

(292) **BOARD OF COMMISSIONERS OF NETHER PROVIDENCE TOWNSHIP**
LEGISLATIVE MEETING – December 8, 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, December 8, 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.

Roll Call

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

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

Public: Approximately 5 in attendance

Public Comments

None

Appointments to Boards and Commissions – (UCC Appeals Board)

No one was present to speak at this time.

Approval of Minutes - Legislative meeting of November 10, 2011

Action was deferred until the January meeting

Engineering Report

Mr Catania submitted his report. The Board asked him to check on the relocation of Ridley Drive sewer replacement to see if there was an alternate location. He was also asked to have a report ready in January on the placement of more stop signs in the township. Mr Catania said he should hear shortly from DEP on the Beechwood Road sewer module and noted Brookhaven and Laurel Lane should be ready to submit next. Mr Sullivan moved to approve submission of the DEP Planning Modules. Mr Much seconded the motion which carried 7-0.

Managers Report

Mr Cummings noted the Board approved applying for FEMA funds last week.

Mr Cummings handed out a draft proposal of Community Development Block Grant items for the Board's review. Mr Dougherty asked about funding sanitary sewer issues, Mr Sullivan noted street lighting is important as we have already authorized conversion of all street lights.. Mr Baker asked about security lighting versus road resurfacing. Mr Sullivan asked Mr Cummings to check to see that lighting would be looked on favorably. Mr. Cummings noted a public hearing has been scheduled for January 5, 2012.

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Mr Cummings stated PennDOT was requiring bidding in order to purchase a truck for the Highway Department even though it is a Co-Stars contract and the cost would be higher. Mr Much authorized the soliciting of bids if it is required. Mr Baker seconded the motion which carried 7-0. Mr Cummings noted a talk on plants, birds and bees sponsored by CRC..

Building and Zoning Committee Business and Report

Rabena 4-lot subdivision at 535 Manchester Avenue

Mr Noyes spoke on a meeting with the developer and noted he felt sidewalks are needed while noting the developer of the property across Manchester Avenue in Upper Providence Township may be willing to continue the sidewalk. He also said installation of a sidewalk will require removal of three trees which would have to be replaced. It was noted the developer asked for an extension to January 31, 2012. Mr Kenworthy asked about storm water and will water from the berm go into the basin. Mr Rabena said it would. Mr O'Connor moved to grant the extension. Mr Dougherty seconded the motion which passed 7-0.

Motion to release \$2,500 single-lot escrow for new home at 107 Harvey Road

After some discussion the Board decided to wait for improvements to be made.

Solicitor Report

Mr Lesniak noted he intervened in the Brower funeral home quiet title action and the Loughran zoning hearing case. He noted the Loughran case involved the 306 W. Rose Valley property and explained Mr Brower wants to put in an PRD. He stated Mr. Brower did not make an application for the December Zoning Hearing Board. The Board agreed Mr Lesniak could attend the Loughran Zoning Board hearing. With respect to the SEPTA Agreement, he stated PA DOT is not a signer but the township must comply with PA DOT regulations. After discussion Mr Sullivan moved to approve the SEPTA agreement. Mr Much seconded the motion which carried 7-0.

Finance and Administration Committee Business and Report

Motion to approve warrant list

Mike Dougherty reviewed the Warrant List. The Board discussed tasers and the DVIT grant as well as leaf truck parts, copier lease bills and recycling late bills. After discussion Mr Dougherty moved to approve the warrant list. Mr Noyes seconded the motion which was approved 7-0.

Motion to approve 2012 Budget

Mr Dougherty said everyone did a lot of work and thinks our overall tax rate is well compared to other townships. He noted very low average taxes compared to many other municipalities knowing the service we are delivering. Mr. Dougherty summarized the budget expense categories. Mr Sullivan said when you look at surrounding townships we are comparable and thanked administration and commissioners. Mr Much thanked Ms Swan, Mr Sheehan, Mr Cummings, Chief Flannery and Mr Dixon. He said we did everything possible to keep our taxes as minimum as we can. Mr O'Connor thanked the staff and Board as well. Mr Noyes said he was disappointed in the increase noting high school taxes and we are dipping into reserves for some items although our reserves are very adequate. Mr O'Connor noted expenses are up all over and revenues are down and stated we made difficult decisions. Mr Dougherty noted that dipping into our reserves is a one-time deal. Mr Kenworthy noted that the Board agreed on how to fund capital projects so we need not use reserves in the future. Mr Baker said we should try to look to increase businesses long term to relieve tax burden on the residents. The Board discussed the capital budget and asked to reduce the highway garage roof replacement amount from \$18,000 to \$8,000 noting we could use the \$10,000 from the Hampton Inn. It was noted that \$60,000 is needed for the purchase of both police vehicles but the Township expects to get \$14,000 on the sale of the old vehicles. Mr Dougherty stated the Shepherds lane culvert amount of \$15,000 may be low but FEMA will hopefully cover the repairs. Mr Dougherty moved to approve Budget Ordinance 767 with changes made. Mr Kenworthy seconded the motion which was approved 7-0.

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Motion to approve Resolution No. 2011-16 (establishing 2012 Sewer Unit Rate at \$304.00 per unit)

Mr Dougherty moved to approve the resolution. Mr Much seconded the motion. Mr Noyes noted the increase is in anticipation of significant increases in DELCORA and CDCA treatment costs and this is to help soften the impact. He noted we need to work on I & I and establishing fees based on flow. Mr Dougherty noted that the whole Board agreed. Mr Sullivan stated we really need to look ahead and noted a committee may be formed next year just for sewer matters. The motion passed by a vote of 7-0.

Motion to select Pension Investment and Administration Provider

Mr Dougherty noted that this has been discussed extensively in previous meetings. Mr Much noted at last week's meeting, Mr Baker wanted more time. Mr Baker said he called InR clients and all had praise and satisfaction and they provided a great service and performance. He noted Simon Capital has done well and we can't go wrong with either one. Mr Dougherty moved to select InR. Mr Much seconded the motion. Mr Noyes noted he reviewed the SEC website and noted that Representative Killion is an owner of InR and he represents a portion of our township. He stated he is concerned about perceptions. He asked if any other Board members knew of Representative Killions involvement and said it should have been disclosed. Mr. Dougherty indicated he was aware he was involved. Mr Baker said he asked for time to educate himself and said he called many municipalities. Mr Sullivan asked if Mr Baker asked the employees. Mr Sullivan said he was baffled and remarked it seemed like patronage noting Simon Capital is cheaper and had better past performance. Mr Noyes said he felt it should have been disclosed. Mr Baker said he feels he is being accused of an affiliation with InR and noted Simon Capital has only one municipal client and that is Nether Providence. Mr Much said this has been discussed enough. Mr Noyes said because it was not disclosed and some Board Members knew about Representative Killion's affiliation it creates perception of going with a firm partly because it is owned by a state representative. The vote carried 4-3 as follows: Mr. Much, yes; Mr. Dougherty, yes; Mr. O'Connor, yes; Mr. Baker, yes; Mr. Noyes, no; Mr. Sullivan, no; Mr. Kenworthy, no.

Motion to select Audit services provider

Mr Dougherty noted we received two proposals. Mr Noyes asked Mr Cummings if there is a learning curve with a new firm. Mr Cummings said there is a little learning curve but Barbacane is \$800 less per year. After discussion, Mr Dougherty moved to approve Barbacane and Thornton for 2 years. Mr Kenworthy seconded the motion which passed 7-0.

Committees

Mr Dougherty said Mr Cummings will contact all expiring appointments to see if interested in being reappointed.

Public Works Committee Business and Report

Highway report (leaf collection)

Mr Baker noted that December 16th is the last day for trucks to collect leaves with the vacuum truck, but we will continue to pick up bagged leaves. He stated that Mr Dixon would supply a collection proposal for 2012 to be considered. Mr. Baker asked Board members when they feel we should start the collection. Mr Noyes said it was discussed it would start November 1st. Mr Kenworthy said any schedule should be a "target" schedule. Mr Baker asked for Mr Dixon to use one day this weekend to catch up on leaves due to the inclement weather. After discussion the Board deferred permitting over time this weekend noting it could be consider next weekend. Mr Cummings is to consult with Mr Dixon and Mr Baker on this.

Community Enhancement Committee Report

New recycling schedule

Mr Kenworthy noted the new schedule will be in effect on January 3 and a mailing will go out shortly. Mr Sheehan noted residents need to call Mascaro if a can is missed and Mr Kenworthy said catch up schedule for

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the holidays is Saturday. Mr Kenworthy stated we are working to get a collection schedule to pick up old containers and payment for recycling content.

Joint EAC Resolution on climate change

Mr Kenworthy noted a press release has been prepared and we would be committing to 20% reduction in greenhouse gas by 2020. Mr Sheehan noted we passed this resolution in the spring and noted the township is making this our target. Mr Noyes noted he and Mr Much attended a ceremonial signing and the reduction is targeting residential use.

Fire Committee Business and Report

Mr Noyes noted Garden City Fire Co's Christmas float will be going around this weekend. Mr Much thanked Mr Baker for purchasing candy canes for handing out by the float. Mr O'Connor thanked Mr Baker for his donation and also thanked Mr Sullivan and Mr Kenworthy for foregoing their salary.

Police Committee Business and Report

Mr Much gave the statistics and listed Detective Erickson's cases and training. Mr Much stated it is the holiday season so lock cars and doors and to keep presents out of plain sight. He wished everyone Happy Holidays.

Report on Animal Control

Chief Flannery reported that he and Mr Sheehan went to the Delaware County Animal Control meeting and he summarized the costs noting they propose using Chester County SPCA until the new facility is built. He stated they are looking for interest in joining by the municipalities. Mr Dougherty asked how many animals were housed this year. Chief Flannery stated it was 32. Mr Sheehan noted we may still have the option to use Dr Herman. Mr Baker suggested dogs be held for 24 hours to see if residents owning the dogs can be identified. After discussion the Board agreed to send a check with letter of intent to join the county program.

Adjournment – There being no further business the meeting was adjourned. It was noted the next meeting is the Reorganization meeting on January 3.