

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

1) Executive Session:

- a) Mrs. Altieri called the executive session to order at 6:30 p.m., seconded by Mr. Thomas. The following Supervisors were present: Mr. Brown, Mrs. Altieri, and Mr. Thomas. Mrs. Eckman and Mr. DiPaolo arrived at 6:35 pm. Also present were Township Manager Mr. Dunbar and Solicitor Mr. Sheridan. A discussion took place on a number of personnel matters. Upon motion by Mr. Thomas, seconded by Mr. DiPaolo the session adjourned at 7:29 p.m. The Supervisors agreed to reconvene after the public meeting for continuation of the executive session.

2) Public Meeting: Call to Order

- a) Chairman Brown called the public meeting to order at 7:30 p.m.

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, Accounting Manger Susan Law, Code Enforcement Manager Tom Heisner, 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 and personnel matters, and would continue after this meeting to discuss additional legal matters.

6) Public Participation:

- a) There was no public participation at this point in the meeting.

7) Consent Agenda:

- a) Approval of the consent agenda items 1a through 1c, inclusive of the meeting minutes from February 18, 2010:
 - i) **MOTION** – Supervisor DiPaolo made a motion to approve the consent agenda items 1a through 1c, including the meeting minutes for February 18, 2010. Supervisor Thomas seconded the motion. The motion *passed* 5-0.

8) Presentations & Commendations:

- a) Presentation on Changes in the Electric Market – Helping you with your Energy Costs by PECO Energy's External Affairs Manager for Montgomery County, Suzanne Ryan:
 - i) Ms. Suzanne Ryan was present to provide an overview on changes to the energy market beginning in January 2011 when rate caps will expire. Ms. Ryan provided a background on the history of this problem, which occurred to deregulate the energy market in the mid-1990's by separating generation from distribution. Since that time energy offered by PECO was below market value. Once rate caps expire and PECO will have to purchase energy on the open market the cost will most likely increase at a significant rate, possibly in the 10-15% range. Ms. Ryan referred to volatile electric rates ranging from \$49 to \$98 per kilowatt-hour over the past year. She stated that they will not know the new price per kilowatt-hour until June for the business / large market, and would not know the price until late September for the small / medium sized residential market.
 - ii) Ms. Ryan explained that Act 129 requires PECO to reduce overall usage by 1-3% over the next few years, with peak hour usage going down 4½ %. PECO has prepared a plan, which required approval from the PUC. \$342 million will be spent on energy reduction programs over the next two years. PECO has a new web site with details on various programs and incentives being offered for customers to reduce their energy consumption. There are 10 programs for everyone to

increase energy efficiency, and 8 programs for businesses to reduce their energy demand. Ms. Ryan noted that for municipalities there are lighting discounts, incentives to upgrade traffic signals and parking lot lighting to LED, and partial reimbursements for energy audits. There are also incentives to reduce consumption within facilities. Residential customers can also do home energy audits and participate in an appliance recycling and rebate program.

- iii) Ms. Ryan recommended that everyone shop the cost of energy and understand how they are using electricity. She noted that there is a tool on www.peco.com/myusage that provides a tool to see how much energy you use. She noted that PECO is rolling out a full-scale outreach program to their customers.
- iv) Chairman Brown commented that previous attempts to have people shop for energy did not work well. He asked about the appliance rebate program, and asked why PA was not taking advantage of the Federal rebate program? Ms. Ryan noted that the State must have been looking at other ways to spend the Federal money, with the goal of reducing consumption of kilowatt hours used. She noted they do have rebates for new energy efficient refrigerators, dishwashers, air conditioners, washing machines etc. The rebates are effective for purchases of new appliances from July 2009 forward. Details are on www.peco.com/smartideas.
- v) Supervisor Eckman noted that the Township has already taken steps to improve traffic lights and energy efficiency within Township buildings.
- vi) Supervisor Altieri asked why the July 2009 date was selected? Ms. Ryan noted applied to the PUC for approval a while ago, so the program is retroactive to July 1, 2009 as approval was just recently granted.
- vii) Mr. Dunbar thanked Ms. Ryan for all of her assistance during recent power outages during snowstorms. He even received responses from Ms. Ryan after midnight during the snow emergency.
- viii) Public Comment:
 - (1) Ms. Joyce Cluley, 19 Vaux Lane asked for the website to be repeated. Ms. Ryan indicated that it is www.peco.com/smartideas and noted there are a lot of good tools and energy saving ideas on that site.
- ix) Chairman Brown thanked Ms. Ryan for the informational presentation.

9) New Business:

- a) Discussion and consideration on appointments / re-appointments to the UCC Appeals Board on recommendation of Code Enforcement Manager, Tom Heisner:
 - i) Mr. Heisner explained that any municipality adopting the Uniform Construction Code (UCC) must establish a UCC Board of Appeals. This Board deals with any appeals on decisions or requests for variances. Mr. Heisner noted that the Board consists of three members and two alternates. Mr. Heisner previously served as an alternate, however he is no longer able to hold that position with his current position in the Township. Previously Steve Gillan, Richard Furth, and Rick Moscariello were the members, with John Ruggiero serving as the other alternate. Only Mr. Gillan and Mr. Furth remain on the Board because the other members & alternates have left for various reasons.
 - ii) Mr. Heisner suggested that the Board consider appointing Mr. Robert Heil for the member vacancy, and filling the remaining alternate positions at a later date through resolution.
 - iii) Mr. Dunbar noted that since its' establishment in 2004, this Board was only empanelled once.
 - iv) **MOTION** – Supervisor DiPaolo made a motion to approve Mr. Robert Heil to fill a vacancy on the UCC Board of Appeals.
 - (1) Supervisor Altieri asked if they could approve this motion and then do a resolution at a later date? Mr. Sheridan indicated that they could.
 - (2) **MOTION SECOND & VOTE** – Supervisor Altieri seconded the motion. The motion *passed 5-0.*
 - v) **MOTION** – Supervisor Eckman made a motion to have the Township Solicitor prepare a resolution creating three-year terms for the UCC Board of Appeals members, with one term

expiring each year, and to try to find replacements for the alternates. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.

vi) Public Comment:

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

b) Approval of 2010 donations on behalf of Lower Providence Township:

i) **MOTION** – Supervisor Altieri made a motion to approve the list of 2010 donations to various organizations on behalf of the Township. Supervisor DiPaolo seconded the motion.

(1) Supervisor Eckman asked what areas the West Norriton AMBUCS served? Chairman Brown noted they serve West Norriton and Lower Providence. The donation goes toward the Senior Citizen Dinner, which is free to all senior citizens attending.

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

ii) Public Comment:

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

c) Approval to execute Audubon Ridge detention basin transfer documents with Toll Brothers for the Pennsylvania Department of Environmental Protection:

i) Mr. Chambers noted that he was surprised when the DEP classified the detention basin at Audubon Ridge as a dam. Neilson was the original owner of the basin, and then transferred ownership to Toll Brothers in 1992. The roads were dedicated to the Township in 2000, however Toll Brothers still holds the permit for the basin. This agreement will permanently transfer ownership of the basin to the Township.

ii) Chairman Brown clarified that a pond in that area is private and held separately from the basin? Mr. Chambers indicated this was true.

iii) **MOTION** – Supervisor Altieri made a motion to approve the transfer and execute the appropriate documents for this basin. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.

iv) Public Comment:

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

d) Authorization for Solicitor Sheridan to enter his appearance on behalf of the Township in the matter of National Parks Conservation Association v. Lower Providence Township:

i) Mr. Sheridan explained that Mr. Onorato is currently entered in the case between the Township and the National Parks Conservation Association, and Mr. Sheridan is only sitting on the case. Mr. Sheridan needs to have this updated, and it is the appropriate time for him to enter his appearance for this matter.

ii) **MOTION** – Supervisor DiPaolo made a motion to authorize Solicitor Sheridan to enter his appearance on behalf of the Township for this matter. Supervisor Altieri seconded the motion. The motion *passed* 5-0.

iii) Public Comment:

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

e) Authorization for Solicitor Sheridan to continue work on the SALDO and Zoning Clean-up Ordinance:

i) Mr. Sheridan noted that Mr. Siegel had prepared an extensive draft clean-up ordinance for both Zoning and SALDO. Mr. Chambers also provided extensive comments for these updates. Mr. Sheridan is reviewing them for substance and would like authorization to continue working on the clean-up ordinance.

ii) **MOTION** – Supervisor Altieri made a motion to authorize Solicitor Sheridan to continue work on the clean-up ordinance. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

iii) Public Comment:

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

f) Discussion and consideration on business initiative proposals:

i) Mr. Dunbar noted that for revitalization efforts and business development opportunities they have used KlingStubbins in the past. He is recommending that perhaps a combination of the MRA Group and KlingStubbins be used for further efforts.

- ii) **MOTION** – Supervisor Altieri made a motion to use the professional services of the MRA Group and KlingStubbins. Supervisor Thomas seconded the motion.
- (1) Supervisor Eckman commented that when these services were used in the past the Township was not responsible for payment of those bills.
 - (2) Mr. Dunbar explained that in the past it was a collaborative effort with property owners in the business park, and those private property owners paid for the services. At present there is no specific property being targeted, this is for the overall business park. If the end result benefits a specific property they would seek reimbursement from that property owner. Mr. Dunbar believes that the property owners are willing to pay for these services if they bear fruit.
 - (3) Mrs. Eckman commented that this was different because they are spending taxpayer's dollars. This is a real estate matter; she asked if they property owners have a viable market?
 - (4) Mr. Dunbar remarked that there is no lead entity and the individuals are being protective of their own properties. If a single owner owned the business park it would be easier. The goal of these efforts is to identify potential businesses willing to move into the Township and create jobs. Mr. Dunbar stated they are taking a cautious approach but they need to promote the Township.
 - (5) Mrs. Eckman commented that it is different to promote the Township and be the one paying the bill.
 - (6) Mr. Dunbar conceded that it is not an easy concept to grasp. Some Municipal Authorities in other municipalities are out there trying to do these types of things. They cannot guarantee it will bear fruit.
 - (7) Chairman Brown noted that years ago there was an Industrial Development Authority in the corporate center but that fell away over the years.
 - (8) Mrs. Eckman asked what the maximum expenditure would be? Mr. Dunbar indicated it would be \$4,000 initially. If that bears interest and they need to do a site plan the costs could increase up to \$14-15,000. MRA Group would do the marketing and KlingStubbins would do the design concepts and assist on targeted marketing.
 - (9) Supervisor Altieri asked if the MRA Group would have already arranged a deal prior to drafting a master plan with KlingStubbins? Mr. Dunbar explained that there is an overlap because if you are marketing it you may need conceptual plans to show prospects what the vision is.
 - (10) Mrs. Altieri noted there is also a learning curve with KlingStubbins. This is a very tough decision but they have been working on this for three years. Mrs. Altieri has received many compliments for the Township from Brokers for supporting these efforts. This is not prototypical, but if there is not continuity in the plan it may die. While it is hard to spend the money, Mrs. Altieri feels it is something the Township needs to do.
 - (11) **MOTION VOTE** – The motion *passed* 4-1. Supervisor Eckman opposed the motion.

iii) Public Comment:

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

g) Discussion and consideration of Montgomery County Land Planning Services:

- i) Mr. Dunbar explained that there was money in the 2010 budget to renew the services of the Montgomery County Planning Commission (MCPC), and this was discussed at the joint meeting between the BOS and the Planning Commission (PC). Mr. Dunbar noted that the Board needed to make a decision tonight because there is another municipality ready to take this planning slot if Lower Providence does not want it. The contract would be for three years and \$48,000. The PC does not think these services are necessary for every meeting. If the Township uses the MCPC on a partial basis they could have a contract for \$10,000 per year, which is what Mr. Dunbar recommends.
- ii) **MOTION** – Supervisor DiPaolo made a motion to renew the contract with the MCPC at the lower level of \$10,000 per year per Mr. Dunbar's recommendation. Supervisor Thomas seconded the motion. The motion *passed* 5-0.

iii) Public Comment:

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

10) Comments and Other Business:

a) Discussion and Consideration on Demand Response Energy Program:

- i) Mr. Dunbar explained that an opportunity arose with Comverge, a partner in the PJM network. The Township could participate in a program where government entities will receive an incentive to offload or shed electrical power during an emergency situation. This usually occurs during the summer months when there is a large demand on the electric grid. PJM will reach out to partners to shed power by using generators. The Township has generators in the Township Building and the Public Works Building. The incentive this year is \$63,000 minus some commissions.
- ii) Mr. Dunbar noted that the applications were due March 1, 2010, which was prior to this meeting. Staff created an application pending the Board's decision to proceed. There is no guarantee of acceptance. The application gives Comverge and PJM the authority to contact PECO to see if the Township meets the minimum thresholds. In the prior two years there has not been one occurrence where PJM has been required to draw power. There is testing that goes on throughout the year. The maximum down time would be six hours. Mr. Dunbar indicated that Mr. Shaffer said this is a drop in the bucket when it comes to diesel fuel usage. Mr. Dunbar has talked to Comverge about not only the Township but possibly the Sewer Authority to participate as well. This is a no risk application to see if the Township qualifies for this program.

iii) **MOTION** – Supervisor Eckman made a motion to authorize staff to proceed with the application. Supervisor Altieri seconded the motion.

- (1) Mrs. Joyce Cluley commented that it would be helpful if the Board did not use acronyms when speaking about these matters. Mr. Dunbar noted that PJM is the name of a corporation and is not an acronym. They control the electric grid for the NE quadrant of the United States and are located in the Township.

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

b) Mr. Sheridan recalled the presentation at the last BOS meeting regarding the route of the middle interceptor for the Lower Perkiomen Valley Regional Sewer Authority (LPVRSAs). Mr. Sheridan noted that Mr. Brown, Mrs. Eckman and Mr. Fred Walker from the LPSA and delegate to the LPVRSAs met with members of the LPVRSAs to request they consider an alternate route for the middle interceptor. The LPVRSAs asked that a formal request be made. Mr. Sheridan requested authorization to prepare a letter asking the LPVRSAs to do an analysis of alternate routes for this portion of the interceptor from Hoy Park to the Cider Mill Bridge.

i) **MOTION** – Supervisor Thomas made a motion to have Solicitor Sheridan prepare a letter to the LPVRSAs on this matter. Supervisor Altieri seconded the motion.

- (1) Mrs. Catherine Beyer, 2568 Arcola Road, requested that Mr. Sheridan stress in his correspondence that this matter does not just affect the residents along Arcola Road. This is a County and Township issue. Mrs. Beyer stated this would depreciate value of the water front properties, it will affect the Township, and it will affect rate hikes from the LPVRSAs. Mrs. Beyer commented this is a bigger issue than just the few residents attending these meetings. She indicated that they have support from the Perkiomen Valley Watershed and others. She asked if there had been any notification provided to the Fish & Game Commission regarding the impact of these plans?

(a) Mr. Sheridan commented that the LPVRSAs is working on this and have been in contact with the Fish & Game Commission.

(b) Mrs. Beyer noted that when the residents spoke at the LPVRSAs meeting they did not like the alternate pumping station idea because it was an ongoing cost. She suggested they go green and use solar power for this. Mrs. Beyer asked where the LPVRSAs obtains funds for these projects?

(c) Chairman Brown explained that they float bonds to obtain funding. Supervisor DiPaolo noted that all costs would be passed along to the ratepayers.

