

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
JUNE 17, 2010 MEETING MINUTES**

1) Executive Session:

- a) Mrs. Altieri motioned to call the executive session to order at 6:50 p.m., seconded by Mrs. Eckman. The following Supervisors were present: Mr. Brown, Mrs. Altieri and Mrs. Eckman. Mr. Thomas was absent. Mr. DiPaolo arrived later in the session. Also present was Solicitor Mr. Sheridan. A discussion took place on legal and real estate matters. Upon motion by Mrs. Altieri, seconded by Mr. DiPaolo, the session adjourned at 7:30 p.m.

2) Public Meeting: Call to Order

- a) Chairman Brown called the public meeting to order at 7:33 p.m.

3) Pledge of Allegiance

4) Roll Call:

- a) The following members were present: Supervisors Altieri, Brown, DiPaolo and Eckman.
- b) Supervisor Thomas was absent.
- c) Also present were Solicitor Michael Sheridan, Township Engineer John Chambers, Public Works Director David Shaffer, Police Chief Francis Carroll, Director of Community Development Randee Elton, Emergency Management Coordinator Charles DeFrancesco, Director of Special Projects and Technology William Roth, and Community Relations Coordinator Denise Walsh.

5) Chairman's Comments:

- a) Chairman Brown announced that an 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 June 3, 2010:
 - i) **MOTION** – Supervisor DiPaolo made a motion to accept the consent agenda items 1a through 1c, including the meeting minutes for June 3, 2010. Supervisor Eckman seconded the motion. The motion *passed* 4-0.

7) Presentations & Commendations:

- a) Presentation on US 422 Corridor Master Plan by Montgomery County Planning Commission Chief of County-wide Planning, Brian O'Leary, Montgomery County Planning Commission Assistant Director, Leo Bagley, and Delaware Valley Regional Planning Commission's Manger of Office of Transportation Studies, Jerry Coyne:
 - i) Mr. Brian O'Leary, Montgomery County Planning Commissions (MCPC) Chief of County-wide Planning, explained that Lower Providence is one of 24 municipalities being studied in a land use transportation study. Route 422 is a huge influence on the municipalities along the 422 corridor, and they would like to develop a unified framework for land use and transportation in that corridor. In the past 15 years, over 8,000 acres of farmland have been developed; creating a 14% decline in woodlands and 40% increase in traffic. They need to create better traffic patterns, with everyone in the corridor working together to solve the problem. Lower Providence has taken the lead in trying to create mixed-use development in the Valley Forge Corporate Center, and encouraging redevelopment of older properties. To help with open space preservation, Lower Providence should try to acquire development rights in the Evansburg & Valley Forge park areas. Mr. O'Leary indicated they also encourage Lower Providence to try to add trail connections where needed along the Schuylkill River Trail.

- (1) Supervisor Eckman asked if Mr. O’Leary would explain mixed use for the audience. Mr. O’Leary indicated that it would include residential and non-residential uses, multiple commercial uses, or on larger parcels residential and commercial uses.
- ii) Mr. Leo Bagley, MCPC Assistant Director, noted they are looking for common solutions with the master plan. Lower Providence is to be commended for working closely with West Norriton Township, and on the River Crossings Project. Traffic on Rt. 422 affects everyone in the area. When it is backed up, people use parallel roads to get where they are going. Part of the master plan is looking at options for a commuter rail line from Norristown to the Pottstown / Reading area. Mr. Bagley said they are looking at tolls on 422 to build the rail line, and have started a feasibility study for placing tolls on 422. This would go from King of Prussia to Reading, and would be a decision of the leaders along that corridor.
 - (1) Supervisor Altieri asked when the study would be completed? Mr. Bagley indicated it was a complex project because it is the first time they have tried to turn a free road into a toll road. They are working on modeling right now and should have more information later in the year.
 - (2) Mrs. Kathie Eskie, 540 Highgate Road, asked if they were just looking at the roads or the rail system? Mr. Bagley said they are looking at both. They will have an operations plan for rail service with the number of trips, costs etc. They want to finance this with tolls. If they add tolls, the money must first be used to fix 422, then they can spend it on the rails. They should have a capital plan in 4-6 months.
 - (3) Mrs. Eskie asked if the rail option would be a new rail line or converting the existing line? Mr. Bagley noted it is a 2-track rail. Norfolk Southern is very interested in adding passenger rail cars with freight. They would use the existing rails and upgrade stations and parking along the way. This is different from what they looked at in the past, which was a higher end rail line.
- iii) Mr. Jerry Coyne, the Delaware Valley Regional Planning Commission’s Manger of Office of Transportation Studies, noted they submitted a draft report to all municipalities along the Rt. 422 corridor. They need to partner with these municipalities and need land use changes. He noted that Lower Providence is on the cusp of bringing mixed-use development to this area. If the Board fully agrees with the study, Mr. Coyne requested that they execute the model ordinance on the back of the brochure provided at the beginning of the meeting. This could help them obtain some State funding for the project. He noted that all information on this project is on www.422corridor.com.
- iv) Supervisor Brown stated they would try to adopt the resolution as soon as possible.
- v) Public Comment:
 - (1) Mrs. Joyce Cluley, 19 Vaux Lane, asked if they are basically tolling 422 to pay for the rail line? Mr. Bagley stated they would use the toll money to fix 422, and then pay for the rail line. Mrs. Cluley asked if the resolution included placing the toll on Rt. 422? Mr. Bagley indicated that it did not.

8) Old Business:

- a) Discussion on PECO Smart Equipment Incentives Program payment:
 - i) Mr. Shaffer provided an overview of PA Act 129, which rewards governments, non-profits etc. for energy efficiency improvements in their operations. Several projects in the 2009 Township budget provided improvements for lighting efficiency, which resulted in a \$5,904.60 incentive payment to the Township through this program.
 - ii) Public Comment:
 - (1) There was no public comment on this item.

9) New Business:

- a) Discussion and consideration on quotes for re-printing of Bicentennial Books in conjunction with Township History Book:

- i) Mrs. Walsh provided a cost estimate of \$3.29 per book, to reprint the booklet, "A Bicentennial History of Lower Providence Township," first published in 1976. Chairman Brown noted they would sell this for \$5 per copy.
 - ii) Mrs. Kathie Eskie, 540 Highgate Road, commented that the Lower Providence Historical Society had over 100 copies of the booklet. A member of the Historical Society indicated that the copies were now gone.
 - iii) Supervisor Eckman asked how many new books were being printed? Mrs. Walsh indicated 250 would be printed.
 - iv) Supervisor Altieri noted that her understanding of the older booklet was that not all information in it could be verified, and that only that the new book was to replace the older booklet. She asked if they have two books, would it dilute sales for the newer, more expensive book?
 - v) Chairman Brown commented that a resident was concerned that the photographs from the booklet would be lost. Because of image quality, many of the older photos were not included in the new book. He does not think that the books will compete with each other for sales.
 - vi) **MOTION** – Supervisor Eckman made a motion to authorize the reprinting of 250 copies of the older 1976 booklet at a cost of \$3.29 each. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
- b) Discussion and consideration on proposed street name change for Orchard Lane:
- i) Mr. DeFrancesco explained that a resident, Courtney Milano, of 14 Orchard Lane, Lower Providence, contacted him with a concern regarding duplicate addresses with Orchard Lane in West Norriton. There are six duplicate addresses between the two Townships, and this causes a variety of problems with mail, deliveries, emergency services etc.
 - ii) Mr. DeFrancesco has discussed a name change with the Montgomery County Emergency Dispatch Assistant Director for Data & Information, and the Eagleville Post Office Manager. Both of these groups were in favor of a street name change.
 - iii) Mr. DeFrancesco recommended changing the street name by adding a "W" in front of Orchard Lane. This will have minimal hardship on the residents, and will be effective June 30, 2010.
 - iv) **MOTION** – Supervisor Altieri made a motion to approve the street name change to W. Orchard Lane, effective June 30, 2010. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
- c) Discussion and update on National Pollutant Discharge Elimination System (NPDES) permit and Department of Environmental Protection regulations:
- i) Mr. Chambers explained that the Lower Providence storm sewer system has operated under an NPES Permit for the past seven years, and regulations for this are changing. Lower Providence joined a consortium with 29 other municipalities to see what can be done to extend the time necessary to submit an application for the MS4 Program. The consortium wants to see if they can make changes in the new regulations because of the negative impact it will have on the Township and the residents. The DEP denied the request for an extension, but has not published the regulations that the Township must comply with. The application will still be due 9/10/10, even if the Township does not know what the regulations are, and will be binding for five years.
 - ii) Mr. Chambers noted that there are two major items the Township must do by 9/10/10:
 - (1) They must adopt the DEP Stormwater Model Ordinance or write their own. The model ordinance states that no stormwater can leave a property, and has volume and water quality controls. Any addition to impervious coverage on a property cannot result in additional run-off.
 - (2) There is a sediment reduction requirement for the Skippack Watershed, reducing discharge by 18%. This must be determined in the next two months.
 - iii) Mr. Chambers stated that the Township must commit to what they will do in the next 60 days, and if they do not they will be in worse condition. This will require public education and outreach, as well as public participation and involvement. These changes are here and will be very expensive for everyone starting next year.

- iv) Mr. Chambers took part in an informational video that will play following the meeting rebroadcast on cable, to further explain these changes. Mr. Chambers stated that this is an unfunded mandate on the residents from the DEP. He needs a committee put together to work on this quickly.
- v) Chairman Brown will put together a committee within the next week.
- vi) There was no public comment at this time.
- d) Discussion and consideration on a resolution for Lower Providence Township to join the Southeastern PA Storm Water Coalition:
 - i) Mr. Chambers explained that this resolution, endorsed by the Pennsylvania State Association of Township Supervisors (PSATS), is for the consortium members to join the Southeastern PA Storm Water Coalition. This effort is growing daily, and could eventually include many municipalities in PA.
 - ii) Supervisor DiPaolo asked if this cost, up to \$100,000 is budgeted? Mr. Chambers noted that it would likely only be a few thousand dollars.
 - iii) **MOTION** – Supervisor Altieri made a motion to adopt the resolution to participate in the coalition. Supervisor Eckman seconded the motion. The motion *passed* 4-0.
 - iv) Public Comment:
 - (1) There was no public comment on this item.

10) Comments and Other Business:

- a) Discussion and consideration on a resolution in support of Congress passing the Cantwell-McCain Glass-Steagall Amendment:
 - i) **MOTION** – Supervisor Altieri made a motion to table this item. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
 - ii) There was no public comment on this item.
- b) Mr. Sheridan had several items to discuss:
 - i) The Township appointee to the Regional Sewer Authority has been blocked from attending executive session meetings at the Regional Authority. He is seeking authorization for payment of counsel fees in an action by the Appointee against the Regional Authority for his right to participate in meetings, including executive sessions.
 - (1) **MOTION** – Supervisor DiPaolo made a motion to authorize the request. Supervisor Eckman seconded the motion. The motion *passed* 4-0.
 - (2) There was no public comment on this item.
 - ii) In relation to the Township Municipal Authority (MA) would like authorization to engage an environmental consultant or environmental counsel to perform due diligence on the authority properties.
 - (1) **MOTION** – Supervisor DiPaolo made a motion to authorize the request. Supervisor Eckman seconded the motion. The motion *passed* 4-0.
 - (2) There was no public comment on this item.
 - iii) With regard to the Regional Authority middle interceptor, they have filed a formal objection with the DEP. Mr. Sheridan requests authorization to engage experts in connection with the middle interceptor dispute.
 - (1) **MOTION** – Supervisor Eckman made a motion to authorize the request. Supervisor Altieri seconded the motion. The motion *passed* 4-0.
 - (2) There was no public comment on this item.
 - iv) With regard to the Regional Authority and middle interceptor dispute, Mr. Sheridan seeks authorization to file a right-to-know request to the Regional Authority.
 - (1) **MOTION** – Supervisor DiPaolo made a motion to authorize the request. Supervisor Eckman seconded the motion. The motion *passed* 4-0.
 - (2) There was no public comment on this item.
 - v) Mr. Sheridan noted that the Township entered into an agreement with Mr. & Mrs. Nicolo to purchase open space. The County does not have money to fund the open space acquisition, and

