

**Towamencin Township
Board of Supervisors
Work Session
December 8, 2021
7:30 PM**

Present:

H. Charles Wilson III, Chairman
Daniel M. Littley, Jr., Vice Chairman
Daniel Bell, Treasurer
Richard Marino, Secretary
Laura Smith, Asst. Treasurer/Asst. Secretary

Staff:

Donald D. Delamater, Township Manager
Jack Dooley, Esq., Township Solicitor
Mary Stover, Township Engineer
Niral Modi, IT Staff
Timothy Troxel, Chief of Police

Chairman Wilson called the meeting to order at 7:32 PM and led the assemblage in the Pledge of Allegiance.

Opening Comments

Chairman Wilson made the following announcements:

- The meeting is being held in person at the Township's Meeting Hall and also provided via Zoom for residents unable to attend in person. As accorded by law and notice, public comments submitted by 4:30 pm on the meeting day will be read at the start of the meeting. For those physically present, public comment is available at the start of the meeting.
- In accordance with the Pennsylvania 2nd Class Township Code, the Board of Supervisors will meet on Monday, January 3, 2022, at 7:00 pm to re-organize.
- The Elected Auditors Reorganization Meeting is scheduled on Tuesday, January 4, 2022, at 5 pm.
- The Board met in executive session prior to the meeting to discuss legal and real estate matters.
- The Holiday Lights Festival was held this past Saturday and was well attended. Mr. Wilson thanked the Special Events Committee volunteers, Cortney Marengo, the Township's Special Events Facilitator, and the Public Works Department for all the light and display installations.

Public Comments

Chairman Wilson read the emailed submissions, with summaries below.

Residents Andrew and Judy Phipps, of 1231 Archer Lane, expressed they are strongly opposed to the sale of the Towamencin Sewer Authority and wish to see it remain as solely a Towamencin Township Asset. The comment continued noting the Board is not listening to the comments presented and are thereby alienating their taxpayers.

Resident Joan Skoczen of 2020 Parkview Drive, commented as a longtime resident of Towamencin and a near neighbor of the wastewater treatment plant, I would like to express my view that the sale of the plant to an outside corporation would not be in the best interests of the township and its residents and would more likely be detrimental.

Resident Rory Kelley of 325 Central Drive, commented he strongly opposes a sale or lease of our sewer system. The corporations currently seeking to privatize municipal water and wastewater treatment facilities are predatory and do not care about Towamencin. I would like to see the township pursue federal funding to address issues directly related to the sewer system, such as funding through the Drinking Water and Wastewater Treatment Infrastructure Act.

Resident Rebecca Curlett of 968 Woodlawn Drive, commented: I am opposed to the sale or lease of our sewer system.

Resident Tim Shafer of 1885 Rampart Lane, commented: I am opposed to the sale or lease of our sewer system.

Resident Michael Miller of 2038 Spring Valley Road, commented: I am opposed to the sale or lease of our sewer system.

Resident David Childs of 1892 Rampart Lane, commented: I am opposed to the sale or lease of our sewer system.

Resident Lorena Fields of 104 Concord Drive, commented: I am opposed to the sale or lease of our sewer system.

Resident Tim Gallagher of 117 Misty Meadow Lane, commented: The township FAQ and letter lists how a sewer sale will benefit the township, but have not mentioned how the sale will benefit property and business owners. Many will have trouble absorbing significantly higher rates as has occurred in all other townships where sales took place.

Resident Tina Gallagher of 117 Misty Meadow Lane, commented: I think it's important that the public town hall meeting be advertised as far in advance as possible and well in advance of when the board will make their final decision on bids. It's important to be both transparent and accessible, welcoming public involvement. Democracy works best in the light.

Resident Kevin E. Brown of 2033 Pheasant Hill Rd., commented: As a 33-year Township resident, I am extremely concerned about the proposal to sell or lease the sewer facility, urging the Board to reconsider the use of an outside corporation to manage the authority. There are too many documented cases of corporations or private equity/infrastructure funds purchasing local infrastructure, then raising rates to unsustainable levels or causing irreversible physical or environmental damage to the facility and/or local area.

In-Person Public Comment Summaries:

Resident Dr. Richard Costlow of 2080 Parkview Dr., commented that there be adequate advertising notice for meetings related to decisions regarding the sewer sale. Dr. Costlow

requested a side by side comparison of a 5 or 10 year analysis of the financial projections to rate payors if TMA remained a public utility versus a private asset. He posed the question - how will this be a good deal for ratepayers?

Chairman Wilson responded that such analyses will be performed after bids are received.

Resident Kofi Osei, of 105 Cambridge Way, noted his new appreciation for local government, citing his respect for Chairman Wilson and Supervisor Littley, who opposed the Forty Foot Road pedestrian bridge due to the fiscal implications, expressing the positive examples of both Supervisors, and acknowledged Mr. Wilson's role in improving the Township's financial position. Mr. Osei asked that the Board seriously consider the public comments being put forward when they make a decision on the fate of the sewer system.

Resident James Collins, 596 Weikel Road, stressed that residents need to be convinced why the system should be sold, outlining benefits. Mr. Collins requested advance notice of associated meeting dates. He gave the Board credit for their work, emphasizing the trust residents place in them, to serve their best interests. He implored the Board take the public's comments into consideration.

Approval of Minutes: November 23, 2021

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the November 23, 2021 minutes.

Voting Yes: H. Charles Wilson, III, Daniel M. Littley, Jr., Richard Marino, Daniel Bell, Laura Smith
Voting No: N/A
Abstaining: N/A
Absent: N/A

Zoning, Subdivision and Land Development

Amazon TCO Extension/Right of Way Status Update

As a condition of the land development process, Amazon was required to make certain improvements to portions of Gehman Road and Detwiler Road in order to accommodate increased truck traffic generated by its new facility. As right-of-way needed to be obtained, the Township granted a temporary certificate of occupancy (TCO) in 2019 to allow Amazon to commence operations while addressing the roadway improvements. Over this past year, extensions were granted and most recently on September 22nd, the Board granted an extension of the TCO ultimately to December 31st.

Darwin R. Beauvais, Esq, representing Amazon, with Dan Fuchs, Senior Manager of Amazon, provided a summary of the road improvements. Mr. Beauvais noted construction was nearing completion and was expected to conclude the first or second week in January, and requested a January 31st extension. Supervisor Marino recognized the limitations with some of the outstanding

work due to temperature. The Board and Amazon representatives negotiated a March 31, 2022 deadline.

Supervisor Littley noted concerns with Amazon drivers specifically drivers not adhering to the stop sign from Gehman Road onto Detwiler Road, and cut-throughs into AmeriGas Propane's parking lot. Mr. Littley asked that his concerns be relayed to their drivers.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board granted the TCO extension to March 31, 2022.

Voting Yes: H. Charles Wilson, III, Daniel M. Littley, Jr., Richard Marino, Daniel Bell, Laura Smith

Voting No: N/A

Abstaining: N/A

Absent: N/A

Conditional Use Hearing: Kessler Dental

The applicant is requesting Conditional Use Approval for a B-1 Medical Office in the R-175 Residential Zoning District. The applicant proposes to continue the existing use as a dental office and proposes to modify the site entrance drive and parking area to better accommodate the current medical office use. A conditional use is a use that is appropriate for the zoning district in which it is permitted but, is subject to specific standards and more detailed and formal review.

Chairman Wilson introduced Township Solicitor Jack Dooley, Esq. who presented the associated hearing exhibits and introduced the Carl Weiner Esq., the applicant's representative. Engineer Richard C. Mast assisted with the hearing. A court reporter was present to make a complete and formal record of the hearing. Solicitor Dooley closed the hearing.

Conditional Use Hearing: Belfair Square

The applicant is proposing to consolidate 9 separate parcels into a single 3.94 acre development site which is located along Welsh Road within the MRC – Mixed Residential Cluster and RBP – Residential Business Professional Overlay Zoning Districts. The applicant is proposing to develop the property with 16 townhouses and associated public and site improvements, including parking and stormwater management facilities. The proposed use of R-5 Townhouse dwellings requires that the applicant obtain conditional use approval from the Township.

Chairman Wilson introduced Township Solicitor Jack Dooley, Esq. who presented the associated hearing exhibits and introduced the applicant David J. Caracausa, of Cornerstone Premier Homes. A court reporter was present to make a complete and formal record of the hearing. Solicitor Dooley closed the hearing.

Dock Woods Healthcare Facility Final Land Development Presentation

Living Branches submitted a land development application for a 17,540 square foot building addition proposed for the Dock Woods Health Care Facility with associated site improvements, including modifications to the parking area and stormwater management facilities to accommodate the expansion. The proposed plan was presented and reviewed with the Board of Supervisors at their August 25th meeting with the Board authorizing preliminary plan approval on September 8th.

Carl Weiner Esq., the applicant’s representative, presented an overview of the proposed development being considered for final land development approval. Mr. Weiner briefly reviewed the comments from various consultant review letters, and referenced an additional waiver related to the proposed detention basin’s drainage rate.

On a motion by Supervisor Littley, seconded by Supervisor Bell, the Board authorized staff to prepare a final plan approval resolution to include the additional waiver and noting compliance with the various consultant review letters.

- Voting Yes: H. Charles Wilson, III, Daniel M. Littley, Jr., Richard Marino, Daniel Bell, Laura Smith
- Voting No: N/A
- Abstaining: N/A
- Absent: N/A

Conditional Use Decision: Chipotle & Mattress Warehouse

The applicant is proposing to construct a Chipotle fast food restaurant with a drive-through and a Mattress Warehouse on the old Boston Market site which has been demolished. A Conditional Use hearing was held on November 22nd since the proposed Eating Place, Drive-Through and Fast Food use and the proposed Retail Trade use in the ELO – Entertainment Lifestyle Overlay Zoning District require that the applicant obtain Conditional Use approval from the Board of Supervisors. Based on the discussions held during the conditional use hearing, Solicitor Dooley has prepared a decision for the Board’s consideration. Solicitor Dooley read the opinion order, noting the conditional use relief is granted and referenced the subject conditions.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the Conditional Use Decision for the Chipotle & Mattress Warehouse.

- Voting Yes: H. Charles Wilson, III, Daniel M. Littley, Jr., Richard Marino, Daniel Bell, Laura Smith
- Voting No: N/A
- Abstaining: N/A
- Absent: N/A

Resolution 21-33: Preliminary Plan Approval Chipotle & Mattress Warehouse

The Shops at Town Square submitted a land development application to replace the demolished Boston Market Restaurant with a 2,445 square foot Chipotle fast food restaurant with a drive-through and a 4,000 square foot Mattress Warehouse on the southwest corner of Forty Foot Road

and Allentown Road in the C-Commercial and ELO-Entertainment Lifestyle Overlay Zoning Districts. The proposed land development was reviewed and recommended for approval by the Township Planning Commission. The preliminary plan approval resolution has been prepared and is ready for the Board's consideration.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved Resolution 21-33, Preliminary Plan Approval Chipotle & Mattress Warehouse.

Voting Yes: H. Charles Wilson, III, Daniel M. Littley, Jr., Richard Marino, Daniel Bell, Laura Smith
Voting No: N/A
Abstaining: N/A
Absent: N/A

Old Business

None

New Business

Finance Committee Report

The Township Finance Committee meets on a routine basis throughout the year. The Committee monitors economic indicators and the pulse of the Township's revenues and expenditures and reviews various requests and concerns that may arise. The Committee met on November 19th. Supervisor Bell provided the report, with discussion items that included:

StandGuard Aquatics – Update/Discussion

Staff continues working to coordinate a meeting between StandGuard and TST in an effort to improve cooperation and communications between entities for the 2022 season.

Unbudgeted Butch Clemens Field Netting – Update/Discussion

Foul balls present safety and liability issues at Butch Clemens field. Netting has been proposed to combat the safety issue; two sides would ideally correct the issue, costing approximately \$48,000. TYA asked that the expenditure be considered a Township expenditure, and that it not be paid for as part of the proposed \$50,000 2022 capital budget for TYA expenditures. The Committee recommends this expenditure is necessary and should be funded with the \$50,000 set aside for TYA in the proposed 2022 budget.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the Committee recommendation and expensing the expenditure from budgeted TYA funds in the proposed 2022 budget.

Voting Yes: H. Charles Wilson, III, Daniel M. Littley, Jr., Richard Marino, Daniel Bell, Laura Smith

Voting No: N/A
Abstaining: N/A
Absent: N/A

Unbudgeted Nash Soccer Field – Update/Discussion

\$25,000 was previously received from a developer to be used for the installation of a softball field at Nash Field. TYA would now prefer a soccer field, instead of a softball field. Discussions would need to take place with Nash Elementary School staff to change the proposed use, as they originally approved the space for a softball field. The installation of neither a softball or soccer field is budgeted for 2021 or proposed in 2022. The Committee recommended that this expense be made below the line item for 2022, therefore it remains unbudgeted, but could be approved by the Board in 2022 if unbudgeted revenues are received. It was also noted that \$25,000 should be earmarked for this particular project.

On a motion by Supervisor Smith, seconded by Supervisor Bell, the Board approved the Committee recommendation and expensing the expenditure from budgeted TYA funds in the proposed 2022 budget.

Voting Yes: H. Charles Wilson, III, Daniel M. Littley, Jr., Richard Marino, Daniel Bell, Laura Smith

Voting No: N/A
Abstaining: N/A
Absent: N/A

Approved/Budgeted Shade Sails Purchase

At the September 23rd Finance Committee Meeting, the Committee recommended the purchase of shade sails for Fischer's Park tot playground and the bocce courts for \$40,000. The Board approved this recommendation at their October 13th meeting. The quote received is significantly higher than the approved amount of \$40,000, totaling \$129,435. The Committee recommended proceeding with seeking more quotes to do the tot playground only.

Possible Sewer Sale Proceeds Spending

A rough draft of a sources and use of funds document related to the potential sale of the sewer system was reviewed and discussed at the September 23rd Finance Committee meeting with suggestions made. The document was updated and reviewed. More revisions and analysis were suggested for review at a future Committee meeting, then will be shared with the full board.

Sewer Pro Forma Financials

A Towamencin Township Sewer and Sewer Capital combined pro-forma financial statement for 2015 to 2021 was presented for review and discussion. Suggestions were made to the formatting of the statement, and to add the top 5 commercial customers by year and look further into commercial revenue variances by year and add the explanations. These changes will be presented at a future finance committee meeting.

Additional Business

Allentown Road Crash Report

With the recent high-profile accidents along Allentown Road, between Forty Foot and Wambold Roads, and the public concern, the Board asked Police Chief Troxel to review the crash data and present a summary to the public. Chief Troxel compiled a summary report for the Board and review the data compiled from the past 3 years.

Chief Troxel summarized and dissected the data over the three-year period. During this timeframe, there were 85 crashes (2.3 a month) – location of accidents and various causes were cited. Of the 85, 9 incidents had reported injuries and two fatalities. While 38 of the 85 involved distracted drivers. Following his data review, Chief Troxel concluded he did not feel there were problems with the physicality of the roadway, as many incidents were related to driver behavior, such as distracted or aggressive driving.

Resident James Collins suggested the police department revisit the Allentown Road data again next year considering the increasing traffic volume trends.

The Board thanked Chief Troxel for his presentation and the thoughtfulness of the research.

Code Blue Warning

Supervisor Littley warned residents of the Code Blue warning in affect later that night and to be mindful of the potential for overnight freezing along the roadways.

There being no additional business, the meeting adjourned at 9:44 pm.

Respectfully submitted,



Colleen Ehrle
Assistant to Township Manager