

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

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**1) Executive Session:**

- a) Mrs. Altieri called the executive session to order at 6:28 p.m., seconded by Mr. Thomas. The following Supervisors were present: Mr. DiPaolo, Mrs. Altieri, Mrs. Eckman and Mr. Thomas. Also present were Township Manager Mr. Dunbar and Solicitor Mr. Sheridan. A discussion took place on a number of personnel and legal matters. Mr. DiPaolo motioned to adjourn the meeting at 7:30 p.m., seconded by Mrs. Eckman.

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

- a) Vice Chairman DiPaolo called the public meeting to order at 7:32 p.m.

**3) Pledge of Allegiance**

**4) Roll Call:**

- a) The following members were present: Supervisors Altieri, DiPaolo, Eckman and Thomas.
- b) Supervisor Brown was absent.
- c) Also present were Solicitor Michael Sheridan, Township Engineer John Chambers, Director of Public Works David Shaffer, Police Chief Francis Carroll, Accounting Manager Susan Law, Director of Special Projects and Technology William Roth, and Township Manager Joseph Dunbar.

**5) Chairman's Comments:**

- a) Vice Chairman DiPaolo announced that an executive session was held prior to the meeting and would continue after this meeting.

**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 February 4, 2010:
  - i) **MOTION** – Supervisor Thomas made a motion to approve the consent agenda items 1a through 1c, including the meeting minutes for February 4, 2010. Supervisor Altieri seconded the motion.
    - (1) Supervisor Eckman noted that there were five checks for road salt at approximately \$62,000. She asked how much salt this covered and if there was any left?
      - (a) Mr. Dunbar explained that \$65,000 was budgeted for salt this year. 100 tons of salt was provided to the Methacton School District for use during the last storm, and they have been invoiced for this. They will have \$6,600 left in the budget for additional salt. \$21,000 was allocated for overtime related to snow removal, and they are \$1,300 above that allocation. Mr. Dunbar noted they would be looking to reallocate this money from other areas of the budget to cover this expense.
      - (b) Mr. Shaffer noted that approximately 600 tons of salt was used during the February 5, 6, 10 & 11 snowstorms.
      - (c) Mrs. Eckman remarked that they did an excellent job on the snow removal.
    - (2) **MOTION VOTE** – The motion *passed* 4-0.

**8) New Business:**

- a) Authorization to waive Eagleville Park Pavilion fee for Lower Providence Presbyterian Preschool's end of year picnic:
  - i) Mr. Dunbar explained that the Lower Providence Presbyterian Preschool holds an end of year picnic and is requesting the fee be waived for use of the pavilion. This has been past practice, however it is for the Board to approve.

- ii) **MOTION** – Supervisor Altieri made a motion to waive the pavilion fee as requested. Supervisor Eckman seconded the motion. The motion *passed* 4-0.
- iii) Public Comment:
  - (1) There was no public comment on this item.
- b) Discussion and consideration for Schaefer Pyrotechnics to supply fireworks for the Lower Providence Township Independence Day Celebration:
  - i) Mr. Dunbar requested authorization of the agreement with Schaefer Pyrotechnics to supply fireworks for this year's 4<sup>th</sup> of July celebration. The \$9,250 cost has been fully sponsored.
  - ii) **MOTION** – Supervisor Altieri made a motion to enter into an agreement with Schaefer Pyrotechnics for the Independence Day Celebration fireworks. Supervisor Eckman seconded the motion. The motion *passed* 4-0.
  - iii) Public Comment:
    - (1) There was no public comment on this item.
- c) Discussion on 2009 revenue and expense recap (unaudited):
  - i) Ms. Law used a PowerPoint presentation to provide an overview of the Township's revenues and expenses for 2009. She noted that the information provides unaudited budget amounts for key categories including the direct revenue funding basic Township services. Revised projections were made in mid-2009.
    - (1) Ms. Law noted that the 2010 budget was based on revised 2009 year-end results. During 2009, staff reductions, early retirements and cut backs recommended by staff were used to keep the budget on course. Revenue is derived primarily from the earned income tax (EIT), real estate transfer tax, and Community Development fees for permits.
    - (2) Mr. Dunbar noted that the budget modifications enacted by staff during 2009 put the Township in a better position to end the year on a positive note. Many other municipalities did not fare as well in 2009. Mr. Dunbar explained that they would keep a close eye on cash flow and possibly place a freeze on some budgeted expenditures based on cash flow in 2010. Lower Providence Township does not have mercantile or business privilege taxes for revenue, so they will need to create and retain jobs within the Township. Mr. Dunbar noted they would brief the Board on the Township's finances each month so they know where we stand.
    - (3) Vice Chairman DiPaolo noted that 55% of the total operating budget is derived from the EIT. The EIT is ½ of 1% of a deduction in your paycheck. Only Township residents pay the EIT, half of which goes to the Methacton School District.
    - (4) Mr. Dunbar noted that the Township's direct revenue is \$7.1 million to cover all of the services provided by the Township.
  - ii) Public Comment:
    - (1) There was no additional public comment on this item.
- d) Catherine Beyer request on discussion of Lower Perkiomen Valley Regional Sewer Authority Oaks Interceptor project:
  - i) Mrs. Catherine Beyer, 3568 Arcola Road, was present to discuss concerns relating to the Lower Perkiomen Valley Regional Sewer Authority (LPVRS) Oaks interceptor project. Mrs. Beyer is a registered nurse, and has lived along the creek most of her life. A DVD depicting the part of the creek and surrounding area impacted by the project ran in the background during Mrs. Beyer's presentation.
    - (1) Mrs. Beyer indicated that she was here to oppose the interceptor being proposed by the LPVRS, and asked for the Township's assistance to that end. She is hopeful that with enough opposition the LPVRS will re-evaluate their plan and leave this area undisturbed. Mrs. Beyer stated that the area was unique, noting a possible prehistoric Indian settlement and an old stone wall that might be attributed to slaves in the Underground Railroad or during the Revolutionary War. These historic items, as well as the neighborhood as it exists today, could be destroyed with the installation of the proposed interceptor. Mrs. Beyer also discussed the

negative impact this project will have on wildlife, including endangered species, and the natural environment.

- (2) Mrs. Beyer provided an overview of the proposed interceptor project, as she understands it. The interceptor will cross the creek 10' below the creek floor, which could stir up hazardous sediments that have washed down from Moyer's dump over the years. Hoy Park could be closed for two years or longer. The LPVRSAs intends to remove all trees within a 75' construction easement from Hoy Park up to the Perkiomen Bridge, some of which are over 100 years old. Mrs. Beyer discussed the negative impact erosion could play, especially with future potential floods. The LPVRSAs will blast a hole with dynamite that is 20' deep and 6' wide. The blasting could cause wells to run dry or create cracks in the foundations of surrounding houses. There will be loud pumps running 24 hours a day for the interceptor. Manholes will be established in the wetland area above flood height, which would be 12' high. These manholes have the potential to leak raw sewage into the creek during flooding, contaminating the entire creek and surrounding area.
  - (3) Mrs. Beyer stated that they couldn't risk the potential damage this project will cause to the area. This area is not a feasible location for the interceptor, and there are other alternatives to consider. Mrs. Beyer has talked to Mr. Fred Walker, a member of the Lower Providence Sewer Authority and representative for the Township to the LPVRSAs. He has indicated that there are other alternatives. The current sewer capacity is fine. In 2001, one of the alternatives considered by the LPVRSAs was a pumping station, which would have significantly less impact on the area. Mrs. Beyer asked the Board to preserve this area of the Township for the benefit of all the residents and future generations to come.
  - (4) There were approximately 20-30 residents in the audience who supported Mrs. Beyer's remarks with applause.
- ii) Supervisor Eckman asked if they had learned anything new about the historical features on the property?
- (1) Mrs. Beyer noted that she was able to contact Mr. Mark Schaffer, the Head of the PA Historical Commission, who is going to review the area. Mrs. Beyer has already forwarded photographs to Mr. Schaffer, and they are going to research the Indian settlement. Mrs. Beyer indicated they are also trying to touch base with the appropriate personnel at the Army Corp. of Engineers and the PA DEP to address the wetlands, leakage and erosion issues.
  - (2) Mrs. Beyer suggested that the pumping station is a good alternative that will also create local jobs. This was part of the initial 537 plan in 2001. Mrs. Beyer has copies of the LPVRSAs meeting minutes from 2001 where this alternative was discussed. She noted that the residents in attendance tonight also attended the LPVRSAs meeting last week to address this matter, and the LPVRSAs refused to discuss the interceptor. The LPVRSAs indicated they would discuss this matter with the Township.
- iii) Mr. Dunbar noted that the Board has reached out to the LPVRSAs, and has set up a meeting in March to begin discussion on this matter. Supervisors Brown and Eckman, the LPVRSAs and several engineers will be in attendance, so they will see what comes from that meeting.
- iv) Mrs. Beyer stated that the LPVRSAs has been very aggressive in taking people's land through eminent domain. Some residents signed easement agreements without really understanding what they were signing, while the others are now fighting this. Mrs. Beyer asked if the Board could do anything or put some type of freeze on this process?
- (1) Mr. Dunbar noted this was going to be a very costly project that would be passed along to all ratepayers, the residents and Township as well. While he is aware of the implications, Mr. Dunbar is not sure what the Board can do on the resident's behalf. He is hoping for a positive resolution to the matter.
  - (2) Vice Chairman DiPaolo noted that Fred Walker was unable to attend this evening's meeting, but he is a good contact for this problem. The current interceptor is on the Wyeth property on the opposite side of the creek. The LPVRSAs wants to use eminent domain to take people's

back yards for the new interceptor. Mr. DiPaolo remarked that this does not make sense as the LPVRSAs already has a right-of-way. He thanked Mrs. Beyer for her efforts in regard to this matter.

v) Supervisor Altieri also thanked Mrs. Beyer and the people who created the video. This presentation was well put together, thought out and delivered.

vi) Public Comment:

- (1) Mrs. Mary Kaczor, 3572 Arcola Road, remarked that she is also a registered nurse who has lived on the creek most of her life. Having witnessed floods during her childhood, she saw bridges crushed by flooding. Mrs. Kaczor believes the force from any flooding will open the manholes and release sewage into the creek, causing contamination and disease. Mrs. Kaczor asked the Board to please help the residents with this matter.
- (2) Mr. Bob Salvino, 10 Indian Head Road, questioned what the benefit of the interceptor would be to the residents, and what ability does the Township have to shut it down?
  - (a) Mr. Sheridan does not see a specific benefit to the Township from this project. He noted that no permits have been issued yet, and the LPVRSAs will have to go through various State and Federal agencies for permission. He noted the Township might have to become very proactive during the permitting process.
  - (b) Mr. Salvino asked what else the residents could do to help stop this project from moving forward?
  - (c) Vice Chairman DiPaolo noted that this interceptor would provide additional flow north of this area. He stated that Lower Providence has 50% of the ratepayers in the LPVRSAs but only gets one person on the Board. He urged residents to keep doing what they are doing. Mr. DiPaolo stated that Fred Walker is their best resource, and the residents should continue to engage in discussion with the LPVRSAs to get a better solution.
- (3) Mr. Doug Beyer, Mrs. Beyer's son, noted that he was born and raised in this area of the Township. He discussed the numerous outdoor activities he has enjoyed along the creek throughout his lifetime. Mr. Beyer stated that he opposes this project and hates to see nature destroyed. He appreciates any help the Township can provide to stop the interceptor.

e) Discussion on elimination of Pennsylvania electric utility rate caps for 2011:

- i) Mr. Dunbar explained that a few years ago the PA legislature lifted electric utility rate caps effective 2011. This is a phased in program, with some PA electric companies, such as PPL in Allentown, already removing them. Once the rate caps are lifted, rates are no longer set for the State. Mr. Dunbar noted that experts are predicting increases of 15-45% for all electric utility bills without the rate caps.
  - (1) Mr. Dunbar explained that the Township has taken proactive steps to help reduce energy costs. They have replaced lighting with more energy efficient light bulbs, installed LED stoplights etc. The Township's current energy bills run from \$200,000 to \$250,000 per year for electricity, so the increase will be significant to the budget, possibly resulting in tax increases. Mr. Dunbar has provided information packets for the Board to review on this matter.
  - (2) On March 4, Ms. Suzanne Ryan, the Government Affairs Representative for PECO will be present to discuss this matter with the Board. PECO will not know until October or November what their rate increases will be for 2011.
  - (3) Mr. Dunbar explained that through the PA League of Cities & Municipalities (PLCM), they have prepared a municipal bid for western PA through a municipal utility alliance. PLCM entered into an agreement with Constellation Energy. The Montgomery County Consortium of Communities (MCCC) met with PLCM and Constellation Energy to discuss that program, and is exploring that possibility.
  - (4) Mr. Dunbar would like to bring in the representative from PECO first to discuss their situation, and then bring in someone from either PLCM or Constellation Energy to help the Board make a determination on what way to go. If the Township stands alone they will not

