

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
JULY 1, 2010 MEETING MINUTES**

1) Executive Session:

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

2) Public Meeting: Call to Order

- a) Chairman Brown called the public meeting to order at 7:30 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, Police Chief Francis Carroll, Emergency Management Coordinator Charles DeFrancesco, Director of Special Projects and Technology William Roth, Administrative Assistant Casey Snyder, Community Relations Coordinator Denise Walsh, 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 matters, and would resume after the meeting to continue that discussion as well as personnel matters.

6) Consent Agenda:

- a) Approval of the consent agenda items 1a through 1b, inclusive of the meeting minutes from June 17, 2010:
 - i) **MOTION** – Supervisor Altieri made a motion to accept the consent agenda items 1a through 1b, including the meeting minutes for June 17, 2010. Supervisor Thomas seconded the motion. The motion *passed* 5-0.

7) Presentations & Commendations:

- a) Presentation to Charles DeFrancesco on 25 years of service with the Lower Providence Township Police Department (LPPD):
 - i) Chairman Brown provided an overview of Mr. Charles DeFrancesco's 25-year career with the LPPD, and presented him with a plaque and gift from the Township.
 - ii) Chief Carroll also commented on Mr. DeFrancesco's innate dedication to duty and various career highlights.
 - iii) Mr. DeFrancesco thanked the Township, noting his heart is in Lower Providence, and discussed his earlier volunteer work with the LPPD prior to discussing how much he enjoys his job.
- b) Presentation of Audubon Bird Town program by Audubon At Home Coordinator, Steven Saffier, and Keystone Conservation Trust Principal, John Rogers:
 - i) Mr. Steven Saffier, with the PA office of the National Audubon Society, presented a video on the Bird Town program. Mr. Saffier is inviting Lower Providence to be part of this project, which will help create a more sustainable future for the Township. He provided a 6-page program summary to the Supervisors, and noted they would need 1 or 2 people to take the lead on the project.
 - ii) Supervisor Eckman asked if this was accessible through the Audubon web site? Mr. Saffier indicated it would be on the Township web site.
 - iii) Mr. Rogers noted they are trying to get someone in the community to take on the leadership role, or be the big bird, for this project and get it off the ground.

- iv) Supervisor DiPaolo suggested that resident Scott Frazier, who does a world series of birds, might be a good possibility. Mr. Rogers asked if they could set up a meeting with Mr. Frazier to discuss this.
- v) Chairman Brown requested that Mr. Dunbar facilitate this meeting. Supervisor DiPaolo will contact Mr. Frazier to determine is potential interest in the project.
- vi) Public Comment:
 - (1) There was no public comment on this item.

8) Public Hearing:

- a) An ordinance amending Chapter 117, Articles I, II and IV of the Lower Providence Township Code specifically prohibiting discharges of infiltration and/or inflow from building sewers into the Township's sewer system:
 - i) A Court Reporter was present to take a complete record of testimony for the hearing.
 - ii) **MOTION** – Supervisor DiPaolo made a motion to adjourn the public meeting and enter into a public hearing. Supervisor Thomas seconded the motion. The motion *passed 5-0*.
 - iii) Mr. Fred Walker, Chairman of the Lower Providence Township Sewer Authority, was sworn in to provide testimony for the hearing.
 - iv) Mr. Sheridan, Supervisor DiPaolo, and Supervisor Eckman had questions for Mr. Walker.
 - v) Supervisor Eckman suggested the Township have a program to help remediate the problem. Mr. Dunbar will work with Mrs. Walsh and Chambers Associates to establish an educational program on this matter.
 - vi) The following members of the public had questions and / or comments during the hearing:
 - (1) Mr. Howard Baird, 1428 Lincoln Street;
 - (2) Mr. Mark Vogel, 118 Sunnyside Avenue;
 - (3) Ms. Amy Augustine, 2807 Foster Avenue;
 - vii) **MOTION** – Supervisor Altieri made a motion to adjourn the public hearing and re-enter the public meeting. Supervisor DiPaolo seconded the motion. The motion *passed 5-0*.

9) Ordinances:

- a) An ordinance amending Chapter 117, Articles I, II and IV of the Lower Providence Township Code specifically prohibiting discharges of infiltration and/or inflow from building sewers into the Township's sewer system:
 - i) **MOTION** – Supervisor DiPaolo made a motion to adopt the ordinance amendment. Supervisor Thomas seconded the motion. The motion *passed 5-0*.
 - ii) Public Comment:
 - (1) There was no public comment on this item.

10) Old Business:

- a) Discussion and consideration on environmental engineering services to Lower Providence Township:
 - i) Supervisor Eckman noted that Mr. Brown asked her to look for a new environmental engineer for the Township once CMX went out of business in Pennsylvania. Four firms were brought in for interviews, and she is recommending Pennoni Associates be awarded the contract.
 - ii) **MOTION** – Supervisor Eckman made a motion to award the environmental engineering services contract to Pennoni Associates, and use their submitted rate schedule. Supervisor Altieri seconded the motion. The motion *passed 5-0*.
 - iii) Public Comment:
 - (1) There was no public comment on this item.

11) New Business:

- a) Discussion and consideration on a resolution endorsing the principles and strategies of the US 422 Corridor Master Plan:
 - i) Mr. Dunbar noted that the Delaware Valley Regional Planning Commission, the Montgomery County Planning Commission Director of Transportation Leo Bagley have asked the Board to agree with concepts and adopt a resolution of support for the Rt. 422 Corridor Master Plan.

- ii) **MOTION** – Supervisor DiPaolo made a motion to adopt a resolution endorsing the principles and strategies of the US 422 Corridor Master Plan. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
- iii) Public Comment:
 - (1) There was no public comment at this time.

12) Comments and Other Business:

- a) Discussion on Energy Purchasing Contract:
 - i) Ms. Snyder explained that the Township’s energy purchasing contract went out to bid, with a due date of June 24, 2010. At the close of the bid, Excelon Energy was the only bid submitted. At that time, Chairman Brown executed a 4-year contract with Excelon.
 - ii) Ms. Snyder noted that over the course of the contract, the Township would save \$26,000 if rates stay the same, \$41,000 if rates go up 10%, or \$88,000 if rates increase 40%. Currently rates are estimated to increase from 10-40%.
 - iii) Three additional bids came in after the deadline, and were also reviewed. After that review, Excelon was still found to have the most competitive pricing for the Township contract.
 - iv) There was no public comment on this item.
- b) Ms. Snyder noted that with the Schuylkill River Restoration Grant, the Township wants to complete naturalization of the remaining basins. The Township is anticipating a favorable result for this grant application, and is awaiting notification of who will receive grant funding.
- c) Supervisor DiPaolo urged people to come out and enjoy the music and fireworks on July 4th.

13) Courtesy of the Floor:

- a) Ms. Susan Lindsay, 2 Indian Head Road, thanked the Board for the Audubon Presentation. She noted this melds with the beliefs of the residents currently fighting the middle-interceptor project.
- b) Mr. Tom Borai, 5 Brenda Lane, congratulated Mr. DeFrancesco for his 25 years of service with the Township.
 - i) Mr. Borai thanked the Board for nominating him as an alternate for the Zoning Hearing Board (ZHB). He provided an update on the last meeting, providing handouts relating to a plan for a shed owned by Mrs. John Lomire. Mr. Borai noted that the ZHB approved the requested variance. There were no structural drawings or flood plans attached to the zoning application, and plans were never provided on the zoning permit application.
 - ii) Mr. Borai discussed at length the shed’s history relating to previous hearings, communications he obtained through Right-to-Know requests, and newspaper articles. The approved variance does not permit entrance to the shed from Second Street, and there is to be no plumbing for the two-story shed which contains a garage and carport. Mr. Borai questioned how they would access the garage. He noted you can see the shed from across the street, and the proposed driveway will cross over the sewer lateral. He asked the attorney for Mrs. Lomire if they would bring in the contractor from this project for questioning, and the attorney indicated that they would not.
 - iii) Chairman Brown asked staff to verify if the stairwell to see if this is permitted. Mr. Dunbar noted he is waiting the written ZHB decision, and will then follow-up accordingly.
 - iv) Chairman Brown thanked Mr. Borai for his diligence in investigating this matter.
- c) Mrs. Kathy Beyer, 3868 Arcola Road, also commended the Bird Town initiative.
 - i) Mrs. Beyer thanked the Board for their continued support in opposition of the Lower Perkiomen Valley Regional Sewer Authority (LPVRS) middle-interceptor project. She noted the line was moved to Lower Providence Township without an approved 537 plan and condemned properties, which was probably illegal. The residents in opposition have contacted the Attorney General’s Office, who is investigating this matter.
 - ii) Mrs. Beyer talked at length regarding the possible motives of the LPVRS and their lack of response to resident’s concern and requests to stop litigation until further investigation is completed. She also discussed a Phase 3 archeological study that is required, and costs associated with that work. The resident group is also aligning themselves with another, larger, non-profit group who may be able to help with halting drilling and blasting near private wells.

- iii) Supervisor Eckman asked if they received a cost for the pumping station and cost for the alternative plan from the LPVRSAs? Mrs. Beyer noted that the LPVRSAs has not obtained or provided those costs. Further, she believes their engineer is biased toward the project and would not provide accurate price estimates. Mrs. Beyer also noted that the Chairman of the LPVRSAs is not providing all of the information on the project to other board members, because none of them knew about the ongoing archeological studies at their last meeting.
- d) Mrs. Mary Kaczor, 3550 Arcola Road, further discussed concerns regarding the LPVRSAs and the money they are expending on an unapproved project.
 - i) She noted that the LPVRSAs Chairman, Mr. Fio, indicated that the DEP told them to take the project on the Lower Providence side of the river, however they cannot provide documentation relating to alleged meetings they held with the DEP.
 - ii) She is concerned that the LPVRSAs Board is voting to spend taxpayer's money on an unapproved plan and to condemn people's properties. At the recent LPVRSAs meeting, residents asked them to use an independent engineer to provide cost analysis for the other options of this project and that Board would not do it. She questioned if that Board and their decisions could be trusted?
 - iii) Chairman Brown asked Mr. Sheridan if he was able to address any of Mrs. Kaczor's concerns? Mr. Sheridan noted that the Township has engaged an expert and he cannot discuss their strategy at this time.
- e) Mr. Mark Vogel, Sunnyside Avenue, expressed his concern with regard to the ZHB decision last week for Z-10-11.
 - i) Mr. Vogel noted this property is in his backyard, and from what he had been led to understand was too small for development. He is disappointed that the variance was granted to allow construction on this undersized lot.
 - ii) Mr. Sheridan noted that he cannot speak to the variance, but noted that there are technical rights whereby an applicant can meet the requirements for a variance if their lot predated 1955. He noted there is a small timeframe after a ZHB decision where you can appeal that decision. He suggested that Mr. Vogel contact an attorney quickly and consult him to determine if they have grounds for an appeal.
- f) Mr. Fred Walker, 5004 Coldspring Drive, Chairman of the Lower Providence Township Sewer Authority, and the Lower Providence Township representative to the LPVRSAs, was present to discuss his experience on the LPVRSAs.
 - i) Mr. Walker noted that the last six months on that board have been interesting as they struggle with the location for the middle interceptor. Mr. Walker is also not being included in Executive Sessions of the Board, and is excluded from Staff meetings being run by the Chairman of that Board.
 - ii) Mr. Walker has made various different motions to permit Board members to attend staff meetings, or to stop expenditures on the middle interceptor project because it is not approved, and no one will second the motions.
 - iii) Chairman Brown noted that the LPVRSAs has hired a PR firm.
- g) Mrs. Dana Leahan, Treasurer with the Methacton Wolverines, requested permission to put out signs for their upcoming registration and a waiver of the permit fee. Mr. Dunbar noted this should be put in writing and sent to his attention. Mrs. Leahan also thanked the Board for allowing local organizations to help out at the 4th of July celebration.
- h) Mr. Howard Baird, 1428 Lincoln Street, noted he also attended the last ZHB meeting. He believes that the Lomire shed is illegal and should not have been built; yet a variance was granted. He does not think the application met any one of the hardship criteria required for a variance. Mr. Baird further believes that the ZHB does what they want and displays a shocking disregard for the resident's comments relating to matters before them.

14) Adjournment:

- a) **MOTION** – Supervisor DiPaolo made a motion to adjourn the meeting. Supervisor Altieri seconded the motion. The motion *passed* 5-0. The meeting adjourned at 9:25 p.m.

15) Executive Session:

- a) Mr. Thomas, seconded by Mrs. Altieri, motioned to enter into a second executive session at 9:26 p.m. p.m. The following Supervisors were present: Mr. Brown, Mr. DiPaolo, Mrs. Altieri, Mrs. Eckman and Mr. Thomas. Also present was Township Manager Mr. Dunbar and Solicitor Mr. Sheridan. The session adjourned at 10:00 p.m. on a motion by Mrs. Altieri, seconded by Mrs. Eckman.

Next Business Meetings: July 15, 2010
 August 5, 2010

Respectfully submitted,

Joseph C. Dunbar, Secretary