

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
MAY 21, 2015**

Executive Session: The Executive Session was called to order at 6:37 p.m. on a motion by Supervisor Zimmerman, seconded by Supervisor Thomas. Present were Supervisors Mr. Sorgini, Mr. Duffy, Mrs. Eckman, Mr. Thomas and Mrs. Zimmerman. Also present were Township Solicitor Mr. Rice, Township Manager Mr. Gestrich and Assistant Township Manager Mrs. Golas. The session adjourned at 7:32 p.m. on a motion by Supervisor Eckman, seconded by Supervisor Thomas.

Call to Order: Chairman Sorgini called the meeting to order at 7:35 p.m.

Pledge of Allegiance

Roll Call:

- a. The following members were in attendance: Chairman Sorgini, Supervisors Duffy, Eckman Thomas and Zimmerman.
 - b. Also in attendance were: Richard Gestrich, Township Manager; John Rice, Township Solicitor; William Roth, Director of Special Projects and Technology; Mike Mrozinski, Community Development Director; Timothy Woodrow, Township Engineer; John Primus, Director of Public Works; Geri Golas, Assistant Township Manager; Francis Carroll, Police Chief; Denise Walsh, Community Relations Coordinator and Jeffrey Mitchell, Student Representative.
- 1) Chairman Sorgini noted that prior to the meeting an executive session was held to discuss personal, real estate and legal matters.
 - 2) Consent Agenda
 - A) **MOTION:** Supervisor Zimmerman made a motion to approve the consent agenda items 1(a), 1(b) and 1(c) including moving the meeting minutes of May 7, 2015 into the record. Supervisor Duffy seconded the motion. The motion *passed* 5-0.
 - 3) Presentation and Commendations
 - A) Presentation to Hailey O'Donnell in recognition of her service as Student Representative to the Board of Supervisors.
 - B) Presentation recognizing the 150th Anniversary of Houghton International, 945 Madison Avenue.
 - C) Question and answer period with Department of Environmental Protection regarding W.B. Homes proposal and Superior Tube operations.
 - i) Mr. Gestrich introduced representatives from the DEP, W.B. Homes, Senator Rafferty's and Representative Vereb's offices. DEP representatives included Pat Patterson, the DEP liaison to local government; Walter Payne, ACT II Site Remediation Chief; and Steve Sinding, Program Cleanup Manager. Mr. Gestrich said that rather than a presentation they are available to answer questions as are both the Township staff and the elected officials
 - ii) Board Questions:
 - (1) At Supervisor Eckman's request, Mr. Sinding gave a history and background of the site, including the source of the contamination.
 - (2) Chairman Sorgini asked the representatives to walk them through the typical process for ACT II. Mr. Payne explained the levels of notification that are required as well as reporting and evaluation. He stated that in this project's case, the concentration of contamination does not warrant any real remedy for vapor intrusion but the developer has chosen to install an appropriate elimination of that pathway to further inhibit the possibility of future exposure.

- (3) Chairman Sorgini asked if the fan system would cause contamination to be dispersed into the air. Chris Canavan, Representative from W.B. Homes introduced Walter Hungarter of RT Environmental Services who explained that this was a passive venting system and that there was no fan. He said that if, in the future, they do find there is a significant change or failure of vapor barrier, that it can be easily converted to an active system by adding a fan. If there is significant change in concentration, it would be determined if the air needed to be treated.
- (4) Supervisor Thomas asked who, and how, it is monitored for a change in the vapors. Mr. Hungarter said this would be picked up in the work being done to facilitate the completion of Act II. The mechanism is in place in the contracts and agreement of sale that would allow for that information to be distributed. Mr. Canavan said that their ACT II is piggybacking on the Act II work that Superior Tube is doing and that the remediation processes are interrelated and information is being shared back and forth.
- (5) Supervisor Duffy asked if the venting system is just moving the problem from underground to the air. Mr. Payne said that the gasses already exist in the profile and are working themselves up through the soil and being released. The handling system for the homes is simply trying to divert nothing more than the volume of gasses that would be normally released and there are no additional contaminants. Supervisor Duffy clarified that this would not cause an increased risk. Mr. Sinding stated that the amount currently being released was a statistically insignificant amount.
- (6) Supervisor Duffy raised the issue of n-propyl bromide. Pat Patterson said that Superior Tube is currently working under an active permit to use n-propyl bromide as a substitute for TCE. He said that n-propyl bromide is not on the list as a hazardous air pollutant but it is regulated and their system is monitored with samples being taken every six days with results posted on the DEP website. The results are in compliance with the standards set by the air program in the state of Pennsylvania. Mr. Patterson said that the EPA is looking into reclassifying n-propyl bromide and if that occurs they will look into how it will be handled differently.
- (7) Supervisor Duffy asked if any of the n-propyl bromide could be getting out in any other way since the TCE contamination was as a result of a spill. Mr. Patterson said without the report of spill, which is mandatory to self-report, they do not have any information but are working under the assumption they are in compliance. Discussion was held as to what testing could be done for n-propyl bromide and who would be responsible for monitoring for that substance. It is not currently being tested for and since there is no knowledge of contamination there is no reason for the DEP to ask for testing. There is not an expectation of mishandling and it would be up to Superior Tube to self-test but, he noted, the Township could request confirmation from Superior Tube that there have been no incidents. Mr. Patterson agreed with Mr. Duffy that it would make sense to test for this substance; they are not empowered under the Act to do so.
- (8) Chairman Sorgini asked if it is accurate in stating, from the standpoint of the DEP, that the measures taken by W.B. Homes would more than meet the remediation requirements established by DEP. Mr. Payne said that by eliminating pathways of contamination by not allowing wells and creating vapor barriers, they are meeting the requirements.

iii) Audience Questions

- (1) Preston Lutweiler, Mockingbird Lane, asked if contaminant numbers could be advertised so that people could be reassured that there are no problems. He also requested that some

tests be done to confirm that there are no issues from the n-propyl bromide. He also expressed concern that prospective homebuyers should be given easy access to the information and still feels there are known risks that the Township needs to help minimize.

- (2) Kathy Eskie, Highgate Road, asked for clarification regarding installation of the venting pipe and asked how the main contamination area was being monitored. Mr. Hungarter explained how the pipes were installed and Mr. Canavan stated that, based upon construction, one stack could be used for four attached units. He said that the determination would be done during the building design and will be submitted to the Township. Mrs. Eskie asked how the homes would be tested to monitor any increases in emissions. Mr. Hungarter explained the different methods of testing and Mr. Canavan stated that the levels are currently so low that there would have to be a significant reason for the levels to rise. Discussion was held on how subsequent homeowners would be kept notified of the potential hazards. Mr. Canavan outlined the notification process, both required by ACT II and the Township, stating that the notifications and protections would follow the deed.
- (3) Christine O'Donnell, Stoughton Road, asked for clarification regarding the capped area on the property. Mr. Canavan noted that this was an area of heavy metal contamination that was being monitored by Superior Tube. Discussion was held as to when the DEP would stop monitoring the wells on the property. It was noted that Superior Tube can request the monitoring be stopped once they feel they have fulfilled their obligation but that does not mean the EPA will accept the report. Ms. O'Donnell stated that if the EPA does sign off on the report monitoring could cease within a year.
- (4) Cathy Beyer, Arcola Road, stated that she feels confident that they are going to monitor conditions that they have control of but was concerned about how they would monitor something there is no control over. She asked if there was a possibility that any contaminated groundwater could rise to the surface. Discussion was held regarding the source of contamination and how flood or rain conditions would actually dilute the distribution of the mass load in the soil. It was noted that adverse conditions were built into the sampling and taken into consideration when monitoring. Mr. Canavan stated that there was a level of bedrock between the storm water and contaminated groundwater. The breakdown of TCE was discussed and Mr. Canavan stated that the breakdown typically happens in confined aquifers and this area was not a confined aquifer. Discussion was held regarding the homeowners being able to monitor contamination on their own. Mr. Canavan reiterated that it was the responsibility of Superior Tube to do the monitoring, as they own the monitoring wells.

4) **New Business**

- A) Authorization of dissolution of assets at public auction to include Police and Public Works vehicles.
 - i) Mr. Primus reviewed the five vehicles that that would be released to public auction.
 - ii) **MOTION:** Supervisor Eckman made a motion to authorize the dissolution of assets at public auction. Supervisor Zimmerman seconded the motion. The motion *passed* 5-0.
- B) Discussion and consideration of request to waive fence regulation for 4039 Killington Court.
 - i) Mr. Mrozinski explained that the property owner has requested the waiver in order to extend a fence that has already been installed. He noted that the property has emergency access.

- ii) The applicant, Ryan Zurowski of Killington Court, presented photos and explained why this was necessary.
 - (1) Chairman Sorgini confirmed with Mr. Mrozinski and Chief Carroll that the fence would not impede emergency access vehicles.
 - (2) Supervisor Zimmerman clarified that the fence would come right to the emergency access gate.
- iii) **MOTION:** Supervisor Thomas made a motion to approve the request to waive the fence regulation for 4039 Killington Court. Supervisor Zimmerman seconded the motion. The motion *passed* 5-0.

C) Authorization to rescind the 2015 Road Reconstruction Award of May 7th and to rebid and re-advertise the 2015 Road Reconstruction Project.

- i) Mr. Woodrow explained that due to a miscommunication between his office and the newspaper the bid was never advertised. He requested the award be rescinded and the bid advertised properly.
- ii) **MOTION:** Supervisor Zimmerman made a motion to rescind the 2015 Road Reconstruction Award of May 7th and to rebid and re-advertise the 2015 Road Reconstruction Project. Supervisor Duffy seconded the motion. The motion *passed* 5-0.

5) Announcements:

- A) The Planning Commission will meet on May 27 at 7 p.m.
 - i) Mike Mrozinski stated that agenda items include a sketch plan proposal for the Nicola property on Crawford Road. Solicitor Rice said he would have the proposed Recreation Overlay Ordinance revisions ready for the May meeting.
- B) The Zoning Hearing board, scheduled to meet on May 28 at 7 p.m., has been cancelled.
- C) The annual Fireman's Fair will be held June 11 through June 20 on the fire company grounds, 3200 Ridge Pike, in Eagleville. Information can be found on the Fire Company's website, www.lpfire.com.

6) Comments and other Business

- A) Supervisor Duffy stated that he and Supervisor Eckman attended the May Parks and Recreation Board meeting. He noted that Lower Providence Warriors and the Methacton United Soccer Club gave presentations regarding improvements proposed for their facilities and fields. Supervisor Eckman noted that the Lower Providence Warriors are planning to spend \$45,000 to improve facilities at no cost to the Township.

7) Courtesy of the Floor

- A) George Gibson, Brandt Road, asked for an update of the house fire at Mann Road stating the house is hazardous and an eyesore. Mr. Mrozinski said that as of today the Township had made site visits, issued notice of violation to the property owners, have spoken to the property owner's attorney who is presenting complications regarding reinstating the mortgage. Mr. Mrozinski stated the mortgage holder has placed the property into foreclosure and until they get authorization to continue servicing the property they cannot move forward. He stated the Township may have to take over some minor maintenance until the matter is sorted. He encouraged Mr. Gibson and other neighbors to stay in touch so he can keep them informed of the status.

8) Adjournment

MOTION: Supervisor Thomas made a motion to adjourn the meeting. Supervisor Eckman seconded the motion. The motion *passed* 5-0. The meeting adjourned at 8:50 p.m.

Next Business Meeting: June 4, 2015
June 18, 2015