr. Tecce to the restart the Sidewalk committee. Ms. McKenzie seconded the motion, which passed 7-0.

Civil Service test for Officers- Mr. Knapp said the Civil Service Commission document was recently updated, and now that it has been updated, Mr. Knapp moved to authorize Chief Splain to begin civil service testing for a new police officer to replace the part-time officer and full-time officers. Mr. O'Connor seconded the motion, which passed 7-0.

Authorize Purchase of 2022 Chevrolet Tahoe (Car #9)- Mr. Knapp made a motion to authorize Chief Splain to purchase a 2022 Chevrolet Tahoe in the amount of \$36,266.72. Mr. Molloy second the motion, which passed 7-0.

Authorize Trade-In of the 2017 Dodge Charger- Mr. Knapp moved to authorize the trade-in of a 2017 Dodge Charger for \$20,000 with Whitmoyer Auto Group. Mr. Garson seconded the motion, which passed 7-0.

FINANCE & ADMINISTRATION COMMITTEE – Kaitlin McKenzie

Portnoff Law- Changes in Delinquent Tax Collection Laws and Fees- Ms. McKenzie said Portnoff Law Associates, the Township's delinquent tax collection entity, notified the Township that a change in the Consumer Financial Protection Bureau laws has forced PLA to change the first step of its collection process, starting with charging a fee to the delinquent property owner related to the initial notification process. Ms. McKenzie made a motion to amend and advertise an ordinance to reflect changes from Portnoff Law Associates for charging a \$25 fee in 2023 for Delinquent Tax Collection Fees. Mr. Molly seconded the motion, which passed 7-0.

6-8 E. Brookhaven Road Escrow Release – Ms. McKenzie said an escrow was collected until the developers of 6-8 E. Brookhaven Road installed a sidewalk, per the conditions of the subdivision development. The sidewalk has been installed, and the Township Engineer has reviewed it. There are a few minor concerns, but a large portion of the escrow can be released. Ms. McKenzie made a motion to release a part of the escrow but maintain \$5,000 for final restoration, per Mr. Catania's recommendation. Mr. Garson seconded the motion, which passed 7-0.

MMO Contribution- Ms. McKenzie said in the past the Township had contributed the minimum municipal obligation (MMO) to the pension funds towards the latter part of the year after the state aid is received. However, with the market being so low right now, it might make sense to contribute half of the MMO towards the pension funds. CBIZ/InR, who manages the pension investments, agreed with this approach. Also, many communities will pay the MMO quarterly or monthly instead of all at once. Mr. Molloy said he had a concern that this was playing with the market, and he was not in favor of changing past practice to hedge the market. Mr. Grady explained that contributing the MMO sooner, going forward, would give the Township the opportunity to benefit from market gains throughout the year and it would allow for more time to recover from market losses. Ms. McKenzie made a motion to authorize the Township to pay 50% of the MMOs for both plans, in the amounts of \$233,910 for the police plan and \$83,332.50 for the non-uniform plan. Mr. Garson seconded the motion, which passed 6-0, with Mr. Molloy abstaining.

Pension Plan Updates- Ms. McKenzie said the non-uniform pension plan has not been updated in many years. Mockenhaupt Benefits Group, the Township's actuary, can do a cost analysis study to review the impact of several pension fund changes, including changes that would tie the pension benefit to the years of service and a service increment benefit to make it more fair for employees who have worked for 40 years vs. only 15 years, and who would get the same benefit currently; and allowing for earlier retirement at an actuarially reduced benefit. The cost of the study would be \$1,800 and can be paid from the pension funds. Ms. McKenzie made a motion to authorize Mockenhaupt to run a cost analysis in the amount of \$1,800. Mr. Knapp seconded the motion, which passed 7-0.

Road Loan Usage- Ms. McKenzie said the idea has been proposed to consider switching the purpose of the \$500,000 road loan towards the Public Works Garage project. Asphalt pricing is at an all-time high, plus asphalt prices are generally higher later in the year, even in a non-inflationary environment. A major consideration, though, would be how the loan would be repaid. With the road program, it can be paid through Liquid Fuels funds. Currently, the Public Works Garage expenses are expected to come from the ARPA funding. She asked Mr. Grady to discuss options with the Township's accountant.

Bills List- Ms. McKenzie made a motion to approve the bills list in the amount of:

P-Card	\$36,605.53
Interim	\$91,565.59
A/P	\$313,803.16

Mr. Knapp seconded the motion, which passed 7-0.

2022 Financial update- Ms. McKenzie asked Mr. Grady to provide a quick summary, in the interest of time. Mr. Grady said the Township is on target for the 2022 budget as it is the halfway through the fiscal year.

COMMUNITY, HEALTH, AND ENVIRONMENT REPORT- Shaina Barnes

Recycling Contract Considerations – Ms. Barnes said B&L Disposal did not have interest in extending the option year, due to the significant increases in fuel and labor costs that have occurred since their bid in 2019. Therefore, the Township will be going out to bid for recycling collection. Additionally, the Board may want to consider adding in a provision for a fuel cost escalator charge which would allow a contractor to receive additional funds if fuels prices exceed a certain threshold. This may benefit the Township in that a contractor would not feel it was necessary to submit a significantly higher bid out of a fear of future fuel cost increases. Ms. Barnes made a motion to ask Mr. Grady and Mr. Scott to prepare bid documents for recycling collection. Mr. Garson seconded the motion, which passed 7-0.

EAC Update- She said the EAC discussed the waste committee and how it would be structured. Mr. Molloy said he had sent out information for the board to review and can discuss at a later date.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE REPORT – Robert O’Connor

Speed Humps on Putnam Blvd – Mr. O’Connor said the Board authorized the installation of two speed humps and a raised crosswalk near the pool house on Putnam Boulevard. The work for the raised crosswalk is expected in the coming weeks, and it is behind schedule due to temporary Public Works Staff shortages.

Putnam Blvd Streetlight Request – He said there was a request for streetlights on Putnam. The Township is awaiting quotes from Higgins Electric for the work.

Surrey Rd Streetlight Request- Mr. O’Connor said a survey is being sent to the immediately affected neighbors. Results should be available soon.

Multimodal Transportation Fund Grant Round Due 7/31 – Mr. O’Connor said the DCED Multimodal Transportation Fund is the same funding source that paid for the E. Rose Valley sidewalk and will pay for the Providence Road sidewalk from Copples Lane to E. Rose Valley Road. There is no match for this grant round. The Board may want to consider applying for an additional extension along Providence Road. Another possibility could be the installation of the rapid flashing beacons for pedestrian crossings at Brookhaven/Kershaw and Chatham Place/Providence Road. There was a question about whether the Township should apply for two separate grants, include the two projects in one grant application, or to only make an application for one project. Ms. McKenzie suggested Mr. Grady ask Representative Krueger’s office for a recommendation. Mr. O’Connor made a motion to authorize Mr. Grady to submit an application for the Multimodal Transportation Grant for the Providence Road sidewalk project. Ms. McKenzie seconded the motion, which passed 7-0.

Mr. Cooper had to be excused from the meeting at this point.

Change Order Approval – 2022 Road Program – A.F. Damon, the contractor for the recent road resurfacing program, has asked for a change order due to the rising cost of asphalt in between when the project was bid in February and when work started in April. They are asking for an additional \$13,443.54. The contract does not appear to allow for price escalators such as this, so there is no requirement from the Township. Mr. Scott will review contract and update Board.

County Model Stormwater Ordinance – Mr. Scott said all municipalities in Delaware County are required to adopt an updated stormwater management ordinance and are supposed to submit a copy of the adopted ordinance in the annual MS4 update to DEP due at the end of September.

Mr. O’Connor made a Motion to add an agenda item: Moore Road repaving. Mr. Molloy seconded the motion, which passed 6-0.

Moore Road repaving- Mr. Grady and Mr. Catania met with PECO and Aqua to discuss the two entities working together with the same contractor to repave both lanes of Moore Road from Putnam Boulevard to Pennsylvania Avenue. Both entities are using Kehoe Construction for the restoration and repaving work. There is a section of Moore Road near Putnam Boulevard that neither company impacted, so the Township obtained a quote from Kehoe Construction in the amount of \$3,216. Mr. O’Connor made a motion to accept the quote from Kehoe Construction in the amount of \$3,216 for the small section of Moore Road. Mr. Molloy seconded, and the motion passed 6-0.

BUILDING AND ZONING COMMITTEE REPORT – Marty Molloy

Fencing Regulations – Amendment Consideration for outward-facing requirements- Mr. Molloy said there was a question about the “finished side” of fencing in the Township code. It is not clear for post and rail fences with chicken wire which side the chicken wire should be on. Mr. Grady is researching what other communities do and said he would have more information for next meeting.

R5-B Zoning Amendment- Mr. Molloy said the Planning Commission reviewed and approved the proposed ordinance, which would correct the incongruity in the zoning code for R5-B. This amendment would allow for multi-family dwellings, which are currently banned in the code, even though much of the R5-B housing is currently multi-family housing. Mr. Molly opened Public Hearing. There was no public comment. Mr. Molloy made a motion to adopt ordinance 838 – Allowing Townhomes in R5-B Zoning Districts. Mr. Knapp seconded the motion, which passed 6-0.

Consideration of approval of 6 Chestnut Parkway 3-lot subdivision – Mr. Molloy said this was covered earlier in meeting. He said more information is need.

Solar Panels – Ground Arrays – Mr. Molloy said the current zoning does not specify any regulations for ground array solar panels. The Board may want to consider regulations, such as how much impervious coverage can they occupy, can they be in front yards, and how close to property lines they can be. The Board asked the Planning Commission and Environmental Advisory Committee to look into the issue.

TOWNSHIP MANAGER REPORT – David Grady

Mr. Grady said a Trolley Modernization Survey is available on the township website. The County is asking for help for the Don Guanella Public Input survey for the newest Delco Park and the survey is available on the Township website. Delaware County is hosting a job fair July 16th from 10am-4pm at Upper Darby municipal building. The Recycling Dumpster has returned to the Highway Garage. The Furness Library Survey is available on the Township website to give input on Library goals. The Township is hosting a Blood Drive August 3rd. He said that FEMA provided information to encourage people to consider obtaining flood insurance, even if they are not in a floodplain.

Ms. McKenzie said the next meeting is a combined meeting August 11th. The meeting was adjourned around 9:45 PM.