

## **BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP – August 11, 2022**

A public meeting of the Board of Commissioners of Nether Providence Township was called to order at 7:30 PM on Thursday, August 11, 2022. Combined meeting.

### **ROLL CALL**

#### **PRESENT:**

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

**EXCUSED:** Commissioner Garson

#### **ALSO PRESENT:**

Dave Grady	Township Manager
Robert Scott	Township Solicitor
Charles Catania	Township Engineer
Chief Splain	Police Chief

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

Two members of the public were in attendance.

### **Appointments to Boards and Commissions- ZHB-**

Ms. McKenzie made a motion to adopt Resolution 2022-18 appointing Atilua Bailey to a full position on the Zoning Hearing Board. Mr. Molloy seconded the motion, which passed 7-0.

**Approval of Minutes:** Ms. McKenzie made a motion to approve the minutes of June 28, 2022. Mr. Molloy seconded, and the motion passed 6-0.

### **PUBLIC COMMENTS** – No public Comment

#### **6 Chestnut Parkway Subdivision:**

Mr. Wasylszyn of GD Houtman Engineering represented the owners of 6 Chestnut Parkway.

Mr. Grady said there were two items to consider, including the sewer lateral connection and the widening of the road. Mr. Wasylszyn said the applicant would be willing to separate the connections, but it would be difficult. Mr. Catania said the separation waiver could be granted if the line was inspected visually and a shared maintenance agreement were put in place. The Board also discussed the waiver to widen the road. They noted that widening just that small section of Ridley Drive did not make sense.

Ms. McKenzie said that in the Board's granting of the subdivision approval, the following waivers are also being granted:

1. Section 389-9A – waiver from installing sidewalks, payment in lieu of sidewalk.
2. Section 389-10 – waiver to installing curbing
3. Section 289-18D - waiver for lot 1 & 2 to share connection, with the conditions that it be noted in the deed, that:
  - a. Check valves be installed
  - b. The joint lateral maintenance will be shared by the owners of lots 1 & 2
  - c. The joint lateral be videoed for defects and repaired as necessary.
4. Section 289-7 – waiver from required 27-foot street width

5. Section 289-20D – waiver from impervious surface coverage, vegetation and replacement

Mr. Molloy made a motion to approve the waivers and plan for 6 Chestnut Parkway to be made into a 3-lot subdivision. Ms. McKenzie seconded the motion, which passed 6-0. Mr. Wasylyszyn said his clients agree to all the waivers at this time.

**SOLICITORS REPORT** – Mr. Scott had nothing to report.

**ENGINEER REPORT**- Mr. Catania had nothing to report.

**GOVERNMENT RELATIONS REPORT**- Max Cooper

**PECO Tree Work- Public Comment**- Mr. Cooper said PECO has three planned projects in the Township. At least two of those require significant tree removals. The Township is doing its best to support the residents and limit the impact of the project as much as possible. The Township has almost no regulatory control over PECO, but a meeting will be held soon between PECO representatives, Representative Krueger, Senator Kane, and Township Officials to discuss the project. The Shade Tree Commission has reviewed the projects and trees and strongly disapproves of the PECO project due to its impact on several heritage trees and other street trees.

**CDBG Grant Agreement**- Mr. Cooper said this is a standard agreement between Delaware County's Office of Housing and Community Development and Nether Providence. This is for the road resurfacing project in Garden City, which will take place in 2023. Mr. Cooper made a Motion to approve the Community Development Block Grant agreement between Delaware County's Office of Housing and Community Development and Nether Providence Township. Mr. Molloy seconded the motion, which passed 6-0.

**Comprehensive Plan- Potential Stakeholder Interview Groups** – Mr. Cooper said as part of the Comprehensive Planning, the group has identified numerous potential stakeholder interview groups. These potential groups include the school district, athletic associations, HOAs, houses of worship, and Township Organizations (EAC, Planning Commission, Shade Tree, Parks, etc.). Mr. Cooper asked the Board to review the list for changes or suggestions.

**PARKS AND OPEN SPACE COMMITTEE REPORT** – Kait McKenzie

**Sapovits Movie Night** – Ms. McKenzie said the movie *Encanto* would be shown at Sapovits Park on August 13<sup>th</sup> starting at 8 PM. "Owl's Water Ice and Treats" will be there. South Media and Garden City Fire Company representatives will be there too. Please consider bringing donations for the fire companies.

**Approval of RACP Grant Agreement** – Ms. McKenzie introduced the Redevelopment Assistance Capital Program grant related to the Summit School demolition and Gouley Park development. She said Solicitor Scott reviewed and had no concerns. This grant agreement will allow the Township to submit for partial reimbursement in the coming months. Ms. McKenzie made a motion to approve the Redevelopment Assistance Capital Program Grant Agreement between the Commonwealth of Pennsylvania's Office of the Budget and Nether Providence Township for the project known as the "Nether Providence Township – Summit Site Redevelopment" in an amount up to \$500,000. Mr. Cooper seconded the motion which passed, 6-0.

**Martha Burton Park Playground Equipment**- Ms. McKenzie said the Township obtained a quote from a COSTARS vendor, Recreation Resource, in the amount of \$64,071. This would include a playground, a carousel, a large swing, play tree stumps, and freight. Ms. McKenzie made a Motion to approve the quote from Recreation Resource in the amount of \$64,071 for a playground and the related equipment. Mr. Knapp seconded the motion, which passed 6-0.

**PUBLIC SAFETY COMMITTEE REPORT**- Micah Knapp

**Stop Sign request-Hastings & Beech**- Mr. Knapp moved to approve ordinance 839, for a four-way stop sign on Hastings Avenue and Beech Road. Ms. Barnes seconded the motion, which passed 6-0.

**FINANCE & ADMINISTRATION COMMITTEE** – Kaitlin McKenzie

**Portnoff Law- Changes in Delinquent Tax Collection Laws and Fees**- Ms. McKenzie said this is being advertised for the September 8th meeting. The Consumer Financial Protection Bureau released new guidelines that became effective on November 30, 2021 that caused Portnoff Law Associates (PLA) to change the first step of its collection process. As a result of the new guidelines, PLA began sending model validation notices as the initial contact with the property owner. PLA sent these notices out this year at no charge to the Township or the property owner, but PLA will need to start charging a \$25 fee in 2023.

**Road Loan Usage**- Ms. McKenzie said a \$500,000 loan was taken out for road resurfacing earlier in the year, and the plan was to repay through Liquid Fuels Funds from the State over the five years of the loan. She said the Board asked

administration to explore the idea of repurposing the loan since the cost of asphalt has increased significantly. Mr. Grady discussed with the accountant to see if there were any other options for this loan that could allow for repayment without incurring additional debt in the General Fund. There did not appear to be any options that would not add debt service costs to the General Fund.

Bills List- Ms. McKenzie highlighted several items in the Bills List. She noted the procurement card list would be available at the September meeting. She made a motion to approve the bills list in the amount of:

Interim	\$93,617.59
A/P	\$749,235.78

Mr. Cooper seconded the motion, which passed 6-0.

### **COMMUNITY, HEALTH, AND ENVIRONMENT REPORT** - Shaina Barnes

Recycling Contract Considerations – Ms. Barnes said administration and Solicitor Scott were authorized to begin seeking bids for the recycling contract. The current draft included a provision for a monthly fuel adjuster, which would allow the hauler to receive more in relation to the change in price of diesel fuel. The bidders would need to list their estimated fuel usage at the start of the contract and stick with that figure. Currently, it is written that the Township would pay more if fuel prices went up and pay less if the prices go down. The bidder can bid on an option without a fuel adjuster, or they can bid on an option with a fuel adjuster. Another consideration with the fuel adjuster is to not include the option for paying less if the gas price falls, as this may induce the hauler to start with a higher base bid. The Board discussed different options for bids. The Board also discussed offering a separate bid for yard waste hauling. The Board agreed on offering a three-bid option, one including yard waste hauling.

Waste Committee Discussion - Ms. Barnes said Mr. Molloy provided a document to discuss the makeup of the committee, its purpose, and how they will meet. Mr. Molloy asked for feedback from the Board. The Board agreed with Mr. Molloy's committee set up plan, which did not include ad-hoc options.

Bulk Trash Drop-off- Hepford – Ms. Barnes said there will be a bulk trash drop-off event at Hepford Park this Saturday from 10 AM to 2 PM. No hazardous waste, electronic waste, or commercial waste will be accepted. This is for residents only.

EAC Update- Ms. Barnes said the EAC discussed and reviewed plans for a plastic bag ban. She said the EAC will have something to present to Board at the next meeting.

### **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.

County Model Stormwater Ordinance – Mr. O'Connor said this ordinance was drafted by the County, and the Township Engineer and Solicitor have offered their adjustments. The ordinance must be adopted by the end of September. Mr. O'Connor made a motion to advertise the County Model Stormwater Ordinance. Mr. Molloy seconded the motion, which passed 6-0.

Bridge Investment Program - Planning, Bridge Projects, and Large Bridge Projects – Mr. O'Connor said this grant program is open until September 8<sup>th</sup>. There is a 20% match requirement with a minimum award of \$2.5 million. Mr. O'Connor said there are two bridge possibilities: one which goes over the SEPTA railway on Providence Road; the other is on Wallingford Road into Springfield. The latter seems more plausible if the Township and Springfield could split the match requirement. Not only is that bridge old and very narrow, but it is also frequently used by pedestrians going from the Crum Creek Woods trail up to Smedley Park by walking behind Plush Mill Senior Center and going under Baltimore Pike. The feedback received from the County is that PennDOT's support is strongly needed. Additionally, the Township would become responsible for the bridge on a PennDOT road. The grant is expected to reopen next year if we want to get everything in order before trying to meet the 9/8 deadline. The Board decided to wait until a later grant round to apply.

Brent Drive Roadwork – Mr. O'Connor said Commissioner Cooper has received many complaints about the rough road conditions of Brent Drive, a road that was rated "poor" last year. Charles obtained quotes from Kehoe Construction, who was doing work on Moore Road. The first quote was for patching, just under \$19,000. The second option, Brent Drive from Governors to Arthur, was for patching and repaving the section of the road, which came in at \$30,893. The third option to pave Brent Drive from Arthur Road to Bullens was about \$26,000. Mr. Cooper asked what it would cost to resurface all of Brent Drive, and based on the Kehoe costs, Mr. Catania said it would be about \$56,000. However, there was doubt about Kehoe's calculation of the quantities, as the original estimates from earlier

in 2022 were significantly higher. Due to the costs exceeding the bidding thresholds, the project would need to be bid out in the next road program.

TA Set Aside Grant - Providence Road – Mr. O’Connor said the Township was awarded funding in July for a sidewalk along Providence Road from E. Rose Valley to the Mother of Providence School entrance. PennDOT just informed the Township that the bridge and culvert would need to be replaced as part of this, and PennDOT would provide the \$2 million to cover that extra work if the Township covered the design costs, estimated to be around \$300,000. Mr. O’Connor said the Township has a meeting with the DVRPC on Friday to see if there are funding mechanisms for the design costs or to see if the scope can be adjusted.

Speed Humps on Putnam Blvd – Mr. O’Connor said the raised crosswalk was just installed, and it still needs to be painted. The speed humps will be installed in the coming weeks.

### **BUILDING AND ZONING COMMITTEE REPORT** – Marty Molloy

Fencing Regulations – Amendment Consideration for outward-facing requirements- Mr. Molloy read new wording for fence regulations. The draft read as follows: “Fences and walls must have the finished side facing out toward the adjacent property or right-of-way. Support posts and rails shall face inward toward the center of the property. Welded wire fencing, when installed with split rail fencing, shall be on the inside of the fence posts and shall face inward toward the center of the property.” The Board asked the Code Enforcement Officer and Zoning Officer to provide their comments on the draft before the next meeting.

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

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 they can they occupy, placement in front yards, and how close to property lines they can be placed. The Board asked the Planning Commission and Environmental Advisory Committee to look into the issue and give feedback.

Small Wireless Facilities Design Standards – Mr. Molloy said the PA Act 50 of 2021 allowed for the deployment of small wireless facilities, and municipalities had a short window of time in which to adopt an ordinance that would allow for the regulation of small wireless facilities within Township right-of-way. The Township adopted the ordinance in 2021. This also allows the Township to adopt design standards that the utilities must follow. Mr. Grady reached out to the Delco Council of Governments and found that Concord Township is currently developing a draft. Lansdowne Borough has standards. Township may want to consider adopting similar standards. This could become important as PECO begins installing poles.

Public Right-of-Way Access Ordinance Consideration and Shade Tree Ordinance Amendment – Mr. Scott spoke about this topic in relation to the Shade Tree Regulations. He noted that PECO is largely immune to local regulations, but he said a utility attorney who has been working with the neighbors made a few recommendations. First, he said the stormwater ordinance could be amended so that utilities are required to comply with it, and any earth disturbance would require a stormwater permit. The second suggestion is that the Shade Tree Ordinance be amended to repeal the exemption for utilities. And the third was to draft an ordinance that would require utilities to submit an environmental study for any work within the right-of-way. Mr. Scott made the point that there is not a significant amount of earth disturbance with the project, so he is not sure the Copples Lane project will trigger stormwater work. When stormwater management is needed, it would occur in the rights-of-way, which might just create more of a disruption for the neighbors. He said he agreed with the concept of removing the exemption for utilities. Mr. Scott said regarding the right-of-way ordinance, he had not seen this before, and he said the utility attorney could provide a sample. Mr. Scott recommended amending the Shade Tree Ordinance. He cautioned that PECO can only be slowed down, but it will be difficult to stop them altogether. Mr. Molloy said he has been disappointed in the lack of consistent, honest communication from PECO to the Township. Mr. Molloy made a motion to advertise an amendment to the Shade Tree Commission ordinance to remove the exemption for utilities. Mr. Knapp seconded the motion, which passed 6-0.

Media Walk Escrow Release – Mr. Molloy said Mr. Catania reviewed the escrow release request for Media Walk and has recommended its approval in the amount of \$63,000.92. Mr. Molloy moved to release the escrow to Media Walk for \$63,000.92. Ms. Barnes seconded, which passed 6-0.

21 Willow Road Escrow Release – Mr. Molloy said Mr. Catania and Linn Architects have reviewed this new property and have recommended that the escrow be released in the amount of \$2,500. Mr. Molloy moved to release escrow for \$2,500 with the condition that the silt fence be removed. Mr. O’Connor seconded, which passed 6-0.

ZHB Agenda for August – Mr. Molloy said there were three residential cases on the docket for August 15th.

**TOWNSHIP MANAGER REPORT** – David Grady

Mr. Grady said PennDOT paving projects on Baltimore Pike start next week. He said the Red Cross Blood Drive was moved to the Garden City Fire Station. He thanked the fire company for their willingness to accept the drive so quickly. He said there was a Delco Veterans Event 8/13 at the Delaware County Veterans Memorial. Senator John Kane's 1st Annual Kids Fair is being held on August 28<sup>th</sup>. He said the PA Homeowners Assistance Fund is still accepting applications. He said PAHAF is a housing-related program funded by the U.S. Department of the Treasury to assist Pennsylvania homeowners facing financial hardship due to the COVID-19 pandemic

Ms. McKenzie said the next meeting is August 25th. The meeting was adjourned around 9:45 PM.