

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
FEBRUARY 4, 2010 MEETING MINUTES**

1) Executive Session:

- a) Mr. DiPaolo called the executive session to order at 5:32 p.m., seconded by Mr. Thomas. The following Supervisors were present: Mr. Brown, Mr. DiPaolo, Mrs. Altieri, Mrs. Eckman and Mr. Thomas. Also present were Township Manager Mr. Dunbar, Solicitor Mr. Sheridan, Accounting Manager Susan Law, Director of Human Resources Geri Golas, Smith Barney Adviser Chris Englebert, Actuary Chuck Friedlander and Joseph Shirley of Maillie, Falconiero and Co. A personnel discussion took place on the pension matter. Ms. Law, Ms. Golas, Mr. Englebert, Mr. Friedlander and Mr. Shirley exited the meeting at 6:30 p.m. At this time, a discussion took place on a number of real estate and legal matters. Mr. DiPaolo motioned to adjourn the meeting at 7:31 p.m., seconded by Mr. Thomas.

2) Public Meeting: Call to Order

- a) Chairman Brown called the public meeting to order at 7:33 p.m.
- b) Chairman Brown requested a moment of silence in honor of Marty Dell Angelo, who recently passed away. Mr. Dell Angelo was a member of the Parks & Recreation Board and volunteered in the community throughout his lifetime.

3) Pledge of Allegiance

4) Roll Call:

- a) The following members were present: Supervisors Altieri, Brown, DiPaolo, Eckman and Thomas.
- b) Also present were Solicitor Michael Sheridan, Township Engineer John Chambers, Police Chief Francis Carroll, Project Analyst Nathaniel Dysard, Human Resources Coordinator Geri Golas, Accounting Manager Susan Law, Community Relations Coordinator Denise Walsh, Emergency Management Coordinator Charles DeFrancesco, Director of Special Projects and Technology William Roth, and Township Manager Joseph Dunbar.

5) Chairman's Comments:

- a) Chairman Brown announced that an executive session was held prior to the meeting to discuss legal, personnel and real estate matters.

6) Consent Agenda:

- a) Approval of the consent agenda items 1a through 1b, inclusive of the meeting minutes from January 21, 2010:
 - i) Mr. Sheridan requested that the wording of the minutes for item 9)A)i) be amended to authorize the Township Solicitor to file an appeal from the Zoning Hearing Board decision for 1433 Pawlings Road as well as intervene on behalf of the Township.
 - (1) **MOTION** – Supervisor DiPaolo made a motion to correct the minutes as requested by Mr. Sheridan. Supervisor Eckman seconded the motion. The motion *passed* 5-0.
 - ii) Supervisor Eckman questioned item 8)g) of the minutes, asking if the fee was to be \$20,000? Mr. Dunbar explained that the fee is \$40,000 as of January 1, 2010, but the prorated fee as of July 1, 2010 would be \$20,000. Chairman Brown indicated the minutes would be changed to reflect this.
 - iii) **MOTION** – Supervisor DiPaolo made a motion to approve the consent agenda items 1a through 1b, including the meeting minutes for January 21, 2010 with the previously discussed changes. Supervisor Eckman seconded the motion. The motion *passed* 5-0.
- b) **MOTION** – Supervisor Altieri made a motion to add a page in the minutes in memory of Marty Dell Angelo. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.

7) Presentations & Commendations:

- a) Check Presentation to Methacton High School Post Prom Committee:

- i) Chairman Brown presented a check to Mrs. Geri Rosini for the Methacton High School Post Prom celebration.
 - ii) Mrs. Rosini explained that this event is held after the prom to provide a safe environment for prom attendees and has a 95% attendance rate. This event could not be held without support from the community.
 - b) Presentation of Respect for Law Award to Officer Daniel McGuffin and Lieutenant Stanley Turtle on behalf of the Lower Providence Optimist Club:
 - i) Mr. Dunbar introduced Mrs. Marianne McGrath, President of the Lower Providence Optimist Club.
 - ii) Mrs. McGrath presented plaques to Officer Daniel McGuffin and Lieutenant Stanley Turtle to acknowledge them as Respect for Law Award recipients for this year. Mrs. McGrath provided brief overviews of the officer's career backgrounds as they relate to dedication to duty and commitment to the community.
 - iii) Chairman Brown thanked them for their commitment to the Township.
- 8) New Business:**
- a) Discussion and consideration on future MMO funding:
 - i) Mrs. Golas requested that the Board consider adoption of the 30% asset smoothing option subject to the 70-130% market value corridor.
 - ii) **MOTION** – Supervisor Altieri made a motion to adopt the 70-130% market value corridor option for asset smoothing for both the Police and Employee pension plans. Supervisor Thomas seconded the motion. The motion *passed* 5-0.
 - iii) Public Comment:
 - (1) There was no public comment on this item.
 - b) Discussion and consideration on proposed rulemaking for wood-fired boilers – Pennsylvania Bulletin article:
 - i) Mr. DeFrancesco reviewed a proposed rule from the PA DEP Environmental Quality Board. The rule will add provisions to Chapter 123 and establish emission standards and setback requirements for newly installed outdoor wood-fired boilers, notice and record keeping requirements for wood-fired boilers sold or leased after the effective date of this rule, and stack height and fuel requirements for all new or existing outdoor wood-fired boilers operating in the Commonwealth. This rule would apply to anyone selling or using such a device. The proposed rule also adds new definitions for “BTU,” “clean wood,” “outdoor wood-fired boiler,” and “Phase 2 outdoor wood-fired boiler.”
 - (1) Mr. DeFrancesco explained that hearings were held and closed in early January, however the deadline for this was extended to February 12, 2010.
 - (2) Mr. DeFrancesco provided a background of the outdoor wood-fired boilers that are more frequently being used to heat homes, farm buildings, swimming pools or hot tubs. He reviewed the design and operation of these devices. They are common in rural areas of the State, however they are starting to show up in the Township, where there are three known devices in use. Mr. DeFrancesco noted there could be some health concerns regarding emissions from these boilers.
 - (3) The EPA has a volunteer program with ten manufacturers for the boilers, who represent 80% of the market. These manufacturers use new standards, in place since 2007, providing better emissions. With the proposed new rule, all heaters will be required to be Phase 2. This includes being 150' from the property line, a minimum stack height of 10ft. from the ground and the highest peak being 2' above the highest house within 150'. Only clean wood or pellets will be permitted for burning in these devices, that can be used during specific times of the year, and which will also be required to comply with all State and local regulations.
 - ii) Supervisor Altieri asked if existing units would have to comply with the new regulations? Mr. DeFrancesco indicated they would only have to comply with the new fuel requirements, not the new unit requirements.

iii) Public Comment:

- (1) Mrs. Nancy McFarland asked if people would be required to install a fence around these devices for safety purposes? Mr. DeFrancesco indicated that is not a requirement, but the one boiler that he saw had secured doors.
 - (a) Mrs. McFarland asked what the buildings were made of? Mr. DeFrancesco indicated they could be made from different materials.
 - (b) Mrs. McFarland noted that several years ago someone had a wood burning stove that a judge ordered them to stop using because a neighbor complained about it for health reasons.
 - (c) Chairman Brown noted they are trying to support State legislation regarding these units as currently no legislation exists.
- (2) Mr. Howard Baird, 1428 Lincoln Street, explained that his neighbor is planning to use one of these units on his property for a business. He asked if this was permitted in a residential area?
 - (a) Chairman Brown indicated there were currently no regulations for these units at all. Mr. DeFrancesco reiterated there were no regulations in the Township currently but there is a sample ordinance they can obtain from PSATS for consideration.
 - (b) Mr. Baird asked if the Township would enact an ordinance prohibiting a business from using one of these in a residential area? Mr. Brown indicated they could work on the ordinance and work toward its' adoption.

iv) **MOTION** – Supervisor DiPaolo made a motion to have Mr. DeFrancesco forward comments to the Environmental Quality Board to the effect that the Township thinks this is a good proposal and supports it, and to also obtain a sample ordinance and work with Mr. Heisner to draft an ordinance for the Board's consideration for the use of wood-fired boilers in the Township. Supervisor Thomas seconded the motion. The motion *passed* 5-0.

c) Discussion and consideration on 2010 Legislative Advocacy Services:

- i) Mr. Dunbar explained that they are wrapping up the first year of using legislative advocacy services from the Ferguson Group, and lawmakers in Washington D.C. are beginning to work on 2011 appropriations. Staff is recommending that the Township renew efforts to work with a legislative representative for PA and DC, and requested that the Board either renew a contract with the Ferguson Group or enter into an agreement with the Duane Morris agency for these services. He would also like them to authorize a trip to Washington D.C. for two Board members and two staff members as advocates for the Township on February 11, 2010.
- ii) **MOTION** – Supervisor Eckman made a motion to continue with the Ferguson Group through 2010. Supervisor Altieri seconded the motion.
 - (1) Supervisor DiPaolo asked what the rate was? Mr. Dunbar indicated they would overlap the rate from 2009 for January, and the 2010 budget would be \$69,900. Mr. DiPaolo asked if that was with the 5%? Mr. Dunbar indicated that it was.
 - (2) **MOTION VOTE:** The motion *passed* 4-1. Supervisor DiPaolo opposed the motion.

iii) Public Comment:

- (1) There was no public comment on this item.

d) Discussion and consideration on results for 2010 / 2011 equipment rental bid #09-05:

- i) Mr. Dysard noted they received bids from two responsible parties for the 2010/2011 equipment rental bid. He is recommending the bid be awarded to James R. Kenney Excavating and Paving who is the lowest responsible bidder. This bid is in the amount of \$75,240.
- ii) **MOTION** – Supervisor Altieri made a motion to award the bid to James R. Kenney Excavating and Paving in the amount of \$75,240. Supervisor Eckman seconded the motion.
 - (1) Mr. Richard Dean asked if tax money was being used for this item? Mr. Dunbar explained that the Township sometimes needs additional equipment for repairs. This is an all-inclusive equipment rental bid for items they may sometimes need to use such as paving equipment or additional snowplow trucks. Mr. Dean asked if it would be better for the Township to

purchase the equipment? Mr. Dunbar noted these items are used in a very limited nature so it is not advisable to own them.

(2) **MOTION VOTE** – The motion *passed* 5-0.

iii) Public Comment:

(1) There was no additional public comment on this item.

e) Discussion and consideration on S-04-10, proposed walking trail on behalf of Gambone Development Co. / Parkview at Valley Forge Community Association:

i) Mr. Dunbar recommended that this item and item g) (Discussion and consideration on business initiative proposal) be tabled until they are able to obtain additional details.

(1) **MOTION** – Supervisor DiPaolo made a motion to table agenda items 8 e & g. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

ii) Public Comment:

(1) There was no additional public comment on this item.

f) Discussion and consideration on land planning services agreement:

i) Mr. Dunbar explained that the Township has money appropriated for a land planning services agreement with the Montgomery County Planning Commission (MCPC.) They are at the end of a three-year agreement with the MCPC. When the Board re-organized on January 1, 2010, they hired Thomas Comitta Associates (TCA) to provide landscape and planning services. Mr. Dunbar asked what the Board would like to do with regard to a contract with the MCPC?

ii) Supervisor Altieri recommended that this item be tabled. She indicated that the Board is just beginning to look at a strategic and long range plan but have not yet identified specific projects they would want to be involved with, and they also have a new contractor. She would like to table this item to get further into the planning process to see if the County's services are needed. She noted that the MCPC still reviews all plans so they are engaged in the process. Some of the Township's Planning Commission members had comments regarding the MCPC and she would like to also get their feedback prior to making this decision.

iii) Supervisor Eckman concurred with Mrs. Altieri's sentiments. She noted they are trying to determine what projects they need or want to deal with, which will determine what the budget is and if they have the budget for these projects.

iv) Supervisor Thomas concurred it would be prudent to have more information prior to making this decision.

v) Supervisor DiPaolo noted it is fine to table this to allow for determination of project priorities. He noted that when you engage the services of the MCPC, the cost is \$75 per hour but the County pays for half of that cost. He is sure that TCA is more than capable of providing these services as well, however the budget is already tight from the MMO pension funding that was required. If the Board chooses to go with an outside agency for services he would not want to spend a lot more than they are paying for the MCPC.

vi) Mrs. Altieri noted that the Board needs to set goals and objectives and then evaluate if the best resources to meet them are the MCPC or TCA.

vii) Mr. Dunbar noted that it was a recommendation at the Planning Commission meeting to hold a joint meeting between the BOS and the PC to discuss those matters important to the Board. He suggested that perhaps this meeting be done sooner to develop a working plan and longer term strategic plan goals.

viii) Mr. DiPaolo noted that the PC was requesting direction from the Board.

ix) Chairman Brown requested that a joint meeting be set up with the PC as soon as possible to develop goals and objectives. It was noted there was currently nothing on the PC's next agenda.

x) **MOTION** – Supervisor Eckman made a motion to table this item and prepare and advertise a notice for the joint Planning Commission / Board of Supervisors workshop meeting for February 24, 2010. Supervisor Altieri seconded the motion. The motion *passed* 5-0.

xi) Public Comment:

(1) There was no public comment on this item.

In Remembrance

***This page is set-aside in remembrance of
Marcello “Marty” Dell Angelo
(1925 - 2010)***

Marty’s generous spirit and selfless nature led to his involvement with numerous civic organizations and charities. For many years, he served as a dedicated and active member of the Lower Providence Township Parks and Recreation Board, the Lower Providence Optimist Club, and the Youth Advisory Council.