

BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP – April 27, 2023

A public meeting of the Board of Commissioners of Nether Providence Township was called to order at 7:30 PM on Thursday, April 27, 2023. Legislative Meeting.

ROLL CALL

PRESENT:

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

EXCUSED: Commissioner Henry

ALSO PRESENT:

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

One member of the public was in the audience.

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

PUBLIC COMMENT:

Kelly Woodland of 411 Turner Road shared his experience with Luongo's Towing Company after an accident on Turner Road. He felt the contract gave Luongo's Towing too much latitude and a lack of transparency with the fees. He provided a written statement, which included:

"The contract explicitly states specific terms between the tower and the township but does not include any provisions on how consumers are to be engaged, communicated to, and treated. If Luongo is doing business on behalf of the township, it is then a township representative and viewed as a township employee. Consequently, there should be provisions on the manner Luongo conducts township business. If the borough had its own tow service, its employees would be governed by a code of conduct set forth by the borough. Luongo Towing should be held accountable by the same standard and adhere to a code of conduct. The contract should include a code of conduct clause outlining how consumers should be engaged and communicated to.

"This code of conduct should be one of the conditions for renewal.

- 1. Nether Providence police should inform vehicle owners that they have 10 minutes to contact their insurance company's tower to remove the car from the scene or the borough will proceed to tow the vehicle at the owner's expense or their insurance company's expense. The contract states that the vehicle must be removed within 10 minutes. Once it is determined that the driver is ok, physically able and equipped with a phone to contact their insurance company, they should be informed that they have 10 minutes for the vehicle to be removed. (Many tow trucks listen to scanners and are in relative proximity to accidents). NP police should not pressure vehicle owners to use Luongo.*
- 2. Prior to towing the vehicle, Luongo towing must provide the vehicle owner with a complete price list for all costs related to its towing and storage (i.e. storage etc). No one should have to arrive at the Luongo office and be surprised by a 300% price differential reflected on a handwritten bill. Simply providing a business card is insufficient. The Borough Commission should receive a copy of this price list and it should be posted on its website and on borough office bulletin board.*

3. *When the vehicle owner goes to Luongo office to retrieve the car, a computer-generated bill/invoice with costs that correspond or mirror the pricelist must be given to the owner. Currently, Luongo's office has "signage" that do not correspond with the yellow "bill" they give to customers. This contributes to the Luongo's arbitrary pricing.*
4. *Remove the line in the contract that states that "all other fees shall be set by the tower". This line allows too much arbitrary wiggle room and leads to predatory practices.*
5. *I recommend that the township create some type of feedback loop, email address, or hotline for consumers to register complaints about borough sanctioned contractors.*

Ms. McKenzie thanked Mr. Woodland for his feedback, and she told him to share this information with the Township Manager and Police Chief who could then work with the Board to revisit the contract terms.

Appointments to Boards and Commissions: Ms. McKenzie noted there is an opening on the Zoning Hearing Board.

SOLICITORS REPORT – None

ENGINEER REPORT- Mr. Catania said the road repaving will start May 8th.

Government Relations – Max Cooper

LSA Grant – Motion to Approve Contract – Mr. Cooper said this is the contract with the Commonwealth Financing Authority's Local Share Account Grant program. The grant amount is \$489,600 and is for the civic accessibility upgrades at the Township Building. Mr. Cooper made a motion to approve the contract for the LSA grant. Ms. McKenzie seconded the motion, which passed 6-0.

PECO Updates – He said PECO has informed the Township that they are planning to begin the "reliability" project in the next couple of months. They do not have any specifics at the moment for timing. They encourage people to reach out to PECO and Mike Herman with questions specific to their property.

Parks & Open Space Committee- Matthew Garson

Hepford Park – Scope Amendment Request – Dugout Installations – Mr. Garson said this contract amendment was approved at the last meeting, but it was approved contingent upon the Solicitor's review. Mr. Garson made a motion to ratify the amendment to the contract which allows for the installation of dugouts as part of the project scope. Ms. McKenzie seconded the motion, which passed 6-0

Public Safety Committee Report- Matthew Garson

Wallingford-Swarthmore SD - MOU with police – Mr. Garson said this is a continuation of the item from last week. A memorandum of understanding is required between the police and WSSD and it outlines the NPPD involvement on WSSD property. WSSD is not ready yet.

ARLE Application – Preapplication Scoping and Possible Warrant Analysis – He said Mr. Grady has prepared the scoping document for a traffic signal at Baltimore Pike and Turner Road, and he will be sending it to PennDOT. Additionally, Al Federico, a local traffic consultant who has been assisting with the comprehensive plan, provided a quote for a warrant analysis. Mr. Garson made a motion to approve the agreement between Al Federico and the Township for the services outlined in the amount of \$4,900. Ms. McKenzie seconded the motion, which passed 6-0.

Finance and Administration Committee -Kait McKenzie

Bills List-Ms. McKenzie made a motion to approve the Bills List in the amounts of:

A/P Procurement Card - TOTAL –\$ 44,492.81

AP Interims List – TOTAL - \$261,069.04

A/P Bills List TOTAL – \$92,751.67

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

Community, Health, and Environment Report – Shaina Barnes

Summer Camp Registration Open – Ms. Barnes said camp registration is open, and the Township has already received applications for about 150 campers. The cost is \$295 and runs from June 26th through July 27th from 8:30 AM to 12:30 PM, Monday through Thursday. She noted the Township is still accepting counselor and volunteer applications.

Constellation Energy Contract – She said the Township is currently on a month-to-month contract with our Constellation Energy accounts, and the Township Building was on American Gas and Power at a rate of about \$0.16 per kilowatt hour. We obtained a quote from Constellation for about \$0.08 (this will be refreshed tomorrow as the

price changes daily) per kilowatt hour, and this is for 100% renewable energy. This would provide savings to the Township. Thank you to Paul Jacobs and Tina Chen from our EAC's Green Advisor program who discovered that the electricity rate was high, which prompted the Township to seek better pricing. Ms. Barnes made a motion to accept a contract with Constellation Energy for all of the electricity accounts, contingent upon Solicitor Scott's favorable review. Mr. O'Connor seconded the motion, which passed 6-0.

Infrastructure and Public Works Committee -Robert O'Connor

703 Atlanta Court – Demolition Application – He said the property at 703 Atlanta Court is abandoned, has fallen into extreme disrepair, and it is a dangerous attractive nuisance. Delaware County has a blight remediation program which would cover the cost of the demolition of the structure. The Township would cover the cost of the legal and engineering fees, and any demo costs over \$85,000. The Township would be required to place a lien in the name of the County for the demolition and a lien in the name of the Township for the legal and engineering costs and any demo costs over \$85,000. The legal/engineering would be \$5,000, and demo would be \$90,000. The Township would be out-of-pocket for \$10,000 until (and if) the lien is collected. The current owners would continue with the ownership. A big thank you to Rich Haywood for all of his efforts with this property, including the preparation of this application. Mr. O'Connor made a motion to apply to the County's Blighted Structure Program. Mr. Garson seconded the motion, which passed 6-0.

Purchase of new lawn mower for Public Works – Mr. O'Connor said the 2012 Hustler mower has several repair issues that would require close to \$4,000 in order to continue using it throughout the season. The mower was scheduled for replacement, and Nick DiDomenico obtained three quotes for the Township, with the low quote being \$14,916.09. Mr. O'Connor made a motion to approve the purchase. Mr. Molloy seconded the motion, which passed 6-0.

Parkridge Drive Sewer Repair – Mr. O'Connor said that Mr. Catania obtained quotes for the repair of the joints in the sewer line. He said the General Pipe Cleaning performed a video inspection of the storm and sanitary sewer crossing through the property at 817 Parkridge Drive to determine the cause of the settlement/sinkhole in the yard. Public Works had previously done some exploratory excavation to no avail. The video was done while water was pumped into the sinkhole. The cause of the sinkhole appears to be an open joint in the storm sewer. The recommendation is to excavate and repair the open joint, including the next joint upstream and downstream. The hole should be backfilled and compacted. The cost is estimated at \$12,500 but proposals from contractors are being obtained. The relining of the storm and sanitary sewer should be considered in the future. The cost for the storm sewer is estimated at \$60,000 and the sanitary sewer at \$25,000.

Highway Report – Public works department performed normal jobs along with work at Gouley Park and Sapovits Parks, Leiper trail, mulch delivery, and 104 PA one Calls.

Building and Zoning Committee Report -Marty Molloy

Ground Solar Panel Array – Mr. Molloy said the ordinance regarding solar panels and ground solar panel arrays has been created. The County Planning Commission will be reviewing it. The ordinance sets regulations for solar panels such as the height above the roof, proximity to property lines for ground arrays, and prohibition of ground arrays in front yards. The ordinance is being sent to the County for its review.

98 S. Providence Rd – Trees – He said this is the new house being built at the corner of Providence and Brookhaven Road. One of the Land Development conditions was that 27 trees be planted, and at least half of them needed to be planted on their property. The site is already very wooded, and after discussing it with the homeowner, she thinks they might need 6-10 trees. The Township is thinking that the remaining trees could be planted at Gouley Park or a financial contribution could be made for the value of the remaining trees. Mr. Molloy made a motion to accept a financial contribution, through the engineer's review and estimate, for the remaining balance of the trees that the homeowners do not install at 98 Providence. Ms. McKenzie seconded the motion, which passed 6-0.

424 Wallingford Ave Rezoning – He said the ordinance has been advertised and a public hearing will be held on May 23rd followed by the consideration of the ordinance for adoption.

Oak Valley Subdivision – Mr. Molloy said the owner/developer for the remaining portion of the Oak Valley subdivision will be coming before the Board on May 11th to ask for three waivers from the Township's land development code. There are two letters from his attorney, Tim Sullivan, who outlined the requested waiver and benefits to the Township. As some background, a plan was developed, approved, and recorded in 2006, and since that time, the Township's code has changed, which includes the requirement for replacement trees, the installation of sidewalks, and a larger riparian buffer area. The project, as a benefit to the Township, will include the extension and connection to a sewer line on Winding Lane. There is an unconnected sewer line on Winding Lane, so this connection would allow people on Winding Lane to get on public sewer. Mr. Molloy said he would be supportive of obtaining a financial contribution in lieu of planting trees so that the fee could be used to plant trees in other locations. Ms.

McKenzie noted that she would like to discuss a contribution in lieu of the sidewalk installation so that the payment could go towards constructing a sidewalk in a more critical area.

Zoning Hearing Board- Mr. Molloy said there will be a Zoning Hearing Board meeting on May 15, 2023, at 7:30 pm at the Municipal Building for 35 Medbury, 42 Green Valley Road, 606 E Baltimore Pike, and signage at Strath Haven High School and Middle School.

TOWNSHIP MANAGER REPORT – David Grady

Mr. Grady said the summer meeting schedule is June 15th, July 10th, and August 13th. The CAT Club is rescheduling due to weather for this Saturday. The Delco Veterans Memorial Time Capsule should include Nether Providence items, so please send any ideas to Mr. Grady. The Delaware County Health Department is offering free mammograms- for reservations call the wellness line at 484-276-2100 or email Delco wellness at co.delaware.pa.us, and it is open to women over 40. The COSA Healthy steps program is available. Delaware county has formed a land bank, and they are searching for public comment. For more information, visit <https://www.delcopa.org/delcolandbank>.

Ms. McKenzie said the next meeting is on May 11th, 2023. The meeting was adjourned around 8:20 PM.