

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
MARCH 18, 2010 MEETING MINUTES**

1) Executive Session:

- a) Mr. DiPaolo motioned to call the executive session to order at 6:30 p.m., seconded by Mrs. Eckman. The following Supervisors were present: Mr. Brown, Mrs. Altieri, Mr. DiPaolo, Mrs. Eckman, and Mr. Thomas. Also present were Township Manager Mr. Dunbar and Solicitor Mr. Sheridan. A discussion took place on legal and personnel matters. Upon motion by Mr. DiPaolo, seconded by Mr. Thomas, the session adjourned at 7:25 p.m.

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, Director of Public Works David Shaffer, Director of Special Projects and Technology William Roth, Community Relations Coordinator Denise Walsh, Administrative Assistant Casey Snyder, 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.

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 March 4, 2010:
i) Supervisor Altieri noted that her vote is approval for all consent agenda items with the exception of a "no" vote on check number 53357, dated March 18, 2010, for \$3,450 to Butera, Beausang, Cohen and Brennan. Supervisor Eckman stated she also votes "no" for check number 53357.
ii) **MOTION** – Supervisor DiPaolo made a motion to accept the consent agenda items 1a through 1c, including the meeting minutes for March 4, 2010. Supervisor Thomas seconded the motion. The motion *passed* 5-0.

8) Presentations & Commendations:

- a) Presentation on managing energy costs in the deregulated markets by Constellation Energy Business Development Manager, Adam Walker:
i) Mr. Adam Walker of Constellation Energy was present to provide information on management of energy costs through a Municipal Utility Alliance (MUA) of townships, schools etc. in Pennsylvania. Mr. Walker used a Power Point presentation to relay the information of how deregulation of electric suppliers and expiration of rate caps will impact energy costs in 2011. The Pennsylvania League of Cities and Municipalities (PLCM) formed the MUA and have selected Constellation Energy as their energy supplier.
ii) Mr. Dunbar clarified that regardless of the supplier chosen, the Township will not see savings in energy pricing, only a cost avoidance and risk management for future energy bills. Mr. Walker noted that rates would fluctuate depending on when you opt into a program, as the energy market is very volatile.
iii) Chairman Brown asked how long contract terms were? Mr. Walker stated pricing is 1-4 years, with an average contract being 2 years. The price will vary on any given day, however PLCM

members receive a discounted rate with a reduced administrative fee. After signing a contract, the Township would have the option to extend their contract at a later date if they prefer to do that, even if the rate goes down.

- (1) Mr. Brown asked when they needed to enter into a contract? Mr. Walker stated they could enter a contract today for execution in January, or wait until December.
- (2) Mr. Brown asked what other customers Constellation serves? Mr. Walker indicated they serve anyone, corporate, residential etc. Mr. Walker noted that residential customers would receive many different types of offers from residential suppliers with 12-18 month offers. There are ten residential suppliers in PA. The prices have been somewhat flat, however the volatility can return at any time based on the bull & bear market or environmental factors.
- (3) Mr. Sheridan asked what the service area was? Mr. Walker stated they service every deregulated area in North America. Mr. Sheridan asked if Constellation would leave the State if the market were not good? Mr. Walker indicated it is a financial decision at the end of the day. Mr. Sheridan questioned if Constellation would breach their contract should the pricing that the Township signs on at becomes unprofitable? Mr. Walker does not think this would occur; noting there will be financial repercussions should either party breach the contract.

iv) Public Comment:

- (1) Mr. Jim Sorom, 63 Sandown Lane, asked if Constellation Energy was on the PUC's approved list? Mr. Walker indicated that they were.
- (2) Ms. Barb Cepko, LPVRS, asked if there were any hidden costs in the cost per kilowatt-hour? Mr. Walker stated that all costs are incorporated into the cost per kilowatt-hour, plus the 6.62% gross receipts tax that everyone in PA must pay. The administrative fee is 1-2%, $\frac{3}{4}$ of a mil of this fee goes to the PLCM.

v) Supervisor DiPaolo asked if this was like buying a futures contract? Mr. Walker said it was similar, but is a paper contract based on price and projected use.

vi) Mr. Dunbar will need authorization from the Board for staff to work with Constellation Energy, give them authorization to contact PECO and obtain the Township's usage requirements. He would like the Solicitor to review the program as well. He recommends they move forward to explore the possibilities.

vii) **MOTION** – Supervisor Altieri made a motion to authorize staff to begin exploring this program. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.

b) Presentation by Director of Operations, Michael Mascaro, Director of Education & Community Relations, Lindsay Mascaro, and Director of Sales, Sam Augustine, on J.P. Mascaro Single-Stream Recycling Program:

- i) Mr. Michael Mascaro, Director of Operations for J.P. Mascaro & Sons was present along with Director of Sales Mr. Sam Augustine, and Ms. Lindsay Mascaro, Director of Education & Community Relations to discuss single-stream recycling in Lower Providence.
- ii) Ms. Mascaro noted that there is typically a 35-60% increase in recycling when you go to single-stream recycling.
- iii) Mr. Augustine used the new large wheeled tote and various items for recycling to show how items are commingled in the tote for recycling. Newer technology allows all recyclables to be in one container, and provides an increase from 8 lbs. of recyclables per household each week up to 10-16 lbs. of recyclables per household on average.
- iv) Mr. Mascaro provided details of how the recycling process works at the recycling facility.
- v) The Board posed specific questions as to what items are and are not recyclable. It was noted that plastics from 1-7, glass, paper, tin and aluminum are recyclable, while harder plastics, larger metal items such as car parts, and Styrofoam is not.
- vi) Supervisor Eckman questioned how they could better promote recycling in the Township, as this impacts grant funding the Township is eligible for? Mr. Dunbar noted that they expect tonnage to increase with the single-stream recycling, and they will be promoting this at events such as Earth Day.

- vii) Supervisor Altieri questioned how they could ensure commercial operations in the Township are recycling? Mr. Dunbar noted they are required by Code to recycle, so Code Enforcement can do this.
- viii) Supervisor Thomas questioned if using Recycle Bank would provide incentive for people to recycle? Mr. Mascaro noted that Recycle Bank is used in White marsh, and recycling increased 60-70%. However it is not used in Pottstown or Whitehall, and they have increased recycling 70-100% with implementing single-stream recycling. He noted that Lower Providence went from 20 tons to 35 tons already through using the new larger recycling tote and single-stream recycling.
- ix) Mr. Dunbar commented that when people become more complacent about recycling down the road, perhaps Recycle Bank could then be used to provide an incentive.
- x) Public Comment:
 - (1) Mr. Rob Ratoskey commented that he lives in White marsh, and as soon as they implemented single-stream recycling they had significantly less trash. He noted that they also got Mascaro to provide green totes so they are more aesthetically pleasing.
 - (2) Mrs. Kathy Maris, Evansburg, asked if they could put the old recycling tote in the new bin? Mr. Mascaro indicated that she could.
 - (3) Mr. Craig Dininny, Apple Valley Lane, asked if they could put shredded paper in recycling? Mr. Mascaro explained how this could fall through the machine so perhaps it would be better to put the shredded paper in a paper bag prior to placing it in the recycling bin.
- c) Presentation by Director of Public Works, David Shaffer, on ownership and naturalization of detention basins:
 - i) Mr. Shaffer reviewed a Power Point presentation on the pros and cons of traditional versus naturalized detention basins. He noted that of the 66 total basins in the Township, 40 are privately owned, and 26 are Township owned. Of those owned by the Township, 17 are naturalized, and 9 are not. Mr. Shaffer noted they have created a map of where all basins are within the Township, and this map identifies the type of basins they are.
 - ii) Chairman Brown asked how they verify that the private basins are up to code? Mr. Shaffer explained that they don't do anything for the private basins; it is the responsibility of the property owner to take care of them. Mr. Brown asked if any related liability is on the property owner for these basins? Mr. Shaffer indicated that it was.
 - iii) Supervisor DiPaolo noted that DEP regulations regarding basins are updated, and asked if the private basin owners are required to retrofit their basins or if they were grandfathered to the original standards? Mr. Chambers stated that private basins are grandfathered, but when new DEP regulations go into effect in 30 days, any new basin will be reported to the DEP.
 - iv) Mr. Brown asked if the Township had the power to enforce basin owners to ensure their basins were working? Mr. Chambers indicated that they did not have this power, however they can enforce code, requiring fencing around the basins to remain in good repair.
 - v) Mr. Dunbar noted some of the private basin owners have asked about naturalization. Supervisor Thomas asked if the basin owner would fall under the new regulations if they naturalize the basin? Mr. Chambers indicated they would not.
 - vi) Mr. Sheridan asked if there was any requirement for sediment sampling? Mr. Chambers indicated that there was not, however there is some measurement of pollutants in streams through the Total Maximum Daily Load measure.
 - vii) Supervisor Eckman asked when the Township owned basins were mowed? Mr. Shaffer indicated this is done when needed, with the naturalized basins typically being mowed in the fall. Mrs. Eckman stated that if they want seeds to set, they should wait until after fall, however if they want to control invasives, they should mow in the fall. She noted that naturalization could be easily done for a private basin. Mr. Dunbar indicated they could refer to the Perkiomen Creek Watershed for advise on naturalizing private basins.

viii) Supervisor Thomas asked if they could reach out to the private basin owners to encourage them to naturalize their basins? Mr. Dunbar stated they would put an article about this in the Township newsletter.

ix) Public Comment:

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

9) New Business:

a) Discussion and consideration on request for Schuylkill Township floodplain revisions:

i) Mr. Rob Ratoskey was present to discuss development plans that his company has had approved in Schuylkill Township, which require revisions to floodplains. The parcel in question currently houses an old ink factory, and is just over the bridge by the railroad. Mr. Ratoskey is proposing construction of a 33,000 sq. ft. building containing condominiums. All existing buildings will be demolished, and the new units will have 30% impervious coverage, as compared to the existing 80% impervious coverage on that lot. Mr. Ratoskey explained that they would add a trail from their property that will connect to existing trails in Valley Forge Park. Because the parcel is within the 100-year floodplain, they have gone to FEMA for approval. Floodwaters will actually be .8" lower with the new development. Because Lower Providence Township is across the river, FEMA wanted the Township to sign off on a Community Acknowledgement Form. This has already been provided to the county, the railroad, and Valley Forge National Historical Park. The Township can cross off items on this form that do not pertain to them.

ii) Mr. Sheridan asked if Schuylkill Township signed the concurrence form? Mr. Ratoskey indicated that they did.

iii) Supervisor Eckman asked if the Park signed off on the form? Mr. Ratoskey indicated that the Park did not need to sign off on it; the form was just so they were aware of the plans.

iv) Public Comment:

(1) Mrs. Eileen Kuntz, Pawlings Road, asked if the demolition included the old railroad station?

Mr. Ratoskey indicated that it only includes the ink factory.

(2) Chairman Brown noted that this is the old Krylon Paint Factory, and is not in our Township.

v) Supervisor Altieri clarified that this form is just an acknowledgement of the development, but does not required the Township to be for or against the project. Mr. Ratoskey affirmed this, noting that the DEP was OK with their plans. Mr. Chambers indicated that he reviewed the plans and sees no adverse effect on the Township.

vi) **MOTION** – Supervisor Thomas made a motion to execute the concurrence form. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.

b) Discussion and consideration on Schuylkill River Restoration Fund:

i) Mr. Chambers explained that he has reviewed criteria for the Schuylkill River Restoration Fund Grant, which provides between \$5,000 and \$100,000 in funding. The Township would be required to match 25% of the grant amount. A letter of intent is due by March 15, 2010, to explain the proposed project. If the letter of intent is accepted, invitations to submit a full grant will be issued April 21, 2010, with final applications due by May 27, 2010.

ii) Mr. Chambers noted that the Township needs to determine which project they would like to submit for consideration. Three projects that Mr. Chambers would suggest include:

(1) Protect the riparian buffer along the Perkiomen Creek with the purchase of a riparian easement;

(2) Construct infiltration facilities at the Township Complex to collect the water from the buildings and parking lots and infiltrate them into the soil;

(3) Select Township owned detention basins and naturalize them.

iii) Chairman Brown asked what purchasing a riparian easement would do? Mr. Chambers indicated that it would protect the streams. MS4 has a storm sewer system permit. When the new regulations kick in it will allow the Township to do several things with water quality. One way to do this is provide a riparian buffer. By purchasing the riparian buffer the Township will have ownership with what happens.

- iv) Supervisor Altieri asked which of the three projects has the most likely success at approval? Mr. Chambers indicated they would all be equally acceptable.
- v) Supervisor DiPaolo commented that if they purchase the easement they need approval from the property owners. Mr. Chambers indicated that would be the right way to proceed so they have some control.
- vi) Mr. DiPaolo commented that since most of the Township's basins are naturalized, they should finish that project before doing the privately held basins. Mr. Dunbar indicated that he had a legal question for the Solicitor.
- vii) **MOTION** – Supervisor Eckman made a motion to enter into a brief executive session to discuss legal matters. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
- viii) **MOTION** – Supervisor Altieri made a motion to authorize the submission of a letter for the grant as outlined by Mr. Chambers letter of March 2, 2010, with the first project being to protect the riparian buffer along the Perkiomen Creek subject to review by the Township Solicitor, and in the alternative, to select Township owned detention basins and naturalize them. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
- ix) Public Comment:
 - (1) There was no public comment on this item.
- c) Discussion and consideration on curbs-sidewalk installation in regards to 3236 Ridge Pike – HTC Barbershop project:
 - i) Mr. Chambers explained that the applicant for the HTC Barbershop project filed an HOP to install curbs and sidewalks for 3236 Ridge Pike. The PA Department of Transportation requested a meeting with the Township because they were concerned with the installation of curbs along this portion of Ridge Pike down to the Kimco property. PennDOT's standard with road widening is 26' off center, and they are concerned that water will be trapped on Ridge. PennDOT would like the Township to request the applicant pay a fee in lieu of for the curbs and sidewalks, to be used on a comprehensive plan to evaluate drainage in that area. Mr. Chambers asked if the Board would like to proceed with this suggestion? Chairman Brown indicated that he would.
 - ii) Supervisor DiPaolo noted that to do the work would be \$25,000, and the study is \$17,000. Mr. Chambers noted that a utility pole might also need to be moved which will cost \$20,000.
 - iii) Supervisor Altieri noted that if the utility pole were not on his property it would drop the cost. She asked if they could use funds from Act 209 if needed? Mr. Dunbar indicated that they could. Mrs. Altieri noted that the Turkey Hill project is complete, and asked if they start the plan at Eagle Pool? Mr. Chambers indicated they would.
 - iv) **MOTION** – Supervisor DiPaolo made a motion to have staff contact the applicant to see if he is interested in paying a fee in lieu of the curbs and sidewalks to be used for the master plan from Turkey Hill down to Eagle Stream. Supervisor Thomas seconded the motion. The motion *passed* 5-0.
 - v) Mr. Chambers noted that in the deal with PennDOT they want to look at the Kimco property to ensure the road widening is consistent.
 - vi) Mr. Dunbar asked Mr. Chambers if he needed to verify the location of the utility pole? Mr. Chambers indicated that he did.
 - vii) Public Comment:
 - (1) There was no public comment on this item.
- d) Discussion and consideration on a resolution to set terms for UCC Appeals Board Members:
 - i) Mr. Sheridan noted this item was continued from a discussion at the previous Board meeting, and will establish terms for the UCC Board of Appeals members. There are two resolutions: the first establishes the term for the Board of Appeal members at three years, and staggers them to begin with; the second appoints particular members to specific staggered terms.
 - ii) **MOTION** – Supervisor DiPaolo made a motion to put forth a resolution setting the terms for the UCC Board of Appeals. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

Respectfully submitted,

Joseph C. Dunbar, Secretary