

**Towamencin Township  
Board of Supervisors  
Monthly Meeting  
November 23, 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  
Eric F. Wert, Esq.  
Mary Stover, Township Engineer  
Clayton Reed, IT Director  
Timothy Troxel, Chief of Police

**Present Remotely:**

Colleen Ehrle, Assistant to Township Manager

Chairman Wilson called the meeting to order at 7:30 PM and led the assemblage in the Pledge of Allegiance.

**Opening Comments**

Chairman Wilson made the following announcements:

- This 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.
- The Township is hosting our annual Holiday Lights Festival on Saturday, December 4<sup>th</sup>, from 4:30 to 8:30 pm at Fischer's Park. Our annual tree lighting will take place from 6:00 - 6:15 pm when Santa Claus arrives. Free pictures with Santa will be from 6pm-8pm.
- The Board met in executive session on October 20<sup>th</sup> and prior to this evening's meeting to discuss litigation and real estate matters.
- Agenda items 6.1 and 6.2 were removed from agenda at the request of applicant.

**Public Comments**

Chairman Wilson read the emailed submissions, with summaries below.

Resident Dan Vaitis, of 1068 Snyder Road, requested an update regarding the Township's position on residents having chickens and coops in their back yard. I realize that discussions started around this topic months ago and I would love to hear where we are at. Thank you.

Chairman Wilson responded that the matter has been presented to the Planning Commission, where they have asked for additional information to review.

Resident Lauren Shive, of 1305 Sunny Ayr Way, commented: I think it's important that the Board hosts a meeting at a large venue, such as the high school to discuss the potential sewer sale. I would also like to voice my opinion once again that our sewer system not be sold. Short term profits will lead to long term costs and headaches for residents such as me.

Chairman Wilson responded that the Board's intention is to hold the referenced Townhall Meeting at a larger venue, such as North Penn High School's auditorium.

In-Person Public Comments:

Resident Cheryl Portwood, of 2132 Pheasant Hill Road, asked what property is included in the potential sale of the sewer authority? Does it include the ballfields on Green Lane, the vacant fields on either side of the facility and the house on Bustard Road at Kriebel Road?

Chairman Wilson responded that a sale would not include any of the properties listed.

Resident Kofi Osei, of 105 Cambridge Way, expressed his opposition to a sale or lease of the sewer system, and the associated mechanisms for recovering their purchase price. He instead advocated for consolidation and collaboration with neighboring authorities to better address future regulations and operation concerns.

Mr. Osei criticized the view that utilities having lobbyists is a benefit, adding their role is to advocate for laws that make such transactions possible with their policy position to price systems at fair market value as opposed to the utility's depreciated cost. Mr. Osei referred to legislation, notably 2016's Act 12, House Bill 1936, and Senate Bill 597, and their specific relevance to proposed public utility/sewer sales.

Chairman Wilson responded that none of the supervisors are wedded to a particular outcome and that they are waiting on the bids and findings, which will be presented publicly in early 2022.

Resident Martin Cohen, 18 Westhampton Way, expressed the uncertainty surrounding a potential sale for residents, suggesting a 10-year wait-and-see period to observe local trends with other sewer authority sales, referencing Limerick Township's sale with significant rate hikes underway.

Chairman Wilson responded that the Board would take Mr. Cohen's concerns into account.

Resident Cheryl Portwood, of 2132 Pheasant Hill Road, asked if a private company bought the sewer authority could they bring in contracts from other areas and add capacity, and could the Township do the same at this time with the current facility.

Chairman Wilson responded yes to both scenarios, adding TMA is planning to increase hauled in waste for final treatment and from private septic vendors for next year.

Ms. Portwood expressed concern that the system's existing connectors are sealed off, precluding future use.

**Approval of Minutes: October 27, 2021**

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the October 27, 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

**Approval of Minutes: November 10, 2021**

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the November 10, 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

**Approval of Budget Work Session Minutes: Oct. 6, Oct. 20, Oct 27, Nov. 3, and Nov. 10**

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the Budget Work Session Minutes for Oct. 6, Oct. 20, Oct 27, Nov. 3, and Nov. 10.

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**

**Public Hearing: Small Wireless Ordinance**

On June 30, 2021, Act 50 was signed by the governor into law titled “Small Wireless Facilities Deployment Act”. Act 50 preserves municipal authority over defined “small wireless facilities” in the public rights-of-way, but it also requires municipalities to enact new ordinances or amend existing ordinances to comply with the requirements of the Act. Therefore, we are holding a hearing this evening to review the proposed ordinance that would comply with these requirements.

Chairman Wilson introduced Township Solicitor Eric F. Wert, who reviewed the background of the proposed ordinance and presented the associated hearing exhibits. A court reporter was present to make a complete and formal record of the hearing. Solicitor Wert closed the hearing.

**Ordinance 21-09: Small Wireless Ordinance**

Adoption of this ordinance would amend the Township's Zoning Code to provide regulations pertaining to the matter as presented in the proceeding Public Hearing.

On a motion by Supervisor Littley, seconded by Supervisor Bell, the Board adopted Ordinance 21-09, Small Wireless Ordinance.

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: Chipotle & Mattress Warehouse**

The applicant, PSDC, 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. 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. 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 Eric F. Wert, who presented the associated hearing exhibits and introduced the Carl Weiner Esq., the applicant's representative. John B. Anderson, P.E. of Cornerstone Consulting and developer/owner Mark Nicoletti assisted with the hearing presentation. A court reporter was present to make a complete and formal record of the hearing. Solicitor Wert closed the hearing.

### **Chipotle & Mattress Warehouse Preliminary/Final Land Development**

As part of The Shops at Town Square development, PSDC has 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 and Allentown Roads, located within the C-Commercial and ELO-Entertainment Lifestyle Overlay Zoning Districts. The proposed land development was reviewed and recommended for approval by the Township's Planning Commission. John B. Anderson, P.E. of Cornerstone Consulting, presented an overview of the proposed land development, noting the applicant will comply with the various consultant review letters. He then reviewed the applicant's waiver requests with the Board.

The Board discussed concerns about potential parking limitations, the building aesthetic, traffic circulation and proposed a pedestrian bridge connecting to additional parking in the shopping center. Supervisor Marino asked when the installation of the shopping center's building facades was anticipated. Mark Nicoletti responded the work would take place over the winter.

On a motion by Supervisor Littley, seconded by Supervisor Bell, the Board authorized staff to prepare a preliminary plan approval resolution incorporating compliance with the various review letters and waiver requests as discussed, as well as, adding the pedestrian connection to parking.

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**

### **Warrant List**

The November warrant list was presented for approval. On a motion by Supervisor Littley, seconded by Supervisor Bell, the Board approved the warrant list in the amount of \$977,488.61.

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

### **Public Works Committee Report**

The Public Works Committee meets on a monthly basis to review projects and identify deficiencies related to Township infrastructure, properties, and equipment. The Committee met on November 18th. Supervisor Marino provided the Committee's report with the following topics reviewed:

- 1540 & 1556 Kriebel Road storm sewer drainage issue status update
- 1060 Valley Forge Road drainage concerns – PennDOT correspondence
- 2010 Trumbauer Road drainage concern
- Central Drive Storm Sewer System Repair/Rehab Project update
- Keeler Road Bridge Repair Project - reinforcement work expected to start in early December
- Various traffic concerns along Kriebel and Anders Roads, noted by owner of 1370 Anders Road, traffic engineer reviewed concerns and findings
- Developing a potential long-term maintenance plan for the storm sewer system
- MS4 Program update
- Traffic Engineer Study - Potential truck prohibitions along Fretz Road
- 1690 Old Forty Foot Road flooding complaint, address located within Skippack Creek floodway
- Kerr Road drainage concerns
- Potential trail connection between Grist Mill Park to Grist Mill Drive.
- Potential development of soccer field at Nash Elementary School

- Road identification for 2022 paving and ramp projects
- Brake retarder restrictions and signal timing concerns along Forty Foot Road
- Montgomery County bridge improvement projects – 4 Township bridges could be included

**Sewer System Monetization Status Report**

As part of the Township’s ongoing exploration of a possible sale of its sewer system, at the Board’s request, PFM Financial Advisors provides monthly progress updates. Chairman Wilson read the September report. Recent events included:

- Continue drafting all the necessary bidding documents including but not limited to the; Asset Purchase Agreement (“APA”) & Schedules, Asset Lease Agreement (“ALA”) & Schedules, and the Request for Bids (“RFB”).
- Following the Township’s receipt of bidder comments/edits to the APA and schedules on October 15th, the Township and its team held internal calls to discuss the various comments/edits received and, specifically, which comments/edits the Township would consider including in the revised APA and schedules.
- The Township and its team conducted calls with each of the interested bidders to discuss the various comments/edits they had for the APA, and discussed remaining due diligence questions.
- On November 12, the Township released a second draft of the APA & Schedules for bidders to review and provide additional comments/edits.
- On November 15, the Township released a draft of the ALA for review and comment.

Immediate next steps include:

- Continue fielding due diligence questions received and populating the data room as necessary.
- Continue drafting the various required bidding documents.
- Receive bidder comments for draft ALA & APA, make revisions to documents where necessary.
- The tentative timeline calls for a review of the bidding documents by the Board at their December 22nd meeting, followed by the release of the RFB in the days thereafter.

**Authorize to Advertise Adoption of the 2022 Budget**

The Board held five budget workshop sessions in preparing for the 2022 budget. The proposed budget is ready for release for public inspection and adoption consideration by the Board at their December 22, 2021 meeting. Highlights include: No increase in real estate tax millage, increase to the Homestead Exemption from \$45,000 to \$50,000, sewer rental fee will increase from \$375 to \$450. Chairman Wilson thanked Assistant Manager/Finance Director Brooke Neve for all the work that went in to the preparation of this budget.

On a motion by Supervisor Littley, seconded by Supervisor Bell, the Board authorized the release for public inspection and advertisement of 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

**Northern Montgomery County Recycling Commission Compost Agreement**

Towamencin is one of 11 municipalities that make up the Northern Montgomery County Recycling Commission (NMCRC). Act 101 requires municipalities, that do not have curbside pick-up for leaf and yard waste at least once per month, to designate an official PADEP permitted compost facility for the residents, haulers, and contractors to use as a drop-off location. To ensure compliance, the member municipalities and the NMCRC entered into compost agreements with Barnside Farms Compost Facility, which is set to expire December 31, 2021. NMCRC has negotiated a renewal agreement with Barnside Farms for an initial term beginning January 1, 2022, requiring each municipality to approve the compost agreement.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the Northern Montgomery County Recycling Commission's Compost Agreement.

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

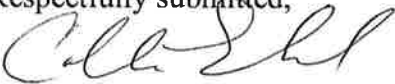
Voting No: N/A

Abstaining: N/A

Absent: N/A

There being no additional business, the meeting adjourned at 10:15 pm.

Respectfully submitted,



Colleen Ehrle

Assistant to Township Manager