

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
AUGUST 5, 2010 MEETING MINUTES**

1) Executive Session:

- a) Mr. Thomas motioned to call the executive session to order at 6:35 p.m., seconded by Mrs. Altieri. 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, real estate and personnel matters. Upon motion by Mr. Thomas, 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 7:30 p.m.

3) Pledge of Allegiance

4) Roll Call:

- a) The following members were present: Supervisors Brown, DiPaolo, Altieri, Eckman and Thomas.
- b) Also present were Solicitor Michael Sheridan, Lieutenant Stanley Turtle, Director of Human Resources Geri Golas, Accounting Manager Susan Law, Township Engineer John Chambers, Director of Special Projects and Technology William Roth, 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, personnel and real estate matters, and would resume after the meeting to continue the discussion on personnel matters.

6) Consent Agenda:

- a) Approval of the consent agenda items 1a through 1c, inclusive of the meeting minutes from July 15, 2010:
 - i) **MOTION** – Supervisor DiPaolo made a motion to accept the consent agenda items 1a through 1c, including the meeting minutes for July 15, 2010. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

7) Presentations & Commendations:

- a) Presentation of Lower Perkiomen River Conservation Plan by Perkiomen Watershed Conservancy Executive Director, Crystal Gilchrist.
 - i) Ms. Gilchrist explained that the Conservation Plan was completed in 2005 with funding through the Department of Conservation and Natural Resources (DCNR) and with the aid of the Natural Lands Trust, who served as consultant on the project. She noted that the plan defines issues that impact the ecological integrity of the Lower Perkiomen Creek—this includes the East Branch Creek, Skippack Creek, Swamp Creek and the bottom half of the Perkiomen Creek.
 - ii) Ms. Gilchrist outlined areas of recommendation in the plan, which include the following: Land Use and Growth Management; Protection of Open Space/Wetlands/Woodlands; Protection/Restoration of Riparian Buffers; Stormwater Management; Protection of Water Supplies; Ponds and Dams; and Expanding Public Awareness of Connections Between Environmental Issues and Quality of Life
 - iii) Should the Board pass resolution in support of the plan, it would show that the Township intends to uphold the measures outlined this evening to the best of its ability, and it would also strengthen the Watershed's opportunity to become eligible for the Pennsylvania Rivers Registry.
 - iv) Chairman Brown asked what could be done within a 100-foot buffer, if the Township proceeded to impose one at the Perkiomen Creek? Ms. Gilchrist noted that you could plant trees and do more wood lot management, but the ultimate goal of the buffer is to leave that section completely

natural, so that the soil stays loose and groundwater is absorbed. She also noted that residents could be grandfathered and an educational outreach could take place.

- v) Mrs. Altieri asked whether there was a certain percentage of Municipalities that had to adopt an ordinance before the Watershed could move forward with grant funding? Ms. Gilchrist noted that they while they do not need to have all municipalities pass this ordinance, she would like to have 10-12 because it will make their submission stronger.
- vi) Mr. James Watters, 1 Featherbed Lane, asked if there would be support for degradation if residents want to give up 100 feet of their property to the buffer? He also asked if the trees at risk from falling in the water should be tied off? Ms. Gilchrist noted that there is no guarantee that someone will be able to assist with degradation because a resident would need to go through the project process with funding, engineering and permits. She also noted that it is a good thing with the trees falling in the water because it's a natural function and they are critical to the life of the creek.
- vii) Ms. Cathy Beyer, 3868 Arcola Road, asked if the Perkiomen Watershed was going to support the residents along the Perkiomen Creek with the LPVRS Middle Interceptor project? Ms. Gilchrist noted that this was separate from what she was talking about this evening and suggested that Ms. Beyer contact the Department of Environmental Protection and the Montgomery County Conservation District. Mr. Dunbar also interjected and let Ms. Beyer know that she may want to continue this discussion with Ms. Gilchrist away from the public forum, so as to bring her up to speed on her concerns.
- viii) Mr. Brian Harte, 16 Brenda Lane, asked if the Conservation Plan included a Mitigation Plan regarding invasive species? Ms. Gilchrist noted that the best thing residents can do is monitor their properties. She also suggested that the Township work with their open space plans and determine the most problems with invasive species.
- ix) Chairman Brown asked if bamboo should be something residents should watch out for? Ms. Gilchrist informed everyone that bamboo was not native to this continent and it becomes impossible to control with its hard root systems that can go through the foundation of a building.
- x) **MOTION** – Supervisor DiPaolo made a motion to approve execution of the resolution requesting that the Perkiomen Creek and its tributaries be listed in the Pennsylvania Rivers Conservation Registry. Supervisor Altieri seconded the motion. The motion *passed 5-0*.
- xi) Mr. Dunbar took a moment to thank Ms. Gilchrist and her team at the Conservancy for their support with the Township's detention basin naturalization project.

8) **New Business:**

- a) Discussion on Pension Update by Director of Human Resources, Geri Golas:
 - i) Ms. Golas noted that the Township began thinking about changing their current administrator of the 457 Deferred Compensation Plan to Morgan, Stanley, Smith, Barney a few months ago. They are currently administering three of the Township's pension plans.
 - ii) The employees participating in the 401A plan were polled, and all but two desired to move to Smith Barney. Ms. Golas stressed that ICMA is a decent organization, but it is in Washington, D.C., and therefore makes one on one advice and face-to-face meetings difficult.
 - iii) The Township met with a representative at UBS, and while he did bring back three companies that would administer plans of our size—\$1.2-1.3 million at that time, he thought it best that the Township move this final investment plan to Smith Barney, so that they have management over all investment plans.
 - iv) Since this plan is completely voluntary, employees may stay with ICMA if they wish, or they can go with Smith Barney.
 - v) Ms. Golas noted that this was also brought up at a June pension meeting, and all attendees unanimously voted to move the ICMA 457 Plan to Smith Barney. Ms. Golas has asked that the Board consider moving the 457 Plan to Smith Barney on a voluntary basis for the employees

- vi) **MOTION** – Supervisor Altieri made a motion to move the 457 Deferred Compensation Plan to Morgan, Stanley, Smith, Barney on a volunteer basis for employees. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
- vii) Public Comment:
 - (1) There was no public comment at this time.
- b) Discussion and Consideration on Retiree Reinsurance Program Application:
 - i) Ms. Golas noted that the Retiree Reinsurance Program is not a grant in the conventional sense, but rather it is part of the recent healthcare reform act that the Federal Government is putting in place. It is meant to be subsidiary for employers who fund healthcare insurance for retirees who are not yet eligible for Medicare—This includes Police officers who retire before age 65.
 - ii) While there is no guarantee for funding, any expenses incurred, between \$15,000 and under \$90,000 of claims within the calendar year, could be reimbursed up to 80 percent
 - iii) Ms. Golas has asked that the Board authorize Township staff to move forward with an application for this program.
 - iv) **MOTION** – Supervisor DiPaolo made a motion to authorize Township staff to move forward with submission of an application for the Retiree Reinsurance Program. Supervisor Thomas seconded the motion. The motion *passed* 5-0.
 - v) Public Comment:
 - (1) There was no public comment at this time.
- c) Authorization to Prepare and Solicit Request for Proposals for Payroll Services:
 - i) Ms. Law noted that the Township currently uses Paychex for payroll checks, time clocks, and provides an online service for employees.
 - ii) In an ongoing effort to reduce some expenses, Ms. Law has asked that the Board authorize issuing a Request for Proposals to determine if better pricing for payroll services is available.
 - iii) **MOTION** – Supervisor Altieri made a motion to authorize issuing a Request for Proposals for Payroll Services to the Township. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
 - iv) Public Comment:
 - (1) There was no public comment at this time.
- d) Discussion on Stormwater Ordinance Committee – Update by Township Engineer John Chambers:
 - i) Mr. Chambers noted that the Stormwater Ordinance Committee has met several times to prepare Notice of Intent for the September 10, 2010 deadline put in place to make application for renewal of an NPDES permit for the Township’s stormwater system.
 - ii) In the August 14, 2010 issue of the *Pennsylvania Bulletin*, there will be published notice that the application does not need to be resubmitted until June 10, 2011—a 9-month extension that will now make the permit expire on December 10, 2011.
 - iii) He noted that the committee prepared a preliminary Total Maximum Daily Load Sediment (TMDL) plan for the Skippack Watershed.
 - iv) For the time being, the committee will be put on hold until the updated regulations are republished in late October or early November.
 - v) Mrs. Eckman noted that this extension provides some breathing room to further prepare for the new deadlines.
 - vi) Mr. Chambers also noted that this will likely provide some cost savings because it will provide the time necessary for the consortium groups to get together on this matter, instead of working as individual communities.
 - vii) Public Comment:
 - (1) There was no public comment at this time.
- e) Authorization to Prepare and Advertise Amendments to Ordinances 198 and 232, Regarding Guidelines for the Parks and Recreation Board:
 - i) Mr. Sheridan noted that the Parks and Recreation Ordinances must be updated to authorize nine members instead of seven, which is permitted under the Second Class Township Code.

- ii) He noted that the proposed amendments would be ready for advertisement for the September meeting rotation.
- iii) Chairman Brown noted this matter is coming about because there are two student representatives from the Methacton School District that currently serve on board, and the Township wants to ensure that they have voting rights, even though they are under 18 years old. They are contributing members and the board wants to keep them coming to the meetings.
- iv) **MOTION** – Supervisor Eckman made a motion to authorize the Solicitor to prepare and advertise amendments to Ordinances 198 and 232, designating nine members instead of seven to the Parks and Recreation Board. Supervisor Altieri seconded the motion. The motion *passed 5-0*.
- v) Public Comment:
 - (1) There was no public comment at this time.
- f) Discussion and Consideration on Renewal of Pennsylvania Growing Greener programs:
 - i) Mr. Dunbar noted that the *Growing Greener* program dates back to when it was first initiated by then Governor, Tom Ridge. Over 35,000 acres of farmland has been saved through the program that is slated to end in 2011.
 - ii) Lower Providence Township received \$19,000 in grant funding through *Growing Greener* and has been asked through sister municipalities and PSATS to support extension of the program.
 - iii) **MOTION** – Supervisor DiPaolo made a motion to authorize the Township to pass resolution in support of the extension to the *Growing Greener* program. Supervisor Eckman seconded the motion. The motion *passed 5-0*.
 - iv) Public Comment:
 - (1) There was no public comment at this time.

9) Comments and Other Business:

- a) Discussion on Schuylkill River Restoration fund Grant:
 - i) Ms. Snyder explained that the Township applied for a Schuylkill River Restoration Grant with regards to its detention basin naturalization project initiative.
 - ii) Notice has been received that the Township has been the recipient of an award in the amount of \$40,000 to use towards naturalizing five of the remaining Township-owned basins.
 - iii) Mr. Dunbar noted that only 8 out of the 9 basins would be finished due to the Department of Conservation and Natural Resources' (DCNR) ownership over the basin in Evansburg Point Park.
 - iv) Chairman Brown said that the Township has been working on this project for 15 years and they are happy to see it moving towards completion.
 - v) There was no public comment at this time.
- b) Mr. Dunbar had a number of items to discuss:
 - i) The Township will need to designate an agent for the February 2010 snow event, so they can apply to FEMA for reimbursement. It is Mr. Dunbar's recommendation that Emergency Management Coordinator, Charles DeFrancesco, serve as this agent, and he has asked that all five of the Supervisors sign off on this.
 - (1) **MOTION** – Supervisor Altieri made a motion to authorize designating Emergency Management Coordinator, Charles DeFrancesco, as the agent for the Township with regards to the February 2011 snow event reimbursement process. Supervisor DiPaolo seconded the motion. The motion *passed 5-0*
 - (2) There was no public comment on this item.
 - ii) Prior to Nate Dysard's departure from the Township in March, he was the appointee who could purchase and view surplus materials at the Pennsylvania State Agency for Surplus Property. In order to update this to allow for additional appointees for the Township, Mr. Dunbar has asked that the board sign off and authorize the updates with the Pennsylvania State Agency for Surplus Property Program.

- (1) **MOTION** – Supervisor DiPaolo made a motion to authorize updates for the Pennsylvania State Agency for Surplus Property Program. Supervisor Thomas seconded the motion. The motion *passed 5-0*
- (2) There was no public comment on this item.
- iii) Given that the American Revolution Center is relocating to Philadelphia, the Pennsylvania Office of Budget is asking to terminate the previously agreed to RCAP Administration Agreement with the Township. Mr. Dunbar has asked that board therefore authorize to rescind the agreement, to send a letter to the Office of Budget and to terminate the agreement, thereby absolving the Township of any and all liabilities.
 - (1) **MOTION** – Supervisor Altieri made a motion to authorize rescinding the RCAP agreement, to send a letter to the Pennsylvania Office of Budget and to thereby absolve the Township of any and all liabilities. Supervisor Thomas seconded the motion. The motion *passed 5-0*
 - (2) There was no public comment on this item.
- c) Mr. Sheridan had a legal matter for discussion:
 - i) Mr. Sheridan has asked to authorize filing an appeal to the Court of Common Pleas of Montgomery County with regards to a decision from the Office of Open Records for case number 2010-552. This matter involves a Right To Know request from the Lower Perkiomen Valley Regional Sewer Authority. A decision was rendered in favor to the Township, but there are still concerns that Mr. Sheridan believes warrants an appeal. Mr. Sheridan has asked the board for authorization to file an appeal, should current negotiations with counsel fall through.
 - (1) **MOTION** – The motion passed 3-2. Supervisors Altieri and Eckman opposed the motion.
 - (2) There was no public comment on this item.

10) Courtesy of the Floor:

- a) Ms. Cathy Beyer, 3868 Arcola Road, commented on the Middle Interceptor Project.
 - i) Ms. Beyer apologized for putting Ms. Gilchrist on the spot with regards to the Middle Interceptor project. She also wanted to provide the board with an update on the project, and she vocalized her concerns for the Lower Perkiomen Valley Regional Sewer Authority’s spending. She let the board know she has been investigating public records to further follow-up on this matter.
 - ii) Chairman Brown thanked Ms. Beyer for keeping the board up to date on this project.
- b) Mr. James Watters, 1 Featherbed Lane, commended on utility poles.
 - i) Mr. Watters thanked the board for allowing him to come in and give his presentation on June 3, 2010 regarding hazards with utility poles in the Township. He also let the board know that he was in touch with Verizon on the matter and he inquired as to whether the Township received any word back from PECO?
 - ii) Mr. Dunbar let Mr. Watters know that since Public Works Director, David Shaffer and Emergency Management Coordinator, Charles Defrancesco were not at the meeting this evening, he could not answer his question.
 - iii) Mr. Watters also noted that there is a rotting pole at the Car Vision dealership on Ridge Pike, near the Septa bus stop, that should be looked into.

11) Adjournment:

- a) **MOTION** – Supervisor DiPaolo made a motion to adjourn the public meeting and enter into an Executive Session. Supervisor Thomas seconded the motion. The motion *passed 5-0*. The meeting adjourned at 8:45 p.m.

12) Executive Session:

- a) Mr. DiPaolo, seconded by Mr. Thomas, motioned to enter into a second executive session at 8:50 p.m. The following Supervisors were present: Mr. Brown, Mr. DiPaolo, Mrs. Altieri, Mrs. Eckman and Mr. Thomas. Also present was Solicitor Mr. Sheridan. The session adjourned at 9:15 p.m. on a motion by Mrs. Altieri, seconded by Mrs. Eckman.

Next Business Meetings: August 19, 2010
September 2, 2010

Respectfully submitted,

Joseph C. Dunbar, Secretary