

**Towamencin Township  
Board of Supervisors  
Work Session  
April 12, 2023  
7:00 PM**

**Present:**

H. Charles Wilson III, Chairman  
Richard Marino, Vice Chairman  
Kristin Warner, Treasurer

**Staff:**

David G. Kraynik, Township Manager  
Robert J. Iannozzi, Jr., Esq., Township Solicitor  
Tom Zarko, Township Engineer  
Niral Modi, IT Staff  
Timothy Troxel, Chief of Police

**Present Remotely:**

Colleen Ehrle, Director of Administration

**Absent:**

Laura Smith, Secretary  
Joyce F. Snyder, Asst. Treasurer/Asst. Secretary

Chairman Wilson called the meeting to order at 7:07 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. Public comments submitted by 4:30 pm on the meeting day would be read at the start of the meeting.
- The Board met in executive session prior to tonight's meeting to discuss personnel matters.
- The next Public Meeting for the Connectivity Study will take place April 13 at 7 pm, in the Meeting Hall. The online survey, created to collect data from resident responses, will close tomorrow. You can access the survey from the Township's website.
- Pennsylvania American Water, purchaser of Towamencin's sewer system, is hosting two Open House events to engage with Towamencin residents and the business community. Residents and business owners are encouraged to attend, bring their questions. The Open Houses will be held at the Holiday Inn on Thursday, April 20<sup>th</sup>, from 6-8 pm, and Thursday, April 27<sup>th</sup>, from 3-5 pm.
- Towamencin Day is scheduled for Saturday, May 13<sup>th</sup>, from 12 pm – 4 pm.

Chairman Wilson reviewed the recommendations within the Public Comment Policy.

### Public Comments

Supervisor Marino reviewed responses to public comments made at the March 22<sup>nd</sup> Meeting, related to:

- the extent and timing of sewer rate increases if the system is sold.
- the assertion made that PA American will be able to recoup \$10.4 Million Dollars annually.
- where the proceeds from the sewer sale will go and who will benefit.
- the assertion residents would rather pay higher real estate taxes than post-sale sewer rates.
- how much PFM was paid for the updated analysis and the assertion that the PFM disclaimer on the updated analysis means that it cannot be relied upon.

### Emailed Comments:

Residents Joe and Tina Rumsey commented if PA American walks away from the sewer sale after the Home Rule question passes, will the Towamencin Board of Supervisors still push to sell to another entity?

Resident Anne Rostosky commented she is strongly opposed to the sewer sale as it would privatize a valuable public asset, selling it to a profit driven company. She encouraged the Board to listen to residents and honor the outcome of the ballot measure in May.

### In-person Comments:

Resident and Government Study Commission member Tina Gallagher commented the Board has not convinced her that the sewer sale is in the best interest of residents. She asked if the Board would continue not listening to residents if the Home Rule Charter is voted for in May. She advocated for residents with unmetered water service and seniors, adding she cannot support a sale as it harms her neighbors. She promoted the GSC's food drive at their April 24th Town Hall.

Resident and Government Study Commission Chair Kofi Osei referenced several mistakes in PFM's new slides relating to the sewer sale analysis and provided his corrections. From his review of the presented analysis, he asserted individual households are losing \$300 total, over 10 years. While practically breaking even, breaking even over this time period means residents are definitely losing money for the rest of eternity. Mr. Osei then posed the following question/statement:

To the Supervisors: Why is American Water, who does not need to penetrate the market, giving Towamencin Twp \$70 million for free?

To the Public: if you believe a for-profit company wants to make their money back on an acquisition ... you'll want to vote yes for the Home Rule ballot question on May 16<sup>th</sup>.

Resident and Government Study Commission member Jenn Foster questioned Supervisor Marino's response to a question related to the PA American usage fee, noting all Towamencin Condominiums are unmetered and PA American's unmetered rate for Zone 1 is \$1272. She shared her concerns with the Public Comment Policy's suggestion not to repeat public comments. She said this influenced some residents from not speaking at the last meeting, feeling intimidated. She added, it is their first amendment right to comment and hopes the amended policy respects that.

Resident Vanessa Gaynor shared her concern with the public comment policy related to commenters limiting their statements to comments that have not already been made by others and questioned if that action was in compliance of the Sunshine Act. She asked for clarification as to who determines the criteria of acceptable comments and how it would be enforced.

Solicitor Iannozzi explained the policy is compliant with the Sunshine Act and the wording had been revised in the amended policy. The objective of the policy is for everyone to have a reasonable opportunity for comment.

Resident and Government Study Commission member Martin Cohen shared he compared his 2023 and 2025 estimated combined Township tax and sewer bills, describing a 72% increase when dividing the 2025 combined bills with the 2023 combined bills. Mr. Cohen then referenced the unmetered rates for Zone 1 customers according to the Tariff wastewater PA PUC #16, supplement 43, page 11.2 - \$106 a month or \$1,272 annually. He then questioned the Supervisors methodology for spending future sale proceeds. He stated residents have been failed by multiple levels of government, our Board and our State legislature.

Resident and Government Study Commission member Gisela Koch questioned if the Planning Commission is in charge of the Comprehensive Plan for the Township, then added the plan has not been updated since 1989. She asked why the current Board and previous Boards have not requested an update previously. She is skeptical of the use of sale proceeds with no current plan to follow.

Resident Richard Costlow noted the Government Study Commission failed to present a financial analysis to justify their members' arguments. He criticized that no cost estimates were provided if the sewer sale is legally challenged by the GSC, finding this omission a misrepresentation. He critiqued the GSC's rapid filing of their report, adding he trusts the Board of Supervisors' decisions.

Resident Joe Silverman commended the work of local business Greene Tweed. He referenced their industry newspaper that acknowledged Denmark's democratic ownership of its power grid, plants and storage units, and its success with consumer ownership. He continued the Danish municipality referenced acts on behalf of the consumer, making the system efficient, not governed by investors from afar. He used the noted reference to parallel the public sewer sale concerns.

Resident Pauline Braccia questioned Mr. Silverman's Greene Tweed's analogy, then agreed with Mr. Costlow's analysis made about the GSC's lack of financial analysis in the proposed Home Rule Charter. She stated it is known that sewer rates will go up due to needed improvements, continuing there's no limit to property taxes, under a Home Rule Charter. She wanted to see a comparison and predictions by the GSC if the sewer system is not sold and how high taxes will be.

Resident Bruce Bailey commented the outflow of the sewer system runs through Fischer's Park. He asserted public ownership provides better controls over water quality compared with private ownership. He asked the Supervisors to change their mind on selling the sewer system. He criticized the mentality to fund the Township with sewer sale proceeds, then critiqued that Board of Supervisors meeting minutes are not consistently approved at the next meeting.

Resident Richard Costlow commented that the stream that flows at the top of Fischer's Park in Towamencin Creek is not the affluent from the sewer plant, rather it flows by other means.

Chairman Wilson defended the noted uses from sewer sale proceeds, that they are not vanity projects, and emphasized the need to plan ahead for the Township's fire services long term.

## **Approval of Minutes**

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board approved the March 8, 2023 minutes.

Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner

Voting No: N/A

Abstaining: N/A

Absent: Laura Smith, Joyce F. Snyder

The March 22, 2023 meeting minutes were deferred till the next meeting.

## **Zoning, Subdivision and Land Development**

### **Village Overlay District Manual Update**

The updates being proposed are for site amenity requirements for lighting and bench specifications within the Village Overlay District. Lighting standards now require LED fixtures and may include additional fixture choices depending on the fixture's location noted on the property's site map, such as interior parking lot lights. In addition, the standard bench outlined in the manual is no longer available, a comparable model has been cited.

Supervisor Marino asked if the referenced updates could be available at a future meeting.

On a motion by Supervisor Warner, seconded by Supervisor Marino, the Board authorized staff to draft an ordinance amendment to include the noted updates for the Village Overlay District Manual.

Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner

Voting No: N/A

Abstaining: N/A

Absent: Laura Smith, Joyce F. Snyder

## **Old Business**

### **Amended Public Comment Policy**

At the Board's last meeting, they approved a public comment policy to help facilitate meetings with large attendance as other municipalities have adopted similar policies that limit a public comment to 3 minutes, per individual, along with other guidelines. The Township Solicitor amended the policy based on resident and Board feedback, citing some concern and confusion.

Solicitor Iannozzi reviewed the policy's edits, emphasizing the need to ensure compliance with the Sunshine Law, providing reasonable opportunities for public comment, with no intent to suppress comments. He read the full amended policy to the audience.

On a motion by Supervisor Warner, seconded by Supervisor Marino, the Board approved the Amended Public Comment Policy.

Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner

Voting No: N/A

Abstaining: N/A

Absent: Laura Smith, Joyce F. Snyder

## **New Business**

### **Finance Committee Report**

The Township Finance Committee meets monthly throughout the year to monitor economic indicators and the pulse of the Township's revenues and expenditures. They also address various requests and concerns that may arise. The Committee met on March 21<sup>st</sup>. Supervisor Warner provided the report, with the following discussion items:

#### **Township 2023 February Financials and 2022 Year-End Update**

##### **Update on TTIA Dissolution**

**2023 Unencumbered Reserve** -The Finance Director prepared a budget transfer for the Board of Supervisors to consider at this meeting that will move \$200,000 from the unencumbered reserve account to various General Fund salary line items, resulting from the nonuniform compensation review. The budget transfer will also move \$37,160 from the unencumbered reserve account to several line items based on the accepted Government Study Commission budget.

##### **OPEB Trust Update**

**StandGuard Contract / Township Pool Update** - Public Works has performed various repairs and pre-season work in preparation for the season. Township staff met with the two pool managers who commended Public Works' repairs to date. The managers provided a "wish list" of additional work before the season starts; many of these items were already on Public Works' schedule over the coming weeks, such as some concrete repairs. The pool managers expressed interest in having an Open House the Saturday before Memorial Day.

**NextEra \$600,000 Consideration** - The Committee discussed how to account for the \$600,000 NextEra consideration resulting from the assignment of a new sewer system purchaser. The Township had already received a \$100,000 deposit in June 2022 which has been held as a "deferred revenue" liability. The Committee recommends continuing holding NextEra receipts as a "deferred revenue" liability on the General Capital Fund's balance sheet while the sale is still pending.

**Preliminary Discussion on Process to Allocate Sale Proceeds** - The Committee discussed having public sessions as the sewer sale draws nearer to allow for public comment and discussion on the use of sewer sale proceeds.

**Update on Pre-Audit Governance Meeting Conference Call** - The audit process includes a required pre-audit governance call which was held March 17<sup>th</sup>.

**Manhole 13.1 – Refund to TMA Capital Account** - Towamencin Municipal Authority (TMA) used engineering firm (Bursich) to improve the conveyance system in and around Manhole 13.1. After some expenditure of TMA capital funds, it was determined this portion of the system is the responsibility of the Township. The transition of engineering responsibility from Bursich to the Township Sewer Engineer (Gilmore & Associates) has recently occurred. The expense history was reviewed, and it was determined that \$20,706.24 was spent by TMA on the project to date. The

Committee recommends that the Township Sewer Capital Fund reimburse the TMA Capital Account in the amount of \$20,706.24.

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board approved the Township Sewer Capital Fund reimburse the TMA Capital Account in the amount of \$20,706.24.

Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner

Voting No: N/A

Abstaining: N/A

Absent: Laura Smith, Joyce F. Snyder

2022 Commercial Sewer Underbilling - In a review of commercial flow data, Finance staff determined that its billing software was not correctly updated for 2022 sewer rate increases for commercial billings. Flows up to 1 EDU were billed at the correct rate, but any flow above 1 EDU was charged at the 2021 sewer rate. This discrepancy led to a nearly \$70,000 underbilling between June and December 2022. The Finance Committee decided to correct this mistake by having staff send a letter to affected commercial account holders outlining the account's underbilling and timeframe to recoup.

- To recoup the June 2022 underbilling in the June 2023 bill;
- To recoup the December 2022 underbilling in the December 2023 bill.

Credit Card Processing Fees - In March, Township staff was notified that its online payments processor will be increasing its fees for credit cards and ACH payments effective April 1, 2023. Notices have been provided on the Township website, Spring Newsletter and Enews notifications.

### **Resolution 23-11: Budget Amendment**

As referenced in the previous report, the Finance Director prepared a budget transfer to move \$200,000 from the unencumbered reserve account to various General Fund salary line items, resulting from the non-uniform compensation review performed the end of last year and completed after the adoption of the 2023 Budget. The budget transfer will also move \$37,160 from the unencumbered reserve account to several line items based on the accepted Government Study Commission budget.

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board approved Resolution 23-11, Budget Amendment.

Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner

Voting No: N/A

Abstaining: N/A

Absent: Laura Smith, Joyce F. Snyder

### **Weikel Road Project Appraisal Proposal**

The Township continues to advance the Weikel Road Improvements Project, which includes road widening and drainage improvements. The Township Engineer completed right-of-way acquisition and construction easements documentation for each property. The next step of this project is to seek

individual appraisals for the right-of-way acquisition required for the properties directly affected by the proposed improvements. The Township has received a proposal from Indian Valley Appraisal Company in the amount of \$9,750 for strip appraisals of 14 parcels, approximately \$750 each. \*The proposal notes if any before and after appraisals are necessary, the fee range would be \$2,300 to \$3200 per property.

On a motion by Supervisor Warner, seconded by Supervisor Marino, the Board approved Indian Valley Appraisal Company's proposal for the Weikel Road Project.

Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner

Voting No: N/A

Abstaining: N/A

Absent: Laura Smith, Joyce F. Snyder

### **Authorization to Award Contract: 2023 Road Paving Program**

This contract is for the milling and paving of 11 Township roads. Roads scheduled for paving include: Militia Drive, Carpenter Lane, Lantern Lane, Orchard Lane, Conestoga Lane, Weikel Road, William Penn Way, Constitution Road, Salem Way, Pickwick Lane and Stoneybrook Lane. The Township received six bids; the lowest bidder Glasgow, Inc. had an error in their calculation and has withdrawn their bid. The Township Engineer has reviewed the remaining bid submissions and is recommending the second lowest bidder, Harris Blacktopping, Inc., of Washington Crossing, be awarded the contract with their bid price of \$770,452.50.

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board awarded the contract to Harris Blacktopping, Inc.

Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner

Voting No: N/A

Abstaining: N/A

Absent: Laura Smith, Joyce F. Snyder

### **Municipal Complex Courtyard Wall Repairs Proposal**

The Municipal Complex's building façade and courtyard wall, surrounding the Administration building and detached Police Garage, require maintenance and restoration work to prevent more extensive repairs and replacement. The Township's Municipal Facility Maintenance Coordinator sought out estimates for this remediation work - including the removal and replacement of loose and damaged stones, adding new stone, mortar cracked joints and re-grout where needed, as well as, applying sealer to the stone and wall surfaces. Estimates were received from Santoro Construction Services totaling \$18,050 - \$13,500 for building façade work and \$4,550 for courtyard wall work.

On a motion by Supervisor Warner, seconded by Supervisor Marino, the Board approved the proposals by Santoro Construction Services for the building façade and courtyard wall work.

Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner

Voting No: N/A

Abstaining: N/A  
Absent: Laura Smith, Joyce F. Snyder

**Lower Salford Fire Police Request – Country Fair Days, May 26 -27**

Lower Salford Township is requesting the assistance of the Towamencin Fire Company Fire Police Unit for traffic and safety control for their annual Country Fair Days. Fireworks are scheduled for Friday night, May 26<sup>th</sup>, and the parade is scheduled for Saturday morning, May 27<sup>th</sup>.

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board approved Lower Salford’s Fire Police Request.

Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner  
Voting No: N/A  
Abstaining: N/A  
Absent: Laura Smith, Joyce F. Snyder

**Volunteer Committee Appointments**

Residents have submitted applications expressing their interest to serve on the Township’s various volunteer committees. The Board has considered the appointment of Jenn Foster to the Technology Assessment and Innovation Committee for a term expiring December 31, 2025.

On a motion by Supervisor Warner, seconded by Supervisor Marino, the Board approved the appointment of Jenn Foster to the Technology Assessment and Innovation Committee.

Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner  
Voting No: N/A  
Abstaining: N/A  
Absent: Laura Smith, Joyce F. Snyder

There being no additional business, the meeting adjourned at 8:23 pm.

Respectfully submitted,



Colleen Ehrle  
Director of Administration