

**BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP – September 14, 2023**

A public meeting of the Board of Commissioners of Nether Providence Township was called to order at 7:30 PM on Thursday, September 14, 2023—Legislative Meeting.

**ROLL CALL**

PRESENT:

Commissioner Henry  
Commissioner Barnes  
Commissioner Cooper  
Commissioner Molloy  
Commissioner Garson

ALSO PRESENT:

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

EXCUSED: Commissioner McKenzie  
Commissioner O'Connor

Five members of the public were in attendance.

Mr. Garson chaired the meeting. He announced that the Executive Session would be held after the public meeting.

**PUBLIC COMMENT:**

**Caroline DiMatteo - Church Road**

Ms. DiMatteo said she was speaking on behalf of a number of her neighbors as she asked the Board to consider discussing a railway quiet zone study at the next Board meeting. The quiet zone would be at the intersection of Turner Road and Rogers Lane, and it would mean that the SEPTA trains could not sound their horns, except in an emergency. She explained the Federal quiet zone regulations and the conditions for the zone, which would include installing a four-quadrant gate. She said this would improve pedestrian safety and car safety, as the four-quadrant gate would prevent pedestrians and cars from going around the gates during a train crossing. She also said this would improve the quality of life for several neighborhoods near the train crossing as they would no longer need to hear the train whistle, especially during the early morning and late evening hours.

Mr. Garson said the Board would certainly consider adding the quiet zone study discussion to a future agenda.

**Marsha White- Brookhaven Rad across from the PWD:**

Ms. White said she is unhappy with the new exit from the Public Works Garage at 5 W. Brookhaven Road because it entailed the removal of several mature trees, and she now can see into the Public Works yard. She feels the removal of the screening will decrease her property value.

Mr. Garson responded that the Township can have several evergreen trees planted as well as a screening on the gate to help block the yard as much as possible.

**Approval of Minutes – August 10, 2023-** Mr. Molloy made a motion to approve the August 10, 2023 minutes. Mr. Cooper seconded the motion, which passed 2-0 with Garson, Henery, and Barnes abstaining.

**SOLICITORS REPORT** – None

**ENGINEER REPORT-** None

**Government Relations** – Max Cooper

Delco Greenways Grant Program Open – Mr. Cooper said the program is funded through Delaware County. There is no match, and applications are due September 29th. Project types include Conserve, which can provide up to \$500,000 in funding; Enhance Projects, which can contribute \$250,000 for capital improvements to park and/or recreational facilities; Connect Projects for multi-use trails included in the Primary Trail Network shown in section 2; or Planning and Design grants, which can contribute up to \$100,000. The Board discussed extending the Houston Park trail or adding a softball field at Sapovits Park. Mr. Cooper made a motion to approve the Township Manager to apply for the Delco Greenways Program for Houston Park. Mr. Molloy seconded the motion, which passed 5-0.

**Building & Zoning:**

Restrictive Covenant Prohibiting Future Subdivision of Rogers Lane Property – Solicitor Scott said Swarthmore College owns the properties at 403-405 Rogers Lane (next to Crumwald Lane). Historically, the College housed professors at the homes, but they have not been used in recent years. The College is looking to sell the property. They have heard from neighbors who are concerned that the 11-acre site could become subdivided, and the homes, which are architecturally significant, could be demolished. The College has proposed adding deed restrictions to the site that would limit the subdivision to two parcels for each of the two homes. The College has offered the Township the ability to be a party to the deed restrictions. The restrictions would not prevent a buyer of the property from demolishing the houses. Solicitor Scott said this was a nice offer from the College, because there is no requirement for them to put any restrictions on the property. Anthony Coschignano, Assistant Vice President of Campus Services at Swarthmore College, attended the meeting on behalf of Swarthmore College. He said the College would be open to talking to the Township about acquiring the property.

David Mishalove, of Crumwald Lane, expressed his gratitude to the college for preserving the openness of the properties.

Mr. Molloy made a motion to approve the Township as a party to the declaration of deed restrictions for the college properties at 403-405 Rogers Lane. Mr. Garson seconded the motion, which passed 5-0.

**Government Relations (continued)** – Max Cooper

Local Share Account (LSA) Grant Program Opening 9/1 – Mr. Cooper said this grant program does not have a match and can be used for a variety of projects. Installing solar panels on the Township Building and Public Works Garage are possibilities. Police dash cameras are another consideration. The grant is due in November.

**Parks & Open Space Committee-** Beth Henry

Creekside Pickleball Update – She said unfortunately, Creekside Swim Club said they are not interested in leasing the tennis courts and allowing the Township to rehab them for conversion to pickleball courts. The Township will continue to explore options for pickleball, including the continued usage of the Gouley Park parking lot.

Gouley Park Update – Mrs. Henry said the Township is awaiting feedback from Nether United Soccer Club and Swarthmore Recreation Association regarding providing funding to assist in the possibility of installation of an artificial turf surface at Gouley Park. This could allow for soccer, field hockey, and lacrosse usage. Additionally, 45 evergreen trees will be planted at the site later this fall.

Mr. Garson said not everyone on this Board has been here since the Township acquired Gouley, so he provided a summary:

- First there was the land acquisition, which was done through \$175,000 in grant funding and a sizeable bequest from the Gouley family.
- When he first got on the Board, the old Summit School was being used by the Creative Living Room and the performance arts group.
- Ultimately, in order to come up with a plan, the Board decided to form the Summit Committee, which met for almost a year and solicited input from the public. Ultimately the recommendation was to tear down the building because it was in very poor condition, with asbestos and mold and a host of other problems. The Committee recommended creating either a community center or athletic field space and a playground. The Township had to find the funds to tear down the building—that was done through a portion of a \$500K grant. The Township also obtained a \$120,000 grant for the playground and used in-house labor to construct it. We now have the biggest playground in the Township at Gouley.
- The Township also obtained \$140,000 in funding to perform streambank restoration. That project has been completed.
- In total, the Township has obtained over \$935,000 in grants for the site.

- The Township has made some improvements to the upper soccer field.
- The Township has been working on a collaboration between the Township and our local sports organizations to create more field space. The sports organizations are looking for more space and a recent study by WSSD identified a deficit of seven fields in the district just for school teams.
- Again, the Township is trying to meet our residents' recreational needs while being fiscally responsible.

### **Public Safety Committee Report**- Matt Garson

**Stop Sign Request - Twyckenham and Luckie** – He said the Township Engineer reviewed this request and determined that the warrants are met. Mr. Garson made a motion to advertise the installation of a stop sign at Twyckenham and Luckie. Mr. Molloy seconded the motion, which passed 5-0.

**Middle School Parking Lot – Ordinance Consideration to ban left turns** – Mr. Garson said there is currently a sign at the exit to the upper middle school parking lot saying, “no left turn between 7 and 9 AM”, but this sign is not enforceable. In order to make it enforceable, a traffic engineer must do a study to determine if the ban is warranted, and then an application must be made to PennDOT. If PennDOT approves, the NPPD can begin enforcing the ban. Additionally, other traffic measures at the middle school drop-off times have improved the morning traffic congestion issue. The Board discussed the recent adjustments that were made at the middle school that have improved the congestion issues.

**Towing Contract Review** – He said earlier this year, a resident brought concerns to the Board regarding the Township's towing contract with Luongo's Towing, including the transparency of the fees. The Board asked administration and the Solicitor to review the contract for amendments, and then discuss it with Luongo's Towing.

**Update on Fire Study** – Mr. Garson said the Township and Swarthmore Borough have engaged a consultant to begin studying fire response and coverage among the three fire companies (South Media, Garden City, and Swarthmore). They will all be meeting again later in the month.

### **Finance and Administration Committee** -Matt Garson

**2024 MMO Resolutions** –He said the police minimum municipal obligation (MMO) has decreased slightly and the non-uniform MMO has increased slightly, but the net decrease between the two is just about \$25,000. This will be a 2024 budget item. Mr. Garson moved to approve Resolution 2023-11, which reads that the Township has calculated its 2024 Minimum Municipal Obligation (MMO), in consultation with the Township's actuary, Mockenhaupt Benefits Group, and in compliance with the Commonwealth of Pennsylvania pursuant to the Municipal Pension Plan Funding Standard and Recovery Act, Act 205 of 1984, in the amounts of \$501,473 for the police plan and \$173,709 for the non-uniform plan, which total \$675,182. Mr. Molloy seconded the motion, which passed 5-0.

**Approval of Delaware County Public Schools Healthcare Trust (Police Healthcare Plan)** – Mr. Garson said the Township's police healthcare plan is through the Delaware County Public Schools Healthcare Trust, as brokered through AJ Gallagher. The plan has not had any premium increases in several years, and there will not be a premium increase in 2024. In 2023, there were two premium “holiday” months where premiums did not need to be paid. There will only be one premium holiday month in 2024. While this is still good, it will appear as a budgeted increase for 2024. Generally, the Township has been satisfied with the plan's administration. Mr. Garson made a motion to continue with the Delaware County Public Schools Healthcare Trust Police Healthcare Plan subject to Solicitor Scott's review. Mr. Molloy seconded the motion, which passed 5-0.

**Police Pension Committee Creation Consideration** – He said the police pension ordinance specifies that a pension committee can be created, and if one is created, a representative from the police department would be on the committee. A committee does not currently exist, but it may be worth considering creating one. This could allow for more input into pension plan investment decisions. The board asked the police department to have a written request to form this committee.

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

**Consideration of Acceptance of Recycling Bids** – She said the township obtained bids from Republic and AJ Mascaro for the recycling processing. Republic's bid included a fixed rate, but there is a commodities credit that can be positive or negative, which would cause the rate per ton to fluctuate. The Township currently uses Republic, and the rate has been around \$110/ton. The bid was for \$112.32/ton. Mascaro's bid was for a fixed \$146/ton. She said Solicitor Scott has reviewed the bids and feels they are acceptable. There is a two-year starting option, with single-year options after that. Or the Township could do the single-year option with subsequent one-year options. Ms. Barnes made a motion to accept the Republic's bid for a price of \$112.32/ton for one year. Mr. Garson seconded the motion, which passed 5-0.

### **Infrastructure and Public Works Committee** – Matthew Garson

Consideration of Acceptance of Media Walk Development Roads and Sewers – Mr. Garson said Sarah Peck, the developer of the Media Walk homes, has asked if the Township is interested in accepting the roads and sewers for dedication. The Township Engineer and Solicitor did not recommend the acceptance of the roads as they are not fully compliant with preferred road width specifications per the subdivision code, including the cul-de-sacs, which are not wide enough for a turnaround. This was discussed during the Planning Commission meetings. However, to be consistent with other privately owned areas, such as the Mills of Rose Valley, Solicitor Scott said the Township may want to consider accepting the dedication of the sewers. Mr. Garson made a motion to accept the dedication of the sewer infrastructure for the Media walk. Mr. Cooper seconded the motion, which passed 5-0.

Vernon/Washington St Road Proposal – He said a resident of Vernon Street approached the Township on behalf of several residents to ask for consideration towards widening parts of Vernon and Washington Streets where cars park. She felt this would improve the look of the area and address drainage issues. The Public Works Director and Township Manager met with the resident and reviewed the areas and discussed the longer-term solution of an eventual streetscape project. This would likely involve direct input from the residents on those streets and a need for grant funding.

Pine Ridge Change Order – Mr. Garson said an amount of \$8,542.50 was needed to cover restoring a driveway that was dug up during the culvert replacement project. Mr. Garson made a motion to accept the change order to the contract in the amount of \$8,542.50. Ms. Henry seconded the motion, which passed 5-0.

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

Ground Solar Panel Array Ordinance – Mr. Molloy said, as discussed at the last meeting, the ground panel solar array ordinance is being amended to adjust the maximum height from 8’ to 6’ to coincide with the fence ordinance height limit, in case a resident wanted to provide fence screening for a ground solar panel array. Although the change is minor, the revised ordinance must still go back to the County Planning Commission. Ms. Feyas is sending the revised ordinance back to the Planning Commission.

No Items for September Zoning Hearing Board Meeting – He said there are no items for the September Zoning Hearing Board meeting. The Pendle Hill application from August has been continued to the October 16<sup>th</sup> zoning meeting.

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

Mr. Grady said route 252 is closed Monday through Friday, 9 AM to 3 PM from Highland Avenue to Wallingford Avenue for a PECO gas main project. Beatty Road is closed for Aqua work, and the County’s Manchester Road bridge into Middletown is closed for bridge work for the next 12-18 months. Family Fun Day is October 7<sup>th</sup>. More information is on the Township’s website, and volunteers are still needed. He said there is an electronics recycling event on September 19<sup>th</sup> at Delaware County’s Catania Park. He said there is a Household Hazardous Waste (HHW) event on October 14<sup>th</sup> at the Upper Chichester Township building. Registration is required, and the link is available on the Township’s website. The Penn State Extension’s Fall Festival is September 30<sup>th</sup>, 9 AM to 3 PM at Smedley Park, and representatives from the Township’s Bird Town Committee will have a table there. Thank you to Mike MacCall, the Public Works Director for celebrating his 47<sup>th</sup> year working at the township. Mr. Grady wished his mother a very happy birthday.

Mr. Garson said the next meeting is on September 28, 2023. The meeting was adjourned around 9:30 PM.