

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS  
MAY 20, 2010 MEETING MINUTES**

---

**1) Executive Session:**

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

**2) Public Meeting: Call to Order**

- a) Chairman Brown called the public meeting to order at 7:35 p.m.

**3) Pledge of Allegiance**

**4) Roll Call:**

- a) The following members were present: Supervisors Brown, DiPaolo, Eckman and Thomas.  
b) Supervisor Altieri was absent.  
c) Also present were Solicitor Michael Sheridan, Township Engineer Lonnie Manai, Public Works Director David Shaffer, Police Chief Francis Carroll, Accounting Manager Susan Law, Parks & Recreation Director Karl Lukens, Emergency Management Coordinator Charles DeFrancesco, Community Relations Coordinator Denise Walsh, Administrative Assistance Casey Snyder, and Township Manager Joseph Dunbar.

**5) Chairman's Comments:**

- a) Chairman Brown announced that an executive session was held with the Lower Providence Sewer Authority on May 13, 2010, and another executive session was held prior to the meeting to discuss legal and real estate matters.

**6) Consent Agenda:**

- a) Approval of the consent agenda items 1a through 1c, inclusive of the meeting minutes from May 6, 2010:  
i) **MOTION** – Supervisor Eckman made a motion to accept the consent agenda items 1a through 1c, including the meeting minutes for May 6, 2010, with the exception of the payment of check #53622 to Butera, Beausang, Cohen & Brennan.  
(1) Chairman Brown corrected the spelling for Mahlon Campbell under item 5b in the May 6, 2010 meeting minutes.  
(2) **MOTION VOTE** – There was no second for this motion. The motion *died*.  
ii) **MOTION** – Supervisor DiPaolo made a motion to accept the consent agenda items 1a through 1c, including the meeting minutes for May 6, 2010. Supervisor Thomas seconded the motion. The motion *passed* 3-1. Supervisor Eckman opposed the motion.

**7) Presentations & Commendations:**

- a) Presentation by Dr. Lewis Cohen, Energy Expert and Representative of Utility Solution, Inc. (USI), on purchasing energy as utility rate caps expire:  
i) Mr. Dunbar noted that with the discontinuation of rate caps next January, the Board is considering locking in on an electric rate. Some members of the Board have received information with the opposite direction. Mr. Dunbar has requested that Dr. Lewis Cohen, an advisor to the PA League of Cities & Municipalities (PLCM), present additional information on this topic to the Board.  
ii) Dr. Cohen explained that electricity prices are extremely volatile, ranging from 10-80% within a one-year timeframe. Current energy prices are at a six-year low, which makes this a good time to lock in to the generation portion of the electric bill.  
(1) The new electric bills will have prices for generation and distribution. PECO will always handle the distribution, which is 15-20% of the electric bill.

- (2) The generation portion of the bill is volatile, with prices being good for one day.
  - (3) Through the PLCM, a Municipal Utility Alliance (MUA) was formed to leverage buying power for lower utility rates. Last year the MUA sent out bids for electricity generation. Through the bid process, a contract was awarded to Constellation NewEnergy. Municipalities can set up 1-4 year contracts with Constellation for this service.
  - (4) Dr. Cohen stated that electricity and natural gas prices are currently tracking together. Now is a good time to lock in on prices as the benefits outweigh the risks.
  - iii) Chairman Brown asked how they could lock in on a rate if they wanted to do this tomorrow? Dr. Cohen stated that they would need to sign a contract with Constellation.
  - iv) Mr. Dunbar explained that the concern with using PECO for generation is that they will not lock in on pricing until later this year, but prices could continue to increase during that time.
  - v) Dr. Cohen noted that if the Township does nothing, PECO will continue to supply the electricity, but the price will only be good for one year.
- b) Presentation by Shayne Trimbell, Project Manager of the Greater Valley Forge Transportation Management Association, on the Bicycle and Pedestrian Infrastructure Improvement Study:
- i) Mr. Dunbar introduced Mr. Shayne Trimbell of the Greater Valley Forge Transportation Management Association (GVFTMA). This is a membership association representing the public and private sector. The Township has been a member of this organization for several years.
  - ii) Mr. Trimbell reviewed a PowerPoint presentation with the Board on the document "Lower Providence Township Bicycle and Pedestrian Infrastructure Improvement Study" prepared by the GVFTMA in November 2009.
    - (1) Mr. Trimbell explained that the Township wanted to conduct this study because the Township and the GVFTMA recognize the need for a sidewalk network, and they wanted to provide the infrastructure to promote walking and biking within the Township. This will reduce traffic by identifying areas that will benefit from the completion of sidewalk connections. This will also help improve air quality and access to transit.
    - (2) Mr. Trimbell reviewed the study area noting existing sidewalks, land use and zoning. He identified areas where sidewalks will be beneficial, and noted that in 2002 the Township's Comprehensive Plan stated that waivers from sidewalk installation should no longer be granted.
    - (3) Mr. Trimbell identified four primary areas to focus on for improvements, and discussed recommendations for each of these areas. A more detailed review of Mr. Trimbell's PowerPoint explanation for these improvements can be found in the meeting minutes from the April 28, 2010 Planning Commission Meeting.
    - (4) Mr. Trimbell explained how the use of demarcated crosswalks, which can be stamped to look like brick, are useful to slow traffic. Pedestrian countdown timers would be installed to show how much time is remaining to safely cross the road. Bicycle lanes should be marked with "Share the Road" signs to alert motorists that bicycles will be in the area.
    - (5) To implement the proposed plan, Mr. Trimbell suggested that the Board adopt the plan and identify its' priority improvements, continue to not waive sidewalks for new development, seek grant funding to support plan implementation, and fill in the network as is possible.
  - iii) Chairman Brown noted there are good ideas in this plan, but thinks residents will be opposed to suggestions for putting a 10' path through their yards.
  - iv) Mr. Dunbar stated that the Planning Commission recommended that the Board adopt the plan recommendations and move forward with merging them into the Comprehensive Plan.
  - v) Public Comment:
    - (1) Mr. Richard Dean, 1441 Gertrude Avenue, asked who would pay for the improvements? Mr. Dunbar explained that as properties come through for development or redevelopment, they would pay to install the curbs and sidewalks, and the Township would also seek grant funding from the State. Mr. Dean commented that this would be paid for by taxes and not that many people ride bicycles.

vi) **MOTION** – Supervisor DiPaolo made a motion to adopt the plan. Supervisor Thomas seconded the motion. The motion *passed* 4-0.

**8) New Business:**

a) Discussion and consideration on updated Township Continuity of Operation Plan (COOP) Drill:

i) Mr. DeFrancesco noted that the Township's Continuity of Operation Plan (COOP) was implemented in 2006. This is a living document that is updated as needed. During the March 10, 2010 exercise of the plan, several areas requiring updates were identified. Mr. DeFrancesco would like the Board to approve the additional procedures in the update by resolution. This will include retraining the appropriate staff and holding another exercise of the plan.

ii) Mr. DeFrancesco explained that staff developed this Township plan, and there are no other municipalities in the area using a plan with this level of detail.

iii) **MOTION** – Supervisor Eckman made a motion to adopt the updates and changes in the resolution. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.

iv) Public Comment:

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

b) Discussion and consideration to advertise an amendment to Section 138-19 of the Code of Lower Providence Township to restrict truck traffic on Gertrude Avenue and Wetherill Road:

i) Chief Carroll requested that the Board authorize advertising an amendment to Section 138-19 of the Township Code to restrict truck traffic the entire length of both Gertrude Avenue and Wetherill Road. Local deliveries on this road would be OK.

ii) Mrs. Nancy McFarland asked what local deliveries represent?

(1) Chief Carroll explained that this is already outlined in the Code; they have similar restrictions elsewhere in the Township.

(2) Mr. Dunbar asked if there was a plan should there be flooding on the Schuylkill?

(3) Chief Carroll notes they would redirect traffic further north on Pawlings Road. This amendment relates to the day-to-day use of the roads, emergencies are exceptions.

iii) **MOTION** – Supervisor Eckman made a motion to prepare and advertise the amendment as requested. Supervisor DiPaolo seconded the motion.

(1) Mr. Richard Dean, 1441 Gertrude Avenue, asked if this would stop people from stopping trucks and testing them on his road? Chief Carroll indicated that it would.

(2) **MOTION VOTE** – The motion *passed* 4-0.

c) Discussion and consideration on Tree Fund for Evansburg Point Park:

i) Mr. Lukens explained that because of the parking lot extension at Evansburg Point Park, there were trees and shrubs that need to be replaced. He requested authorization to purchase trees and shrubs for this park using funds from the Tree Fund.

ii) **MOTION** – Supervisor DiPaolo made a motion to authorize the purchase. Supervisor Thomas seconded the motion.

(1) Mr. Dunbar noted they need additional quotes for this project. Mr. Lukens has already obtained the quotes and will provide them to Mr. Dunbar.

(2) **MOTION VOTE** – The motion *passed* 4-0.

iii) Public Comment:

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

d) Authorization to submit Department of Community & Economic Development (DCED) H2O Grant application:

i) Mr. Shaffer requested authorization to submit a DCED H2O Grant for the Township's storm sewer projects. He noted that DCED is allowing municipalities to resubmit their 2009 grants. In 2009 they only approved projects for sanitary sewers. Mr. Shaffer is hopeful they will approve storm sewer projects in 2010. He noted there is a 50% match requirement, but they are giving credit for projects previously completed dating back to 2007.

ii) **MOTION** – Supervisor Thomas made a motion to submit the grant application. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.

- iii) Public Comment:
  - (1) There was no public comment on this item.
- e) Discussion and consideration on updated Township Finance Committee resolution:
  - i) Supervisor DiPaolo noted there were two resolutions related to updating the Township Finance Committee – one to reorganize the committee, and a second to appoint the members.
  - ii) Mr. DiPaolo explained that the committee would support Township staff by providing additional tools to the Township in the form of various financial world skill sets. The committee will consist of various Township staff and four public volunteers.
  - iii) **MOTION** – Supervisor DiPaolo made a motion to adopt the resolution reorganizing the Finance Committee. Supervisor Thomas seconded the motion. The motion *passed* 4-0.
  - iv) **MOTION** – Supervisor Eckman made a motion to appoint the following members, with staggered terms expiring as follows: Mr. Callahan, 2010; Mr. Markowitz, 2011; Mr. Pelicano, 2012; Mr. Sturcheck, 2013. Supervisor Thomas seconded the motion. The motion *passed* 3-0-1. Supervisor DiPaolo abstained from the vote because he is a member of the committee. He noted that the terms were appointed in alphabetical order.
  - v) Public Comment:
    - (1) There was no public comment on this item.
- f) Authorization to prepare and advertise for a public hearing for the Township Clean-Up Ordinance:
  - i) Mr. Sheridan explained that the Township Clean-Up Ordinance has being prepared to correct mistakes, provide consistency, and address past problems with both ZO and SALDO. He is requesting that the Board authorize this to be prepared and advertised for a public hearing, and that it be sent to the Planning Commission for review.
  - ii) **MOTION** – Supervisor DiPaolo made a motion to prepare and advertise the ordinance for public hearing. Supervisor Thomas seconded the motion. The motion *passed* 4-0.
  - iii) Public Comment:
    - (1) There was no public comment on this item.
- g) Authorization to prepare and advertise for a public hearing for an amendment to a proposed ordinance prohibiting discharges of infiltration and/or inflow from building sewers into the Township's sewer system (sump pump):
  - i) Chairman Brown noted that this ordinance was to strengthen an ordinance requested by the Lower Providence Sewer Authority relating to illegal connections to the sanitary system. These connections should be going to the storm sewer.
  - ii) **MOTION** – Supervisor DiPaolo made a motion to prepare and advertise the ordinance for public hearing. Supervisor Eckman seconded the motion. The motion *passed* 4-0.
  - iii) Public Comment:
    - (1) There was no public comment on this item.
- h) Authorization for the Township to respond within the 30-day public comment period to the Individual Permit Notification for the Oaks Middle Interceptor Project:
  - i) Mr. Sheridan noted that the Township is on the record as opposing a portion of the Oaks Middle Interceptor Project, running from Hoy Park to the Cider Mill Bridge. As part of the NPDES permit to the Conservation District that the Lower Perkiomen Valley Regional Sewer Authority applied for, the Township can respond during the 30-day comment period. He would like authorization to respond with a letter raising the staff's appropriate objections to this project.
  - ii) **MOTION** – Supervisor DiPaolo made a motion to authorize the Township to enter their comments, including the use of appropriate professional staff as needed. Supervisor Thomas seconded the motion. The motion *passed* 4-0.
  - iii) Chairman Brown noted that residents could also respond during the 30-day comment period.
    - (1) Mrs. Catherine Beyer, 3568 Arcola Road, asked when the 30-day period began? Mr. Sheridan was unsure, but noted it would be published in the PA Bulletin. This can be accessed on-line.

- (2) Mr. Sheridan notes that if you wait until this is published to respond, the Conservation District may have already reviewed it. He sees some benefit from registering concerns prior to the comment period being published.

**9) Comments and Other Business:**

- a) Mr. Dunbar requested authorization to seek refresh pricing from Constellation NewEnergy and to get a final bid.
- i) Chairman Brown asked how this could be done faster? Mr. Dunbar stated that they could authorize staff to sign on to the PLCM's Municipal Utility Alliance (MUA). This could be done by the June 3<sup>rd</sup> meeting. Otherwise they need to obtain bids to look at other suppliers.
- ii) Mr. Sheridan noted that the PLCM went through the procurement process, so if the Township uses Constellation NewEnergy they do not need to get a bid. If they want to use other suppliers they will need a bid.
- iii) **MOTION** – Supervisor Thomas made a motion to:
- (1) Enter into negotiations with Constellation NewEnergy to refresh pricing;
- (2) Authorize staff to explore the advantages and disadvantages of going to bid;
- (3) Authorize the Township to join the MUA.
- (4) **MOTION VOTE** – Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
- b) Mr. Sheridan requested authorization to file for appropriate legal action, enforce violations of ZO, and collect outstanding fees from the property at 1433 Pawling's Road.
- i) **MOTION** – Supervisor Eckman made a motion to authorize the request as outlined by Mr. Sheridan. Supervisor DiPaolo seconded the motion.
- (1) Mr. Richard Dean, 1441 Gertrude Avenue, asked if this was the DeLuca property? Mr. Sheridan indicated that it was.
- (2) **MOTION VOTE** – The motion *passed* 4-0.
- c) **MOTION** – Supervisor DiPaolo made a motion to direct the Solicitor to prepare a resolution to direct the Lower Providence Township Municipal Authority (LPMA) to convey all of its projects to the Township, pursuant to the Municipality Authority Act of PA. Supervisor Thomas seconded the motion. The motion *passed* 4-0.

**10) Courtesy of the Floor:**

- a) Mrs. Catherine Beyer, 3568 Arcola Road, thanked the Township Supervisors and all other public officials for organizing the walk-thru May 7, 2010 at Hoy Park. She also thanked the Public Works Department for blazing the trail. This walk-thru traced the proposed sewer line proposed by the LPVRS. She also thanked the residents who came out during a workday to support this walk-thru. Resident reaction was of unanimous support for opposing the interceptor project.
- b) Mr. Richard Dean, 1441 Gertrude Avenue, asked if there were any rules relating to trimming trees that extend into the roadway? Chief Carroll noted that he has spoken with Mr. Dean on this matter. The property Mr. Dean is concerned with is private property. They need to afford the property owner time to address this matter. Chief Carroll will follow-up on this matter.
- c) Mrs. Joyce Cluley, 19 Vaux Lane, questioned what the resolution to move projects for the LPMA was about? Supervisor DiPaolo explained that the LPMA is a wholly owned corporation or separate entity. They existed to run the golf course. This has been outsourced to LPRP. The corporation still exists and incurs expenses. They are trying to save the Township money.

**11) Adjournment:**

- d) **MOTION** – Supervisor DiPaolo made a motion to adjourn the meeting. Supervisor Eckman seconded the motion. The motion *passed* 5-0. The meeting adjourned at 9:05 p.m.

**Next Business Meetings:** June 3, 2010  
June 17, 2010