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**BOARD OF COMMISSIONERS OF NETHER PROVIDENCE TOWNSHIP**  
**LEGISLATIVE MEETING – FEBRUARY 10, 2011**

A legislative meeting of the Board of Commissioners of the Township of Nether Providence, duly advertised and posted in accordance with law, was called to order at 7:30 PM on Thursday, February 10, 2011 in the Board of Commissioners' Meeting Room, Township Municipal Building, 214 Sykes Lane, Wallingford, PA 19086. The Pledge of Allegiance was recited by all present.

PRESENT: Commissioner Much  
Commissioner Sullivan  
Commissioner Noyes  
Commissioner O'Connor  
Commissioner Baker  
Commissioner Kenworthy  
Commissioner Dougherty

Gary Cummings	Township Manager
Joseph Lesniak	Township Solicitor
Charles Catania	Township Engineer
Thomas Flannery	Chief of Police
Dennis Sheehan	Assistant Township Manager

PUBLIC: Approximately 25 in attendance

**PUBLIC COMMENTS**

None.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

Mr Cummings updated the Commissioners on committee members with expired terms and presented a list of interested individuals for reappointment. Mr. Cummings also presented Paul Marshall for appointment to the Historical Commission and informed the Board of a vacancy on the Recycling Task Force. Mr. Kenworthy informed the board that Mr. Morton Rabinowitz has expressed interest in this vacancy and attended the February 9<sup>th</sup> Recycling Task Force meeting. Mr. Sullivan requested that Mr. Rabinowitz attend the March 3<sup>rd</sup> BOC meeting to discuss the vacancy before appointment.

**MOTION TO REAPPOINT THE FOLLOWING INDIVIDUALS TO THEIR RESPECTIVE COMMITTEE POST:**

<b><u>Name</u></b>	<b><u>Committee</u></b>	<b><u>Term Expires</u></b>
Bruce Grant	Environmental Advisory Committee	12/31/2013
Dwight H. Davis	Environmental Advisory Committee	12/31/2013
Nick Pulos	Historical Committee	12/31/2013
Amanda Kokonos	Park Commission	12/31/2014
Patricia Tillson	Planning Commission	12/31/2014
Robert Linn	Planning Commission	12/31/2014
Pollie Lang	Shade Tree Committee	12/31/2013
Terry Ann Glauser	Sidewalk Committee	12/31/2012
Deirdre Gibson	Sidewalk Committee	12/31/2012
Kathryn Garza	Sidewalk Committee	12/31/2012
Shannon H. Sutherland	Zoning Hearing Board	12/31/2015

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Mr. Sullivan moved to reappoint the Committee members presented by Mr. Cummings. Mr. Dougherty seconded the motion which passed 7-0.

### **MOTION TO APPOINT PAUL MARSHALL TO HISTORICAL COMMISSION**

Mr. Dougherty moved to appoint Mr. Marshall to Historical Commission. Mr. Sullivan seconded the motion which passed 7-0.

### **APPROVAL OF MINUTES**

#### **MOTION TO APPROVE DECEMBER 9<sup>th</sup> AND JANUARY 13<sup>th</sup> LEGISLATIVE MEETING MINUTES**

Mr. Lesniak suggested a change to the December 9th minutes and Mr. Cummings noted the change. Mr. Much moved to approve both the minutes with the requested change. Mr. Sullivan seconded the motion which passed 6-0 with Mr. Kenworthy abstaining due to absence at the Dec 9<sup>th</sup> meeting.

Mr. Much moved to approve the January 13<sup>th</sup> Legislative Meeting Minutes. Mr. Kenworthy seconded the motion which passed 5-0 with Mr. Sullivan and Mr. O'Connor abstaining due to absence at the January 13<sup>th</sup> meeting.

#### **MOTION TO APPROVE DECEMBER 15<sup>th</sup> BUDGET MEETING MINUTES**

Mr. Much moved to approve the December 15th Budget Meeting Minutes. Mr. Dougherty seconded the motion which passed 7-0.

#### **MOTION TO APPROVE JANUARY 13<sup>th</sup> AND FEBRUARY 3<sup>rd</sup> EXECUTIVE SESSION MINUTES**

Mr. Much moved to approve the January 13<sup>th</sup> Executive Session Meeting Minutes. Mr. Kenworthy seconded the motion which passed 5-0 with Mr. Sullivan and Mr. O'Connor abstaining due to absence at the January 13<sup>th</sup> meeting.

Mr. Much moved to approve the February 3<sup>rd</sup> Executive Session Meeting Minutes. Mr. Dougherty seconded the motion which passed 7-0

### **SOLICITORS REPORT**

Mr. Lesniak reported on the enforcement process for the Township's sidewalk snow removal ordinance which includes warning non-compliant properties in writing of the ordinance prior to issuing a citation. Mr. Lesniak also stated that there is no requirement in the Commonwealth of Pennsylvania but the Township was enforcing a Township ordinance. Mr. Noyes inquired about the timing of enforcement as it relates to student pedestrian travel to and from school. Mr. Lesniak reported that the twenty-four (24) hour enforcement process begins after the end of the most recent snow storm. Mr. Sullivan reported on the snow removal process from the previous storm on Moore Road as it relates to student pedestrian travel.

Mr. Much and Mr. Sullivan inquired about the Solicitor's retainer. Mr. Lesniak reported that it was included in his proposal for incidentals that the township isn't billed for. Mr. Cummings reported the practice has been done in the past.

### **ENGINEERS REPORT**

Mr. Catania reported that the Boston Court storm sewer work was scheduled to begin on January 17th but the start date needed to be revised to February 15<sup>th</sup> due to the poor weather conditions. Mr. Catania also reported that the Wallingford-Swarthmore School District awarded the project for repairs of the Summit School footbridge and Mr. Much reported that the work had already begun. Mr. Baker

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inquired about the Woodward Road culvert's ability to handle the weight and traffic of school buses. Mr. Catania reported that the culvert's designed to handle such traffic.

Mr. Noyes inquired about the Safe Route to Schools/Wallingford Avenue Sidewalk Project. Mr. Sheehan reported that a RFP was submitted to DVRPC for approval and that some edits needed to be made prior to soliciting proposals.

### **MANAGER'S REPORT**

Mr. Cummings presented the board with the results of a survey on the sewer rates of surrounding communities in anticipation of exploring the option of changing the sewer rent from a flat fee to a fee based on water usage. Mr. Cummings notified the board of a lawn alternatives presentation on February 20<sup>th</sup> and the availability of bare root trees.

### **FIRE COMMITTEE BUSINESS AND REPORT**

Mr. Noyes reported that he met with South Media Fire Company last week, will be meeting with Garden City Fire Company next week and will be scheduling a Fire Committee meeting in the near future. Mr. Noyes also informed the board that Garden City Fire Company was awarded a FEMA Grant for the purchase of fire hose. Mr. Noyes also reminded the board that the fire companies' fund drive letter was out and requested that everyone give generously.

### **BUILDING AND ZONING COMMITTEE BUSINESS AND REPORT**

#### **MOTION TO GRANT MPC EXTENSION REQUEST OF HAMPTON INN TO MARCH 31, 2011**

Mr Lesniak recommended that the Board should approve the extension because the settlement is still in the court system as was discussed in executive session. It was also noted that the plan would be discussed at the Planning Commission Meeting on Monday, March 7th. Mr. O'Connor so moved. Mr Much seconded the motion which passed 7-0.

#### **MOTION TO AUTHORIZE TOWNSHIP SOLICITOR TO PREPARE A DRAFT RENTAL INSPECTION ORDINANCE**

Mr. Sullivan noted that he would be abstaining from this issue due to his ownership of a rental unit in the township.

Mr. O'Connor thanked the Rental Inspection Committee for their report and work on this issue and noted that Plush Mills and Wallingford Arms would be considered separately. Mr. Much reported that he and Mr. Cummings would be meeting with Mrs. Andress of Plush Mills and Mrs. Jenkins of Wallingford Arms next week to further understand the unique characteristics of these properties and that he would report back to the Board.

Mr. O'Connor recommended that the Board adopt the Rental Inspection Committee's Recommendations with a change from the bi-annual inspections, as recommended in the Rental Inspection Committee's report, to an annual inspection with a onetime registration fee of \$25.00.

Mr. Dougherty requested that the Township be notified of change of tenants, and recommended that any property with rental units that had completed a Use and Occupancy inspection within the same calendar year would not be required to have a rental inspection in the same year and noted that the re-inspection fee should remain \$25.00.

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Mr. Noyes noted that the Rental Inspection Committee recommends a two year trial period in its report. He suggested that the proposed ordinance not include this provision but suggested that the Board should revisit the ordinance after two years. Mr. Noyes also discussed the potential problems with habitual offenders and suggested a fine structure be imposed on top of the re-inspection fee. Mr. Noyes also requested that Mr. Lesniak look at the definition of rental units in regards to relatives living in the units.

Mr. Dougherty recommended that any penalties associated with habitual offenders should be substantial enough to deter those landlords from non-compliance.

After a discussion on which properties should be considered separately, Mr. Cummings noted the previous ordinance which outlined inspection fees treated properties with over 40 units be considered separately.

Mr. Baker thanked the committee including Commissioners O'Connor and Noyes for their work on this issue. He noted that the 5<sup>th</sup> ward has many rental units and he hopes the proposed ordinance will make Nether Providence a better place to live. Mr. Baker also expressed that he doesn't completely disagree with the bi-annual recommendation made by the Rental Inspection Committee but feels two years may be too long of a period between inspections. Mr. Baker also wanted clarity on which properties would "fail" an inspection if only a minor issue needed to be corrected.

Mr. Much asked what the fines should be for those who fail to register and how long landlords would have to register. After some discussion, it was agreed that landlords would have 30 days to register after the passing of the ordinance or 60 days from renting a property.

Mr. O'Connor moved to authorize the Township Solicitor to prepare a draft rental inspection ordinance consisting of the following elements:

- 1.) Annual inspections, \$75 inspection fee per unit
- 2.) One time rental unit registration, \$25 registration fee
- 3.) Landlords must notify Township of change of tenant at no charge
- 4.) \$25 fee for re-inspection
- 5.) Properties with forty (40) or more units on single parcel will be considered separately.
- 6.) Rental inspections will not be required for properties that have been inspected under a Use and Occupancy inspection within the same calendar year
- 7.) The newly created ordinance shall reference the "Nether Providence Township Single Family and Multi Family Dwellings Rental Inspection" checklist.
- 8.) Failure to register fees will be applied to any unit that has not registered within 30 days of adoption of ordinance.

Mr. Much seconded the motion which passed 6-0 with Mr. Sullivan abstaining.

## **FINANCE AND ADMINISTRATION COMMITTEE BUSINESS AND REPORT**

Mr. Dougherty and Mr. Sullivan discussed their trouble scheduling a meeting with NDI to clarify the discrepancies in recent invoices.

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**MOTION TO APPROVE WARRANT LIST**

After some discussion on the purchase of the Public Works Department's replacement sign machine and the cost of housing prisoners, Mr Dougherty moved to approve the Warrant List. Mr. Kenworthy seconded the motion which passed on a 7-0 vote.

Procurement Card List	\$ 21,683.53
Prepaid List	\$ 79,791.99
Bills List	<u>\$294,256.92</u>
Bills List Total	\$395,732.44

**MOTION TO APPROVE RESOLUTION No. 2011-2 ASSISTANT MANAGER SHEEHAN TO SIGN CHECKS IN ABSENSE OF TOWNSHIP MANAGER.**

Mr. Dougherty moved to approve and Mr. Much seconded. The motion passed 7-0.

**INFRASTRUCTURE COMMITTEE REPORT**

**MOTION TO AWARD THE WOODWARD ROAD CULVERT REPLACEMENT PROJECT IN TO MCKENNY CONSTRUCTION OF MEDIA, PA IN THE AMOUNT OF \$315,501.40**

Mr. Sullivan noted a discrepancy in the low bidder, JMC, and reported that JMC had withdrawn their bid and the project would therefore be awarded to the second lowest bidder, McKenney Construction for the amount of \$315,501.40. After some discussion on the status of DVFA Loan documents funding this project, Mr. Sullivan moved to award the contract to McKenney Construction and Mr. Much seconded the motion. The motion passed 7-0.

**PUBLIC WORKS COMMITTEE BUSINESS AND REPORT**

Mr. Baker reported on the status of the roof repair at the Highway Garage and the retrofit of an existing highway vehicle.

**MOTION TO ADOPT RESOLUTION FOR COUNTY AID.**

Mr. Baker moved to adopt the resolution and Mr. Dougherty seconded. The resolution passed 7-0.

**MOTION TO ADOPT DEP SEWER PLAN REVISION RESOLUTION FOR BEECHWOOD ROAD.**

Mr. Baker moved to adopt the resolution and Mr. Much seconded. The resolution passed 7-0.

**POLICE COMMITTEE BUSINESS AND REPORT**

Mr. Much read the monthly police report and asked residents to make sure that any contractors that they are using are registered with the Township. Mr. Much also announced the arrival of the Police Departments new Chevy Tahoe four wheel drive vehicle. He thanked Officers Smith and Markunas for their work on the project.

**COMMUNITY ENHANCEMENT COMMITTEE REPORT**

Mr. Kenworthy presented a list of community organizations who may be interested in making presentations to the Board and requested the other Board members make additional suggestions. Mr. Kenworthy also encouraged everyone to attend a Helen Kate Furness Library fundraiser to be held on February 25<sup>th</sup> at the Old Mill in Rose Valley.

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Mr. Kenworthy provided a status update on the Summer Recreation Program. He informed everyone that the Township was close to hiring a Summer Camp Director and Assistant Director, had received approval from the Wallingford-Swarthmore School District for the use of Nether Providence Elementary, and that the Camp Counselor Positions would be open soon.

Mr. Baker also reported that he has been working closely with Mr. Sheehan to get the program off the ground. Mr. Baker reported that he had put together a flyer for distribution through the schools and other community locations.

### **ADJOURNMENT**

The meeting was adjourned at 9:35 and an executive session followed the meeting.

The next meeting is a work session on March 3rd at 7:30pm.