

## **BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP – May 25, 2023**

A public meeting of the Board of Commissioners of Nether Providence Township was called to order at 7:30 PM on Thursday, May 25, 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

Approximately 20 members of the public were in the audience.

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

### **Police Officer Recognitions –**

Chief Splain began by recognizing Sergeant David Bennett who recently retired after 30 years of service to the Township. He presented Sergeant Bennett with a plaque. Sergeant Bennett received a standing ovation.

Chief Splain presented Officer Kevin Smith with the Raymond White Officer of the Year Award, as voted on by his fellow officers. Officer Smith received a standing ovation.

He also recognized:

- Sergeant Robert Elmore received commendation for the highest average score on department's handgun qualification course in a calendar year.
- Sgt. Michael Montgomery received commendation for administering lifesaving Naloxone to a resident.
- Sgt. Patrick Fisher received commendation for administering lifesaving Naloxone to a resident.
- Detective Michael Erickson received commendation for seizing 2nd largest drug bust in the Port of Philadelphia and in conjunction with HLS Border Enforcement Security Task Force.
- Officer Michael Markunas received commendation for Exceptional Duty.
- Officer Brian Bonnes received commendation for administering lifesaving Naloxone to a resident.
- Officer Kevin Smith received a Croix De Negotiator Laurel for exemplary dedication involving a resident.
- Officer Matthew Liss received an Honorable Service commendation for becoming a certified Active Shooter Instructor.
- Officer James Irely received commendation for seizing 2nd largest drug bust in the Port of Philadelphia and in conjunction with HLS Border Enforcement Security Task Force.
- Officer Steve Kilian received a commendation for Narcotics Enforcement after executing search warrants and seizing 1,165 pounds of marijuana.
- Officer William Sweeney received a Croix De Negotiator Laurel for exemplary dedication involving a resident.

- Officer Michael Worrell received a commendation for Exceptional Duty in identifying a suspect involved in a shooting.
- Officer Robert Brake received a commendation for administering lifesaving Naloxone to a resident.

**Approval of Minutes** – Ms. McKenzie made a motion to approve May 11 Minutes. Mr. Garson Seconded the motion, which passed 4-0, with MS. McKenzie and Mr. Molloy abstaining.

**Appointments to Boards and Commissions:** Mr. Garson noted there is an opening on the Zoning Hearing Board.

**SOLICITORS REPORT** – None

**ENGINEER REPORT-** None

**Building and Zoning Committee Report** – Marty Molloy

**Oak Valley Subdivision** – Waiver Considerations – Mr. Tim Sullivan, who was representing the developer Todd McKenney. He noted there would be several benefits to the Township from this project, including the installation of 460 feet of sewer main that will connect Winding Lane’s capped sewer to the public system; the remainder of Oak Valley Road would be repaved; and there will be a \$17,500 fee paid the Township’s inflow and infiltration fund. Mr. Sullivan said he is seeking a waiver from the sidewalk installation (or a contribution in lieu of), a waiver from the riparian buffer requirements for three of the seven lots, and a waiver from the tree replacement schedule. Mr. Sullivan said his client was willing to offer \$40,000 for the contribution in lieu of sidewalks fee. He said, after discussions with Township officials, the developer is willing to offer the planting of 50 evergreen trees at Gouley Park. Ms. McKenzie noted she had discussions with the Shade Tree Commission chair about the trees, and she has agreed to assist the Township in determining which types of trees to plant and where. Mr. Sullivan and Mr. Catania were in agreement for the cost of installing the sidewalk of approximately \$40,000. Ms. McKenzie said Mr. Catania had agreed that the reduced riparian buffer for the three lots would not be problematic.

Ms. McKenzie made a motion to approve the three waivers with respect to the Oak Valley subdivision development in regards to the Riparian buffers to be from 50’ to no less than 25’ for lots 2 & 4 and to no less than 30’ for lot 3; make a contribution to the sidewalk fund in the amount of \$40,000.00 in lieu of installing sidewalks within the development; and fifty (50) evergreen trees at least 5’ in height be planted at Gouley Park; the species and location of trees to be subject to the Township Shade Tree Commission’s decision. Mr. Molloy seconded the motion, which passed 6-0.

**424 Wallingford Ave Rezoning** – Mr. Molloy made a motion to approve the ordinance to change the zoning of 424 Wallingford Avenue and 702 Forrest Avenue from commercial to residential. The ordinance was advertised. Mr. Cooper seconded the motion, which passed 6-0.

**Ground Solar Panel Array** – Mr. Molloy said the Township’s Planning Commission prepared a draft ordinance, which was shared with the Board. The ordinance is being sent to the County’s Planning Commission for consideration at their June meeting.

**Draft Ordinance for Special Exception/Variance Expiration Date** – Mr. Molloy made a motion to advertise the ordinance. The ordinance amends section 300-124 to read, “A special exception or variance shall expire in the event that the applicant shall fail to obtain a building permit within eighteen months from the date of authorization thereof by the Board’s decision.” He said a public hearing and consideration of adoption of the ordinance are set for the June 15<sup>th</sup> meeting. Mr. Cooper seconded the motion, which passed 6-0.

**Government Relations** – Max Cooper

Mr. Cooper said there is nothing to report on this section.

**Parks & Open Space Committee-** Matthew Garson

**Creekside Courts** – Mr. Garson said as was discussed at the last meeting, the Township, the Delco Dills, and Creekside Swim Club have been exploring the possibility of rehabbing and repurposing the tennis courts into pickleball courts at Creekside. Mr. Catania is in the process of reviewing the courts to determine what work would be needed. Solicitor Scott will be assisting with any potential easement agreement.

**DCED Greenways, Trails, and Recreation Grant Program Resolution** – He said the Township will be partnering with Nether Swarthmore Baseball to apply for a grant for dugouts at Hepford Park and Bullens Lane Park. Nether Swarthmore Baseball will be providing the 15% match for the grants. Mr. Garson made a motion to approve

Resolution 2023-5 for the application for dugouts at Hepford Park and Bullens Lane Park in which Nether Swarthmore Baseball will be providing the 15% match for the grants. Mr. Cooper seconded the motion, which passed 6-0.

**Public Safety Committee Report**- Matthew Garson

Wallingford-Swarthmore SD - MOU with police – Mr. Garson said they are still waiting to hear if WSSD is ready for the Township to execute the agreement. We were told it would be ready, but we have not received confirmation of that.

Avondale Guiderail Work – He said the traffic Planning and Design came up with the specifications for the guide rail, which was damaged recently in an accident, and Collinson Inc. provided a quote for a replacement guide rail. The replacement guide rail will meet the current Federal Highway Administration guide rail standards. The cost is \$14,650. Due to the urgency and safety concerns, the Township will proceed with this quote so that installation can begin as soon as possible. Mr. Garson made a motion to approve the replacement of the guide rails on Avondale in the amount of \$14,650. Mr. Molloy seconded the motion, which passed 6-0.

Volunteer Fire Company Tax Credits – He said there are several firefighters who are eligible for the tax credits due to their active volunteerism within the fire companies. Mr. Scott noted that the Township has instituted the policy, and the administration can pay the rebates if the requirements are met without seeking additional Board action.

Crosswalk Considerations: Mr. Garson said a request has been made for a crosswalk at the intersection of 252 and Leslie Lane as well as the intersection of E. Rose Valley Road and Avondale Road. The Township has recently been considering safety improvements for the intersection of E. Rose Valley and Avondale. The Township has had discussions with PennDOT regarding the possibility of making the intersection a three-way stop, but PennDOT was not supportive of that. However, PennDOT did say that there would be no issue with installing a crosswalk across Avondale Road to connect the Leiper-Smedley Trail to the sidewalk to Swarthmore Borough. Additionally, there was a request for a crosswalk from Leslie Lane to Strathmore Court across Providence Road. Mr. Garson made a motion to approve crosswalks on Leslie lane/ 252 and E. Rose Valley/Avondale. Mr. Cooper seconded the motion, which passed 6-0.

**Finance and Administration Committee** -Kait McKenzie

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

A/P Procurement Card - TOTAL –\$ 48,485.19

AP Interims List – TOTAL - \$756,226.91

A/P Bills List TOTAL – \$846,400.43

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

FDIC Deposits Agreements – She said Solicitor Ewald provided a memo to the Township in the wake of the recent bank failures. Municipalities are one of the categories of depositors which might hold more than the federally insured \$250,000 in one bank account, especially after the March/ April tax payments come in. Municipalities are provided with statutory protections for deposits in excess of \$250,000 which are not available to general depositors. However, there are hoops that a municipality must jump through in order to take advantage of such protections.

MMO Partial Payment – Ms. McKenzie said prior to 2022, the Township had paid the required minimum municipal obligation to the pension fund in October when the state aid was received. However, the Board opted to pay half of the MMO earlier in the year in 2022 in order to take advantage of compounding and gains. The Police Pension MMO is \$533,017 and half would be \$266,508 and the non-uniform MMO is \$167,954, and half would be \$83,977. The Board was in agreement with paying half of each pension fund's MMO. The remainder would be paid upon receipt of the state aid.

Resolution to Trade-In 2018 Charger –Ms. McKenzie made a motion to approve the trade-in of the 2018 Dodge Charger in the amount of \$12,000. Mr. Garson seconded the motion, which passed 6-0.

**Community, Health, and Environment Report** – Shaina Barnes

Summer Camp Registration Open - She said there is still time to register for summer camp, but the spots are filling up. The cost is \$295 for five weeks, Monday – Thursday, 8:30 AM to noon, June 26th through July 27th. Counselors and volunteers are still needed.

**Infrastructure and Public Works Committee** -Robert O'Connor

Parkridge Drive Sewer Repair –He said there are no updates currently.

Watershed Restoration Protection Grant Program Resolution – Mr. O'Connor said the Board agreed to pursue a grant to continue the streambank restoration project along Beatty Run in Houston Park. A resolution is needed even though

a motion was made at the last meeting. Mr. O'Connor made a motion to approve Resolution 2023-6 to apply for the CFA Watershed Restoration Protection Program. Mr. Molloy seconded the motion, which passed 6-0.

Public Works Garage Bids Received/Potential Loan – He said as noted at the last meeting from Bob Linn, the Public Works Garage bids came much higher than the \$500,000 that was initially allocated from ARPA funding. This was due to a variety of reasons, including the amount of site work needed for the failing utilities. The Township obtained pro formas from Delaware Valley Regional Financing Authority for different loan options. A \$1M loan would have a debt service of about \$70K per year. Mr. O'Connor explained the options:

- a. The new total debt service is about \$585K for 2024-26, then the debt service drops significantly as loans mature. The fourth page shows the 2023 Notes with a wrap in the first three years, and the fifth page shows the structure on the existing debt service. The new total debt service is about \$540K for 2024-26. The debt service in those first few years is about \$45,000 less per year and the remaining 17 years' debt service is about \$10,000 more per year. Also, the Township would pay about \$60,000 more in interest over the life of the loan. The idea is that you are pushing the principal back to limit the initial debt service increase because the existing debt service declines significantly in 2026.

Mr. Cooper wanted to see how the Township Building elevator bids would be prior to the finalization of any loans. He noted he was concerned that the elevator project could come in over the grant budget.

Mr. O'Connor moved to accept the bids for the garage as follows:

- i. Low general contractor bid: PAOLELLA CONSTRUCTION INC - \$844,000 with an alternate bid for site driveway loop of \$131,000
- ii. Low plumbing bid: HIRSCHBERG MECHANICAL - \$109,925
- iii. Low mechanical bid: MOXIE MECHANICAL - \$83,500
- iv. Low electrical bid: CMSE ELECTRIC - \$150,289

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

Pine Ridge Culvert Replacement Change Order – He said the Township Engineer received a change order request for the additional rip-rap that was needed on the headwall of one of the culverts. This change order is in the amount of \$2,363.85. An additional change order is requested in the amount of \$3,457.97 for unforeseen concrete removal in the old sewer pipe. Mr. O'Connor made a motion to approve the change order. Mr. Garson seconded the motion, which passed 6-0.

Advertise Elevator Bids – He said Linn Architects has prepared the elevator design and bids for the Township Building. Linn is ready to proceed with advertising the bids. Ms. McKenzie suggested having the Township Engineer review the plans and offer comments. The board decided to wait to advertise the ordinance until the June meeting.

### **TOWNSHIP MANAGER REPORT** – David Grady

Mr. Grady said the summer meeting schedule is June 15<sup>th</sup>, July 13<sup>th</sup>, and August 10<sup>th</sup>. The CAT Club will be holding a clean-up on June 10<sup>th</sup>. The Delco Medicare Program is having a Zoom meeting Monday, May 15<sup>th</sup>. The link is on the Township website. Delaware County has formed a land bank, and they are searching for public comment. For more information, visit <https://www.delcopa.org/delcolandbank>. The Leiper House obtained help from Williamson Trade School volunteers to do repairs around the house and property. Delco Health Survey. Mr. Grady said Nether Providence Township and Swarthmore Borough went through “Active Shooter Training”. He thanked Officer Liss for arranging this training. Mr. Grady said Public Works Laborer Nick DiDomenico would be moving on to a position in the private sector, so he thanked Mr. DiDomenico for his hard work, leadership, and years of service. The Helen Kate Furness Free Library is doing a “Jazz on the Green Event” on June 1<sup>st</sup>.

Ms. McKenzie said the next meeting is on June 15, 2023. The meeting was adjourned around 8:50 PM.