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BOARD OF COMMISSIONERS OF NETHER PROVIDENCE TOWNSHIP
LEGISLATIVE MEETING – MARCH 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, March 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.

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| PRESENT: | Commissioner Sullivan | Presided in Mr Much's absence |
| | Commissioner Noyes | |
| | Commissioner O'Connor | |
| | Commissioner Baker | |
| | Commissioner Kenworthy | |
| | Commissioner Dougherty | |
| | Commissioner Much | Excused |
| | Gary Cummings | Township Manager |
| | Joseph Lesniak | Township Solicitor |
| | Charles Catania | Township Engineer |
| | Thomas Flannery | Chief of Police |
| | Dennis Sheehan | Assistant Township Manager |
| | Lisa Swan | Finance Director |

PUBLIC: Approximately 40 in attendance

PUBLIC COMMENTS

Dave Schlott, the current Township Animal Control Officer, spoke on the SPCA ceasing to take stray dogs as of July 2011. He noted that Nether Providence has good ordinances and that the state of PA considers cats wildlife and therefore the SPCA is not allowed to feed stray cats. He stated Nether Providence does not have a big problem with dogs until strays are found, noting some come from Chester City and some people abandoned animals in other towns. Mr Schlott stated this is Pit Bull Awareness month and the SPCA will put in computer location chips at a low cost. They also sponsor a spay and neutering program by appointment. It was noted that Police Chief Flannery is working with a local veterinary hospital to keep dogs for 48 hours then to release them to a local rescue. It was also noted cats are still a problem. Mr Noyes stated he would like to follow up with Mr. Schlott on this issue.

Mike Keller, 4 Strathmore Court, read a statement on Strathmore Court drainage regarding a letter from Mr Lesniak. The township has made good faith efforts but he has concerns and is asking for more legally binding assurances and asked for a meeting with Township officials as well as AGB and home owners. He requested the group have the answers at the meeting and that the meeting be held the week of March 14th. Mr Keller asked AGB if the plans were approved by Mr. Catania, if they can be included in the HOA and if AGB would fund future maintenance. Mr. Arters stated AGB would agree to a timeline for damage repair and provided a warranty on their work. Mr. Keller requested AG&B get a formal contract for the piping system and he wanted assurance that it would be inspected before it was backfilled. Mr. Keller asked whether or not there is specific insurance coverage for the project and will the township absolve AGB and the homeowners from future water issues. He also asked the plan note be amended, removed or otherwise addressed.

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Carol Francion, 103 Quaint Road, does not want taxes to go up and would like a cost analysis done on recycling so it doesn't increase. She uses Suburban for both trash and recycling and understands that this may be done in-house. She noted the cost of recyclables is variable and this should be considered.

Kathryn Garza, 5 Morgan Lane, stated that Suburban has a good relationship with the recycling processor and suggested we should consider going with one hauler for both recycling and trash. She also noted the Delco Environmental Fair will be held on April 9th and the unveiling of the GHG Study will be held on March 29th at Swarthmore College. She noted a movie called Gas Land will be shown on March 18th at Swarthmore College. She asked the Board to write letters on the fracking going on in Pennsylvania.

Matt Scully, 203 Beatty Road, stated he was in favor of single contract hauler and for the Board to consider a joint contract.

RECYCLING COMMITTEE REPORT

Jacque Knight gave a power point presentation on the findings of the recycling committee. Sylva baker spoke on the current program and gave a summary as well as program costs. She recommended the Township prepare a new RFP for recycling only once a week with the contractor to assume all costs and set a fee.

Jacque Knight spoke on using the DEP grant for containers or to alternatively use for a truck if recycling was taken in house. Mark Simms spoke on four options and how Suburban did recycling at a low cost but noted the savings by doing trash and recycling together. He went through various options and referred to Marple Township's program. He noted revenue for recycling is up right now at \$35.00 per ton. He also noted if not getting into trash then look at a contract for both trash and recycling. He noted we do not know the participation rate, but estimated 70%. Mr William Burns, a resident of Green Valley Road, asked about doing one case study. Jacque noted recycling commodities income is uncertain. She gave single hauler alternatives and summarized a recommended program to develop an RFP for recycling and one for recycling and trash. She also asked to resurvey the residents and provide education and noted the township is required by law to provide a program. Mr Sullivan thanked the Committee for their report and asked to have a link to their report on the township website. Mr Kenworthy thanked the Committee and asked the Board to approve the survey to be done as requested by the committee and so moved. Mr Sullivan seconded the motion. Mr Baker asked about the cons of having a single hauler for both recycling and trash collection. Ms Knight said there were not many cons. Mr Simms noted a con that a single hauler could get lax. After further discussion, the motion to prepare the survey carried 6-0. Mr Dougherty asked for the pros and cons of in-house versus a single hauler. The Board discussed having a public meeting to review all of the information, but noted that there is a short timeline in that they need to decide by August. There was discussion on the method of how to get the survey out. Mr Kenworthy noted that there was a survey done before and asked about the cost as well as if the survey would be hand delivered to all households. It was noted the survey should be prepared by the April 7th work session. Ms Knight said she thought they could use the old survey and add some additional questions.

CDCA

Ms. Reuther gave an update noting CDCA permitted municipalities with newer tighter sewer systems to join the Authority and the past concern with utilization creep. She noted Newtown Township is seeking to change the service area from the service area map in the original agreement. She noted they have Episcopal Academy as being included in the service area and also noted Upper Providence and Newtown Townships are working for a transfer of capacity. Ms. Reuther stated they will need a service agreement amendment for that. However, she stated Newtown wants to amend the service

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area maps as well and stated CDCA is not sure if these new parcel EDU's were always included. It was suggested that Mr. Cummings contact Newtown Township and advise that we need all specific information on their proposed changes. She also spoke on maintaining sewer flow meters for accuracy.

MOTION TO APPROVE ORDINANCE AUTHORIZING DVRFA LOAN NO. 758

Mr Dougherty spoke on the loan to fund the Woodward Road culvert replacement and street lighting projects. Mr Lucien Calhoun from DVRFA noted the debt structure can be set any time prior to the closing scheduled for April 25th or it will default to the DVRFA variable rate. After discussion, Mr. Dougherty moved to approve Ordinance 758. Mr Kenworthy seconded the motion which passed 6-0.

BUILDING AND ZONING COMMITTEE BUSINESS AND REPORT

HAMPTON INN PRELIMINARY LAND DEVELOPMENT PLAN

Mr. Cummings note the summary write-up has been supplied to the Board. Mr. Bill Kerr, attorney for the Pinnacle Group noted receipt of the summary and proposed conditions but noted that paving Beatty Road is a new comment and they already have agreed to a \$42,000 contribution. After discussion, Mr Kerr agreed to the conditions of approval excepting item #5, being the paving of Beatty Road. Mr O'Connor moved to grant Conditional Preliminary Land Development Approval for the Hampton Inn as follows.

The Plans entitled Hampton Inn and Suites, Preliminary Plans – Last Revised February 7, 2011, consisting of 15 sheets prepared by Pennoni Associates (their job No. PHGL0601) and the Lot Line Adjustment Plan also prepared by Pennoni Associates dated 1/11/11, last revised February 7, 2011, can received Conditional Preliminary Land Development Approval subject to the following:

1. Compliance with the comments of the Township Engineer dated February 3, 2011
2. Compliance with conditions of the Township Planning Commission per their March 7, 2011 review including approval of the Preliminary plans by the Borough of Media.
3. Approval of the agreed upon Settlement Stipulation by the Delaware County Court of Common Pleas settling the Zoning Appeal of the Decision of the Township Zoning Hearing Board under Application No.10-08 (decision attached).
4. Compliance with any applicable regulations of the Delaware County Planning Commission.
5. Review and Approval by the Township Fire Marshall of any applicable Fire Code regulations.
6. Review by the Township Environmental Advisory Committee (EAC) as applicable.
7. Compliance with all other applicable Township, State and Federal laws and ordinances.
8. The Applicants accept the conditions of Approval

Mr. Kerr stated they accept the above conditions of approval. Mr Noyes seconded the motion which passed 6-0.

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STRATHMORE COURT DRAINAGE

Mr Lesniak stated he sent a letter out to the homeowners and noted Mr Keller was here. He stated he assumed Mr Kenworthy was scheduling the requested meeting. Mr. Lesniak suggested he prepare a resolution to officially amend the note on the plan clarifying the piping system satisfies the note. The Board agreed Mr. Lesniak could prepare a draft resolution. Mr Arters said they are very close to resolving the matter and the residents want to make sure they are compliant with the plan. Mr Arters stated the piping system will become part of the HOA facilities. Mr Spring asked about when bids will be ready to be sent out.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Cummings stated nothing new to report as we are waiting for those interested in appointments to come to a Board meeting..

APPROVAL OF MINUTES

MOTION TO APPROVE FEBRUARY 10th LEGISLATIVE MEETING

MINUTES

Mr. Sullivan moved to approve the February 10th minutes. Mr Kenworthy seconded the motion which passed 6-0.

Mr Sullivan asked Mr Lesniak about approving executive session minutes. Mr. Lesniak said the minutes should not be approved at a public meeting or they are subject to possible disclosure under the right-to-know act. No action was taken on executive session minutes.

SOLICITORS REPORT

Mr Lesniak noted the draft amendment for the housing rental units has been prepared and that changes were made to the single parcels having units of 40 or more.

ENGINEERS REPORT

Mr Catania supplied the Board with a copy of his report and updated the Board on a couple of projects.

MANAGER'S REPORT

Mr Cummings noted the traffic signal improvement project was proceeding on Baltimore Pike. He also noted the Delco Environmental Fair at the high school on April 9th , noted there is a healthy yards presentation on June 1st at the Middletown Township Building, and discussed holding an auction of a police car and several other items.

FINANCE AND ADMINISTRATION COMMITTEE BUSINESS AND REPORT

MOTION ON NDI INVOICES (APRIL, SEPT., OCT., & NOV 2010)

Mr. Dougherty and Mr. Sullivan noted receipt of response letter from Ms Mulvena, but they have concerns and will review the issue in April.

MOTION TO APPROVE WARRANT LIST

After some discussion Mr Dougherty moved to approve the warrant list as follows. Mr. Baker seconded the motion which passed on a 6-0 vote.

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|-----------------------|---------------------|
| Procurement Card List | \$ 45,472.79 |
| Prepaid List | \$ 84,571.52 |
| Bills List | <u>\$163,236.26</u> |
| Bills List Total | \$293,280.57 |

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FIRE COMMITTEE BUSINESS AND REPORT

No report.

RENTAL INSPECTION DRAFT ORDINANCE

Mr Sullivan stated he would abstain from the voting as he has a rental property in the Township. Mr O'Connor moved to advertise the ordinance based on Mr Lesniak's draft. Mr Noyes said he would forward any comments. Mr Dougherty seconded the motion which passed 5-0 with Mr Sullivan abstaining.

INFRASTRUCTURE COMMITTEE REPORT

Mr Sullivan asked the Board to get their proposed list of roads to be considered for resurfacing.

PUBLIC WORKS COMMITTEE BUSINESS AND REPORT

Mr. Baker noted that mulch is available for purchase and delivery. Mr Baker also informed the Board that the roof installation for the highway garage is to start on Monday.

POLICE COMMITTEE BUSINESS AND REPORT

Mr Dougherty gave the report in the absence of Mr Much noting the Drug-Take-Back Program is to be held on Saturday April 30th at the Police Station. From 10:00am to 2:00pm.

COMMUNITY ENHANCEMENT COMMITTEE REPORT

MOTION TO ADOPT RESOLUTION NO. 2011-3 IN SUPPORT OF THE ENVIRONMENTAL FAIR ON APRIL 9 AT SHHS

Mr. Kenworthy moved to adopt the resolution. Mr Sullivan seconded the motion which passed 6-0.

Mr Kenworthy announced the hiring of Scott Spangler as the Summer Camp Director, and that the township is collecting resumes for Counselors and Recreation/Pre-School leaders. He noted camp registration is to start on Monday April 4th at the Township Building. Mr Baker stated he had another 1,000 flyers made that he was distributing and that he has delivered many more flyers to local stores and schools.

ADJOURNMENT

Nothing further to discuss the meeting was adjourned.

The next meeting is a work session on April 7th at 7:30pm.