

**BOARD OF COMMISSIONERS of NETHER PROVIDENCE TOWNSHIP – June 13, 2024**

A public meeting of the Board of Commissioners of Nether Providence Township was called to order at 7:30 PM on Thursday, June 13, 2024—Legislative Meeting.

**ROLL CALL**

**PRESENT:**

Commissioner McKenzie  
Commissioner Henry  
Commissioner Garson  
Commissioner Cooper  
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 Carbone

30 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.

Chief Splain announced the Retirement of Sgt. Robert Elmore. He provided highlights of Sgt. Elmore's time with Nether Providence Township, including his role as Sergeant and Chief, during his 38 years of service.

Chief Splain announced the retirement of Officer Brian Bonnes. He provided highlights of Officer Bonnes' 31 years of service, including his time as the FOP Lodge 27 representative and his firearms instruction expertise.

Chief Splain announced the promotion of Officer Matt Liss to Sergeant. He said Sgt. Liss has served the Township with diligence and dedication for the last 25 years.

Chief Splain announced the hiring of Officer Taryn Kelly, who comes from the Delaware County Police Academy and a year of service at Villanova University's police force.

Chief Splain announced the hiring of Officer Michael Coverdale, who was a Nether Providence Officer from 2015 until 2022, when he moved to Florida. He has since moved back to the area, and the Department is happy to welcome him back.

Chief Splain announced that Officer Steve Kilian has received the Raymond White Officer of the Year Award.

**PUBLIC COMMENT: None.**

**Ms. McKenzie announced committee openings on the Parks, Shade Tree, and EAC.**

**Approval of Minutes-** Mr. Garson motioned to approve the minutes for May 23, 2024, Ms. Henry seconded the motion, which passed 4-0 with Ms. McKenzie and Mr. Cooper abstaining.

**SOLICITORS REPORT** – None

**ENGINEER REPORT-** None

**Government Relations Report-** Max Cooper  
Nothing to report.

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

**Gouley Park – Sealcoating and Restriping Proposals** – She said the Township obtained three proposals for sealcoating and restriping the parking lots at Gouley Park. The bids were as follows:

- Action Sealcoat. For the top lot: \$12,073; front lot: \$3,559; bottom lot: \$4,527. If doing all three lots, the total would be \$20,159.
- Tarquini was \$13,400 - top lot only.
- Finish Line was \$19,375 - top lot only.

Mrs. Henry made a motion to accept the low bid from Action Sealcoat. For the top lot: \$12,073; front lot: \$3,559; bottom lot: \$4,527. If doing all three lots, the total would be \$20,159. Mr. Garson seconded the motion, which passed 6-0.

**Change Order – Sapovits Park** – Additional Basin with extra funding – Mrs. Henry said Phase I of the Sapovits Park water quality project is nearly complete. The funding, through the Watershed Restoration and Protection Program grant allocated \$277,359 in funding. Phase I cost \$146,800, which leaves approximately \$128,000. A change order estimate was provided for \$168,100, but it was noted that would exceed the available funding. Ms. Henry made a motion to make a change order for an amount up to the available remaining grant funding. Ms. McKenzie seconded the motion, which passed 6-0.

**Public Safety Committee Report** – Matthew Garson

**Motion to Adopt Ordinance - Parking Restriction on Strathmore Court** – Mr. Garson said an ordinance has been advertised to restrict parking on Strathmore Court to a two-hour limit between the hours of 9 AM and 5 PM, Monday – Friday, in response to an issue with high school students parking their cars on the cul-de-sac. Mr. Garson made a motion to adopt ordinance 859 to restrict parking on Strathmore Court to a two-hour limit between the hours of 9 AM and 4 PM, Monday – Friday. Ms. McKenzie seconded the motion, which passed 6-0.

**Finance and Administration Committee Report** by Kaitlin McKenzie

Bills List- Ms. McKenzie made a motion to approve the Bills List in the amount of;

- AP Interims List – \$37,535.08
- A/P Procurement Card - \$39,223.97
- A/P Bills List- \$214,318.97

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

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

**Lighting Ordinance Consideration** – Ms. Barnes read 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 pedestrian's and driver's 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>

The Board agreed to ask the EAC to look at the issue from a nuisance lighting perspective as opposed to the full Dark Sky Ordinance, which may be difficult to objectively enforce.

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. Ms. Barnes made a motion to advertise bidding for yard waste collection. Mr. O’Connor seconded the motion, which passed 6-0.

Consideration of Adoption of 2024 Property Maintenance Code – She said the Township has been using the 1996 BOCA Property Maintenance Code. While not much has changed in the code, related to property maintenance, she said she thinks it would be in the best interest to update our code. If there is interest, an ordinance can be advertised, and the new code can be adopted at the July meeting. <https://codes.iccsafe.org/content/IPMC2024P1>. Ms. Barnes moved to advertise adoption of the 2024 Property Maintenance Code. Ms. McKenzie seconded the motion, which passed 6-0.

Brandywine Veterinary Agreement – Ms. Barnes made a motion to accept the Brandywine Veterinary Agreement for stray animals. Mr. O’Connor seconded the motion, which passed 6-0.

Mr. Garson made a motion to amend the previous motion to adopt ordinance 859 to restrict parking on Strathmore Court to a two-hour limit between the hours of 9 AM and 4 PM, Monday – Friday. Ms. McKenzie seconded the motion, which passed 6-0.

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

Aqua Paving Contribution – Mr. O’Connor said Aqua had offered the Township \$206,000 to cover the restoration and repaving of Prichard Lane, Sharpless, Emerald, and Locust. These roads are already being repaved as part of the Township’s Road program under the assumption that Aqua would be providing a contribution offer. Mr. O’Connor made a motion to accept Aqua's offer of \$206,000 for restoration repaving. Ms. McKenzie seconded the motion, which passed 6-0.

Elm Road Sewer Repair Proposals – He said a storm sewer line that connects to Elm Road and runs behind a home on Elm Road has collapsed and is causing a sinkhole in the backyard of the property. The Township Engineer obtained three quotes for the work, with the low bidder being PJG Property Maintenance \$15,910.00. Mr. O’Connor made a motion to accept the low bid from PJG Property Maintenance of \$15,910. Ms. McKenzie seconded the motion, which passed 6-0.

W. Possum Hollow Guiderail Change Order – Mr. O’Connor said shortly before the paving began, it was discovered that the guide rail on W. Possum Hollow Road, in between Brookside and Fox, was in such bad shape that it was removed. Due to the steep slope next to the road, it is recommended that a guide rail be re-installed. AF Damon has offered a change order price of \$53,473.75. Mr. Catania reviewed and approved of the offer. Mr. O’Connor made a motion to accept the change order from AF Damon for \$53,473.75 to repair a guide rail. Mr. Garson seconded the motion, which passed 6-0.

**Building and Zoning Committee Report-** Kait McKenzie & Maureen Feyas

927 S. Providence Road – Resolution for Land Development – Ms. Feyas read Resolution 2024-7 for a preliminary/final lot subdivision land development plan approval for 927 South Providence Road, for the subdivision of one lot into three residential lots. The Planning Commission and Engineer have recommended approval with the following waivers and conditions:

The following five (5) Subdivision and Land Development Ordinance waivers requested are:

- (a) From Section 285-25- Request to allow for a combined Preliminary/Final Review and approval process;
- (b) From Section 289-9 – Request to waive required installation of sidewalks on Harvey Road (so long as Developer pays a fee to the Township Sidewalk Fund in lieu of installation prior to subdivision recording);
- (c) From Section 289-10 – Request to waive required installation of curbs on Harvey Road (so long as Developer pays a fee to the Township Sidewalk Fund in lieu of installation prior to subdivision recording);
- (d) 289-13.B – Request to waive width-to-depth ratio of the newly-created Lot 3 to be greater than 2.5 to 1; and
- (e) 289-13.E – Request to waive requirement that side lot lines be perpendicular to the street.

#### Other Conditions

(a) Developer shall appear before the Township Planning Commission for review and approval of any future specific proposed lot development at the Property at a time those plans are finalized, including review of:

- i. Grading;
- ii. Stormwater management;
- iii. Confirmation of Zoning for yard setbacks, impervious surface, etc.;
- iv. Confirmation of final tree removal quantity, and planting of commensurate trees or payment of a fee in lieu of that planting; and
- v. Confirmation of final site line distance at driveways along Harvey Road, after proposed regrading of the roadway embankment.

(b) Developer shall add language to the Lot 3 Deed memorializing the extended storm water easement depicted on the Plan, including the metes and bounds listed on the Plan, as well as the newly established Riparian Buffer.

(c) Developer shall remove or legalize encroachments at the Property, including a shed and fence located thereon, which do not comply with the side yard setback regulations.

(d) Developer shall contact the Pennsylvania Department of Environmental Protection regarding the need for sewage facilities planning approval and notify the Township Engineer and Township Solicitor of any requirements.

(e) Developer shall record the final Plan within ninety (90) days of Township approval, in accordance with Section 513(a) of the MPC, and Developer shall provide the Township with a copy of the recorded Plan.

It was noted that the Developer has accepted the conditions. Mr. Garson asked Ms. Feyas to confirm that any use of the property that is not residential in nature would need zoning relief. She confirmed that would be the case.

Ms. McKenzie made a motion to adopt Resolution 2024-7, including the waivers and conditions. Mr. Garson seconded the motion, which passed 6-0.

Proposed subdivision of 37 Crum Creek – Ms. McKenzie said the Township received a preliminary 4-lot subdivision plan for 37 Crum Creek. This property overlooks the Crum Creek Reservoir off Crum Creek Road and has been the subject of ongoing litigation with a number of the neighbors on Beatty Road and Hidden Valley Road.

June ZHB Agenda – Mrs. Feyas said there are two cases on the docket for June 17<sup>th</sup>: Keystone Freedom Academy, 606 E Baltimore Pike, Media requesting a use variance from Section 300-94 to allow the first and second floors of the subject property to be occupied and used as a special education school. This property is in the P-O – Professional Office District. Second, the Wallingford Presbyterian Church is applying for a variance for the installation of an electronic sign. This sign is smaller than their previous application, which the Zoning Hearing Board rejected two years ago.

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

Mr. Grady said there will be an event at Gouley Park for a community picnic on 6/14 weather permitting. There will be an electronics and recycling event on June 22<sup>nd</sup> on the Brookhaven side of the high school. Summer camp is still accepting applications. There will be a dedication of the Sapovits Park Courts to Darryl Dixon, Sr. the late Public Works director on July 8<sup>th</sup> at 6 PM.

Staff Thank you: Ryan Smith for his help at the Martha Burton Park Planting event. He helped with handling the last-minute changes that needed to be made. Will Smith and Jim Boyer also helped out. Thank you and welcome to Liv Mudrick as our summer intern has been working on the Comprehensive Plan, which is a huge task. He extended a welcome to our new officers and congratulations to the retiring officers.

Ms. McKenzie said the next meeting is on July 11, 2024. The meeting was adjourned around 9:00 PM.