

**BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP – May 23, 2024**

A public meeting of the Board of Commissioners of Nether Providence Township was called to order at 7:30 PM on Thursday, May 23, 2024—Legislative Meeting.

**ROLL CALL**

PRESENT:

Commissioner McKenzie  
Commissioner Henry  
Commissioner Garson  
Commissioner Carbone  
Commissioner O’Connor  
Commissioner Barnes

ALSO PRESENT:

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

EXCUSED:

Commissioner Cooper

10 members of the public were in attendance.

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

**Eagle Scout Project Proposal- Scout Jackson Davis-** He presented a slide show along with his presentation. He is proposing to restore the spring house at Houston Park. He wants to restore it as historically accurate as possible. He will clean, paint, and add a new roof. He proposed a budget of \$430 for supplies and \$210.00 for tools. The Board supports this Eagle Scout project and will coordinate with Jackson.

**Committee Openings- Parks, Shade Tree, and EAC –** Mrs. McKenzie made a motion to appoint Ian Springer to the Shade Tree Committee. Mr. Garson seconded the motion, which passed 6-0.

**PUBLIC COMMENT:**

**West Rose Valley Crosswalks:**

Jonathon Behrens- 211 West Rose Valley: He wanted to thank the commissioners who helped mediate between everyone on this topic. He likes the holistic approach to this solution. He said the safety concerns is valid but he wants it implemented properly so that there are no negative impacts. He said a crosswalk may or may not be a proper solution as it may direct traffic into people’s yards, which encourages trespassing and property damage. He asked the Board to have discussions on where the sidewalk would go and look at the traffic flow.

Christian Belleville 209 West Rose Valley: He heard about the discussions about a crosswalk on Rosewood. He shared that high schoolers use his yard as a cut-through. He noted he has dogs who get agitated by people walking through or near the yard, and he’s concerned the dogs could get loose. He agrees the sidewalks are a good idea, but he is concerned about what may happen in between if a crosswalk is installed without sidewalks.

Heather Behrens - 211 West Rose Valley: She wanted to emphasize the aspect that has been missed by other residents: property damage. She said they have had to repair their fence three times since they moved in. Kids are climbing the fence and causing damage. Her proposition is to put the crosswalk at Engle Rd and W. Rose Valley Road where more pedestrians cross the road.

James Hanson- Rosewood Lane: He stated the intersection's safety for pedestrians has been an ongoing concern and discussion for the past three years. He has noted the only changes since then are more obstructed views and taller grass. He asked for a viable alternative for children to get to school safely without going through people's yards.

Mary Rydel - Engle Dr: She said she has lived there for 63 years and kids have always walked through her yard without any regard for her property. She is asking for a crosswalk at the end of Engle for the children there, instead of a crosswalk at Rosewood Lane and W. Rose Valley Road.

Ms. McKenzie encouraged the concerned parties to notify the police if people are trespassing on their properties.

James Mason:

He wants to address the statement that the Nether Providence Township Democratic party issued regarding his candidacy in 2023. He said a public statement falsely accused him of a social media post that called for violence against Jewish people. They also urged an organization he is affiliated with to remove him from their board. He said though his posts were highly critical of Israel's far-right leadership, they never called for violence against anybody, and none were directed at Jewish people as a whole. The full posts shared his uncompromising calls for peace and justice, and while they were at times unpleasant, the posts never called for violence. Regarding his elected position, he said he was highly supported and was encouraged by many to claim his spot on the Board. He said he holds Mr. Cooper in high regard, and he did not want his presence to be a burden to Mr. Cooper. He aims to right the public opinion and correct the narrative. He did not call for violence against anybody, but he felt the statement from the Nether Providence Democrats effectively called for anger to be directed at him. He said he understands the politics of why the Nether Providence Democrats cast him out, but he doesn't respect how it was done.

Ms. McKenzie said she appreciates his comments, but she feels Mr. Mason is addressing the wrong group. She said he should address the Nether Providence Democrats. Mr. Mason understood, but he noted this was a public way to express his views.

Sandy Traub of Avondale Road expressed concern now that Dean Fountain, the kennel keeper for stray dogs, who recently notified the Township that he was no longer taking in stray dogs. She asked what the plan was going forward. The Chief said they were notified of this 48 hours ago and they have reached out to Brandywine Vet in Chadds Ford and will get a contract soon.

**Approval of Minutes-** Ms. McKenzie motioned to approve the minutes for April 25, 2024. Mr. Garson seconded the motion, which passed 5-0 with Ms. Henry abstaining.

**SOLICITORS REPORT** – None

**ENGINEER REPORT-** None

**Finance and Administration** – Kait McKenzie

Electricity Contract Renewal – Ms. McKenzie said the Township wants to renew its energy contract. The Township obtained pricing for 100% renewable energy from Constellation at a rate that is still cheaper than the PECO non-renewable energy pricing. Constellation was also cheaper than American Gas and Power (with 25% renewable energy) at \$0.0799 per kWh, nTherm Energy at \$0.08 per kWh, and PECO, at \$0.09. These prices change daily with the markets, but Constellation has consistently been lower, even with fully renewable energy. Ms. McKenzie made a motion to approve a 24-month contract with Constellation Energy, subject to Solicitor Scott's satisfactory review. Mr. Garson seconded the motion, which passed 6-0.

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

A/P Bills List TOTAL – \$837,367.84  
AP Interims List – TOTAL - \$165,374.74  
A/P Procurement Card - TOTAL – \$42,409.65  
Mr. Garson seconded the motion, which passed 6-0.

Mr. Garson chaired the rest of the meeting as Ms. McKenzie had to be excused.

**Government Relations Report-** Matthew Garson

Motion to ratify settlement agreement with Springhaven Club – He said Commissioners Cooper and O’Connor and Solicitor Scott met with representatives of the Springhaven Club last week, and a tentative agreement was reached that the nets would be reduced in height from 80’ to 60’ in a few sections, additional vegetative screening would be installed, and several stormwater measures would be taken in exchange for the Board’s commitment to not appeal the Zoning Hearing Board relief that was granted. Mr. O’Connor moved to ratify the agreement with Springhaven Country Club. Ms. Carbone seconded the motion, which passed 4-0, with Mr. Garson abstaining.

OHCD Grant – 703 Atlanta Ct Contractor Payment – Mr. Garson said the Township was awarded funding through the County’s Office of Housing and Community Development through the Demolition Fund for blighted structures, specifically for 703 Atlanta Court. The project was placed out to bid and awarded to Benjamin Washington General Contracting, LLC. However, before the work started, the house was sold through Judicial Sale in the County, and the new owner rehabilitated the house. Benjamin Washington LLC did incur costs for the \$1,522 performance bond and \$600 administration cost, for a total of \$2,112. Mr. Garson made a motion to approve the costs to Benjamin Washington. Ms. Carbone seconded the motion, which passed 5-0.

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

Gouley Park – Security Camera Consideration – Mrs. Henry said the Board would discuss the installation of security cameras at Gouley Park to surveil the new field. Chief Splain obtained quotes, which, depending on the type of camera installed, could range from \$2000 to \$10,000 or more. Trail camera usage could be an initial test to see if cameras are needed at the site.

DCED Greenways, Trails, Recreation Program Grant Due 5/31 – She said this grant covers recreational and/or environmental initiatives. Two recent project ideas have been discussed: first, the softball fields at Sapovits Park; second, the bamboo remediation at Furness Park. The Township Engineer is still doing cost estimates, but the initial range is about \$100,000 for the Sapovits softball field. The bamboo cost is \$60,000 over a three-year period. There is a 15% match requirement. Mrs. Henry made a motion to accept Resolution 2024-6 to apply for the DCED Greenways Grant for \$100,000 for: Sapovits Park - Bringing Back History. Ms. Carbone seconded their motion, which passed 5-0.

**Public Safety Committee Report** – Matthew Garson

Manchester Road Crosswalk – Mr. Garson said Upper Providence Township has agreed to contribute 25%, up to \$1,500, towards the cost of the installation of a crosswalk at Manchester Road and Emerald Street. Nether Providence is absorbing more of the cost as the crosswalk would primarily benefit Nether Providence residents. The Township would install the crosswalk. Mr. Garson made a motion to approve the crosswalk installation on Manchester and Emerald and accept the contribution from Upper Providence Township of 25%. Mrs. Henry seconded the motion 5-0.

W. Rose Valley Road Crosswalk – Mr. Garson said this was addressed this during Public Comment. Mr. Garson said a comprehensive plan needs to be completed before decisions are made.

Review of Luongo Towing Agreement – He said the Board asked the Township staff to do research around what other area towing companies are charging. Each company structures its pricing a bit differently, so it is hard to do an apples-to-apples comparison. The current pricing appears to be in line with the other two towing companies, but the proposed higher pricing does not appear significantly out of range either. He noted that Luongo’s frequently negotiates pricing that is lower than the listed rates as there can be many variables involved in a tow (turning a car over, cleaning up fluids, number of hours/crew spent working on it, etc.). Mr. Garson moved to approve the towing contract with Luongo’s Towing, subject to Solicitor Scott reviewing the contract. Ms. Henry seconded the motion, which passed 5-0.

Parking Restriction on Strathmore Court – Mr. Garson said the residents of Strathmore Court, which is just south of the middle school and high school, have requested that the area have a two-hour parking restriction, Monday – Friday, 9 AM to 4 PM in an effort to prevent students from parking their cars in the cul-de-sac and then walking to school. They have said there have been issues with the residents, delivery vehicles, etc. getting through the area when the cars are parked there. A neighbor advised that he polled those on his street and over half responded and all were in favor. There was no opposition. Mr. Garson moved to advertise an ordinance to restrict parking on Strathmore Court

Monday – Friday, 9 AM to 4 PM. Ms. Henry seconded the motion, which passed 5-0. The ordinance would be passed at the June 13<sup>th</sup> meeting.

Traffic Safety Officer Patrolling Rose Valley Borough Proposal – He said Rose Valley Borough’s Council President contacted the Township to see if there would be interest in having the Township’s Traffic Safety Officer patrol in Rose Valley Borough, particularly on W. Rose Valley Road. Chief Splain said he is in support of the proposal, but there would be a question about jurisdiction as the PA State Police now have jurisdiction. Solicitor Scott so it would have to be all or nothing where Nether Providence Township would have full jurisdiction. Rose Valley and the Board of Commissioners asked the Chief to put together a proposal to share, and Solicitor Scott would review the jurisdictional issue.

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

Lighting Ordinance Consideration – Ms. Barnes read from a letter by the EAC: Light can be a nuisance.

- Unwanted lighting directed onto a home can disrupt sleeping patterns and irritate the people living inside.
- Inconsistent lighting disrupts our ability to see at night.
- Glare from unshielded lighting shining into pedestrians and drivers' eyes can be blinding and cause safety issues.
- Light directed upwards that does not illuminate anything is both wasted energy and harmful to birds, bats, plants, and other wildlife while adding to the light pollution that has removed our ability to see most stars in the sky.
- The purpose of a lighting ordinance would be to provide clear guidance to residents on how best to deploy lighting that optimizes desired illumination while reducing these harms. Lighting ordinances are becoming increasingly common due to the advocacy of groups like the Dark Sky International and the Pennsylvania Outdoor Lighting Coalition (POLC). The POLC has a list of municipalities in Pennsylvania that have adopted lighting ordinances here:
- <https://www.polcouncil.org/polc2/municipal.htm>

Yard Waste Bidding Consideration – She said last year, the Township placed a request for bids for yard waste collection and disposal in the Township, but the pricing came back so high that the Board opted not to pursue it further. Part of the reason for the high pricing is due to the assumptions that need to be made since there is no data to know how much yard waste would be collected. Commissioner Carbone asked if this could be revisited. Mr. Scott advised revisiting this before the next recycling bidding, to build it into the contract. Mr. Grady said last year when they tried to bid it out the township only received one bid, which was from the current recycling hauler. He said it is hard to estimate how much yard waste will get collected. The Township added a temporary drop-off site under the Blue Route by the Leiper House.

Watershed Restoration and Protection Program Grant Due 5/31 – Mrs. Barnes said this is a grant program that can go towards helping meet the Township’s MS4 requirements, including streambank restoration. The Township currently has four ongoing WRPP projects. Mrs. Barnes made a motion to apply for the Watershed Restoration and Protection Program Grant in the amount of \$200,000 for Palmers Lane work via Resolution 2025-6. Mr. O’Connor seconded the motion, which passed 5-0.

**Infrastructure and Public Works Committee** – Robert O’Connor

W. Possum Hollow Road Change Order to Include Rose Valley Portion (to bill RV) – Mr. O’Connor made a motion to approve the Intermunicipal Cooperative Paving Agreement between Rose Valley Borough and Nether Providence Township by approving Resolution 2024-4 for the paving of W. Possum Hollow Road. The Township’s contractor, AF Damon, would pave W. Possum Hollow Road, and payment would be made directly to AF Damon. Ms. Henry seconded the motion, which passed 5-0.

S. Ridley Creek Road Change Order/Agreement with County and Upper Providence – He said the agreement would be with Upper Providence Twp and Delaware County. This is to repair and repave S. Ridley Creek Road, which was damaged from the additional traffic that was detoured through the area because of the County’s closure of the Manchester Road bridge. As such, the County is going to share in the cost. Additionally, this could be added to the Damon contract, as the Damon pricing is better than the County contractor’s pricing. Part of the issue is that the damaged part of the road did not have a substantial base under it. If the base had been adequate, the damage may not have occurred. The Township’s share is expected to be in the range of about \$3,000. Mr. O’Connor made a motion to approve the intergovernmental agreement between Nether Providence Twp, Upper Providence Twp, and Delaware County and to approve a change order to the Damon contract for S. Ridley Creek via Resolution 2024-5. Ms. Henry seconded the motion, which passed 5-0.

PWD Vehicle #1 Retention – He said Carl Schaefer has proposed that the Township retain Public Works Vehicle #1, an F-250, instead of selling it. With the expanded department, the current 8-vehicle setup leaves one person without a vehicle during snow events. The truck could potentially last for another two years. If sold, Carl believes it could bring in between \$10K - \$20K. There was also discussion about potentially selling the truck and leasing a new vehicle.

**Building and Zoning Committee Report by Candice Carbone**

Wallingford Presbyterian Church Zoning Application – She said in the past, the Board has considered waiving zoning application fees, except for actual advertising costs, for non-profit organizations. The Wallingford Presbyterian Church is requesting a fee waiver for their application for a variance for an electronic sign. Mr. Carbone made a motion to waive the Zoning Application fee as it is a non-profit Organization. Mr. Garson seconded the motion, which passed 5-0.

**TOWNSHIP MANAGER REPORT** – David Grady

Mr. Grady said the rain date for the Hepford Mural painting project is June 2<sup>nd</sup>, please come out and join the community as they paint the Hepford Park snack shack. The Martha Buton Community Park planting project is on June 8<sup>th</sup> from 9 am -1 pm. June 22<sup>nd</sup> is the electronic recycling and shredding event that was rescheduled. Summer camp still has spots open. Ms. Hewitt will be receiving a lifetime achievement award from the county for her work with Leiper House over the years. A HUGE ‘Thank You’ to Williamson Trade School for their volunteer efforts over the past week as they painted the whole office and conference room! A thank you and wish a speedy recovery to Officer Dolan as he was in a big accident on duty going to a call. He is ok but the car is not, wishing for a fast recovery for him.

Mr. Garson said the next meeting is on June 11th, 2024. The meeting was adjourned around 9:00 PM.