

**Towamencin Township
Board of Supervisors
Monthly Meeting
December 13, 2023
7:00 PM**

Present:

H. Charles Wilson III, Chairman
Richard Marino, Vice Chairman
Laura Smith, Secretary
Kristin Warner, Treasurer
Joyce F. Snyder, Asst. Treasurer/Asst. Secretary

Staff:

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

Present Remotely:

Colleen Ehrle, Director of Administration
Mary Stover, Township Engineer

Absent:

Chairman Wilson called the meeting to order at 7:01 PM and led the assemblage in the Pledge of Allegiance.

Opening Comments

- This Board meeting is provided live via zoom for residents, who are unable to attend in person but wish to view and hear the meeting remotely. Public comments submitted by 4:30 pm on the day of the meeting will be read at the start of the meeting. For those physically present, public comment will be held at the beginning of the meeting.
- In accordance with the Second-Class Township Code, the Board of Supervisors will meet on Tuesday, January 2, 2024, at 7 pm to reorganize.
- The Elected Auditors reorganization meeting is scheduled for Wednesday, January 3rd, 2024, at 5 pm.
- Chairman Wilson reminded residents, who wish to make public comments or ask questions to come up to the podium and speak into the microphone. He also reminded residents to sign-up for the Township's e-news to keep informed of Township news and events.

Public Comments – Emailed/mailed submissions:

Resident Michael Miller referenced the growing spotlight on Act 12, as well as, his opinion that Supervisors Wilson, Marino, Smith, and Warner sold out the citizens of Towamencin to a for-profit company. He stated that as each day passes, more articles are written about Act 12 and how it harms rate payers. As the public becomes more educated with available information, they conclude it is wrong. He concluded that the decision made by Supervisors Wilson, Marino, Smith, and Warner was wrong and will harm the community.

Resident Rory Kelley thanked the Board for their commitment to support the Environmental Advisory Council by approving their budget, adding additional associate members, and asking the Township Manager to coordinate with them in 2023. It will be great for the EAC and the community to have extra help starting in 2024 with a lot planned. He asked the Board to schedule interviews for the pending applicants so that vacancies may be filled. He concluded by thanking Amy Mawby for her years of service volunteering on the EAC, adding the members will miss working with her, but are happy for her as she moves on to other projects.

In-Person Comments

Resident Kofi Osei directed his comment to Supervisor Marino, cautioning the need to be careful when discussing the election, noting all are entitled to disagree how the ballots were counted or the Federal Court ruling. Recounts, lawsuits, etc. are all part of the process with a close race. He noted prior to this election, there was a court ruling requiring all County Boards of Elections to segregate misdated ballots because the order to not count them at the time was appealed, adding if it was a clear rule not to count these ballots, they would have been tossed. Every election lawyer he spoke with noted the possibility of these ballots being counted; stressing the possibility of counting these ballots were part of the rules on election day. He hopes Supervisor Marino's supporters understand the danger of county governments ignoring federal court orders. He added if clarity is desired on discrepancies between federal and state law, they can wait for a Supreme Court Judgement or the General Assembly to remove the date requirement. He acknowledged both candidates ran a hard race, with it ending in a tie; the drawing of lots was the legally prescribed tiebreaker. He questioned Supervisor Marino's lack of action with no recount requests, or other challenges to counting these ballots as the election finalized. As the winner, with no caveats, he looks forward to working for his neighbors.

Resident Tina Gallagher shared she watched the recent Consumer Protections Committee hearing, encouraging the audience, including the Board, to watch it. She found it interesting with all sides represented, then shared a quote from the hearing, "people should see privatization for what it is, a scam, a loan, disguised as a gift, to be paid back with interest through exorbitant rate increases and no better service to the customers." She hopes all understand these words, asking the Board to move on and stop the sewer sale. She will continue fighting for Township residents, especially seniors who do not want to pay exorbitant rates. She cited an example from the hearing, of a person who used their yard as a bathroom to avoid flushing the toilet, because of the high sewer rates.

Resident Bruce Bailey stated when America was founded, many people came for different opportunities, one of which was in the form of indentured servitude, which is when someone signs a contract to pay off a debt. He sees the same scenario at play regarding the sewer sale, selling the sewer system is indebting the residents to pay off the fee the corporation is making. He addressed a resolution under consideration to approve an LED billboard, asking that these types of signs not be approved.

Resident Joe Silverman commented on North Penn School District's high school improvement proposal, sharing his concerns of children playing too close to the former WNPB radio and cell tower site, where future athletic fields are proposed. He provided information on the impacts/exposure from high voltage cell technology to the Board, Manager and Solicitor to review. He compared old cellular technology with modern cell phones, stressing the newer technology is more damaging. He noted a list of schools that restrict cell towers on or near school sites, using the measurement of 1,500' or greater as a guide.

Resident Lorena Fields also watched the Committee hearing referenced by Tina Gallagher, referencing the account of a person using their yard as a bathroom to reduce sewer use, due to high sewer rates. She does not want to live in a Township where this becomes reality for those on fixed/low incomes, finding it not environmentally sound, and humiliating. She asked the Supervisors why the outcomes for communities where the sewer system was sold were not considered when considering selling Towamencin's sewer system, but rather relied on PFM, who had a vested interest from the sale. She asked why the Board did not take a second look after repeated urging from residents.

Resident James Dunn stated he is not an accountant but has been trying to make sense of the budget. He sees good things, such as paying off the debt by 2035, but questioned the negative net total referenced. He asked if someone could provide further insight and asked if that is new debt or where that money comes from. He would like to know if there is a resource he can reference to better understand.

Resident Bruce Bailey stated as a project manager, if he was given a budget and he was behind a million dollars, it would be his job to cut costs to keep the project on budget. He referenced previous comments about reducing spending with no feedback offered. He then requested for Zoom, adding a camera be positioned on Supervisors during public comment to mirror them looking downward.

Joseph Silverman offered a follow up to his previous comments, stressing the dangers of Wi-Fi exposure to children at school, home, on phones, everywhere they go. He cited other countries that have bans on both Wi-Fi and cell phones in school, adding the cell phone industry treats humans as guinea pigs.

Resident Vanessa Gaynor referenced the proposed Township budget, and previous Supervisor comments noting the sewer system operations will continue as if the sale is not occurring, such as planned maintenance and improvements needed. She questioned those comments with the proposed budget's lack of tax increase, concluding the lack of tax increase means either the Township is working as there will be no sale and the funding referenced as a basis for the sale is not needed or the Board is planning with the intent of sale going forward and that is why there is no tax increase. She noted her confusion at the disparity, and feels it warrants clarity. She repeated her request that the budget workshops need to be televised and appreciated Administration staff posting related budget workshop materials to the website. However, she finds there is a discrepancy with the way finances are being managed between TMA and the Township at large.

Approval of Minutes

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved the November 21st minutes.

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

Zoning, Subdivision and Land Development

Consider Authorizing Advertising Conditional Use Hearing - Caracausa Acquisitions, LP (Belfair Square)

The applicant is requesting the Township reaffirm the Conditional Use Decision dated January 12, 2022, that permitted the construction of a community with 16 townhomes (Use R-5 - Townhouse Dwelling) with a carport in the Residential Business and Professional (RBP) Overlay Zoning District subject to the condition that the development and use of the subject property be in accordance with the testimony and exhibits presented at the hearing. In addition, the applicant is modifying the approval granted on January 12, 2022, for the following:

- To allow for the disturbance of steep slopes as required by the Zoning Ordinance Section 153-616.B.5.c.4,
- To modify the prior testimony which stated that the applicant would meet all landscape requirements due to various landscape waivers being requested.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board authorized advertising the Conditional Use Hearing for Caracausa Acquisitions, LP.

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

Consider Authorizing Advertising Zoning Map Amendment Application for Institutional (IN) District along Sumneytown Pike for North Penn School District (NPSD)

At the last Board meeting, representatives from the North Penn School District reviewed their intentions for major renovations to the high school with an associated consideration for a Zoning Map amendment. A zoning map amendment is needed before advancing the proposed renovation project. The current conditions of the high school property exceed the maximum impervious surface limits within the existing zoning districts R-125 and R-175. The proposed renovations will add additional impervious surface to current conditions, which is why the District is proposing the rezoning of the existing two zoning districts R-125 and R-175 to Institutional (IN). Institutional Zoning, that would allow greater impervious surface making the renovation plans possible.

On a motion by Supervisor Snyder, seconded by Supervisor Smith, the Board authorized advertising the Zoning Map amendment application for Institutional (IN) District along Sumneytown Pike for North Penn School District.

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

Consider Approving Conditional Use Decision and Order - Chipotle/Mattress Warehouse (PSDC)

At the Board's November 8th meeting, a Conditional Use Hearing was held where the applicant, PSDC, requested the Board reaffirm a previous Conditional Use Decision & Orders, that have expired, which permitted the construction of a Chipotle restaurant with drive-through, a Mattress Warehouse, and free-standing signage at Allentown and Forty Foot Roads with conditions. The applicant received the previous conditional use approval for the use on December 8, 2021, and the signage on July 13, 2022. At this hearing last month, the applicant also proposed modifying the approval from July 13, 2022, to relocate and reduce the size of the proposed pylon signs. The Township Solicitor read a newly prepared and updated Conditional Use Decision and Order for the Board's consideration.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved the Conditional Use Decision and Order for Chipotle Restaurant and Mattress Warehouse.

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

Old Business

None

New Business

Retrievr Recycling Service Presentation

The EAC brought this program to the attention of the Supervisors. Jim Tice, General Manager of Retrievr, was present to review and highlight the service program available to residents. Retrievr is a Countywide program that perform at-home, door-side pickups of apparel and electronics.

- There is a flat fee of \$12.50 to use this service, and no cost to the Township.
- Additional fees apply for larger electronics (TVs, minifridges, etc.). Retrievr has contract relationships with individual municipalities. The municipal contracts outline that:
- They currently serve Philadelphia and Montgomery County.
- Towamencin would be provided a small portion from the collection process.
- Retrievr would list the Municipality as a partner on their website and provide yearly summaries of collection.

- Towamencin would be provided with a portion of the electronics revenue, approximately 2.5 cents per pound.

Supervisor Smith asked if there is a way for residents to schedule services by phone in addition to the website. Mr. Tice responded yes, both options are available.

Supervisor Snyder indicated many Towamencin residents do not have a mailing address of Towamencin, but rather many have a Landsdale mailing address, then asked how Retrievr would differentiate between zip codes to properly weigh and report per municipality. Mr. Tice stated they report by what's called an instance, which is defined by zip code and Township to properly estimate, and file reports for each municipality.

Chairman Wilson asked what is involved if the Township wanted to contract with Retrievr. Mr. Tice responded the Township would need to review and sign a formal contract. Within a week or so, Towamencin would be set up, and results would begin to be posted to the website.

Supervisor Marino asked Mr. Tice if he could walk through the process of pickup and what happens after, noting the difference between clothing and electronics. Mr. Tice shared clothing is sold, and electronics are repurposed, or recycled; they do not go to landfill.

Supervisor Warner asked if there is a limit to what can be picked up and if multiple fees are generated per pickup or if there were discounts for multiple pick-ups. Mr. Tice stated, the flat fee is applied for all in the same pickup, if a TV is included in that same pickup, they don't charge \$12.50, but rather the cost of the TV pickup.

Supervisor Marino asked since Retrievr is a County partner, do they replace the other recycling events previously hosted by the County. Mr. Tice indicated Retrievr does not replace the County's recycling events.

The Supervisors thanked Rory Kelley and Vanessa Gaynor for coordinating Mr. Tice's presentation to the Board.

Warrant List

The December warrant list was presented for approval. On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved the warrant list in the amount of \$1,671,554.63.

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

Resolution 23-27: 2023 Budget Amendment

The Second-Class Township Code provides that the Board of Supervisors may, by Resolution, amend the Operating and Capital Budgets transferring unencumbered appropriations from one account to another. The Finance Committee has closely monitored revenues and expenditures throughout the year, and based on a year-end projection prepared by staff, it has been determined that certain budget line items need to be amended in the 2023 Budget as we close out the year.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved Resolution 23-27, 2023 Budget Amendment.

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

Resolution 23-28: Adopt 2024 Budget

The Towamencin Township Supervisors authorized the advertising and release for public inspection of the Township’s 2024 Budget at its November 21, 2023, meeting. This resolution will adopt the budget as presented. Highlights include:

- No new property tax increase, millage will remain at 5.689 mills;
- No new Township borrowing planned in 2024;
- Sewer Rental Fee increase to \$590 annually;
- Maintain Homestead / Farmstead Exemption of \$50,000;
- General Fund Balance Maintained at Recommended 10%, per Fund Balance Policy;
- Continuation of Sanitary Sewer System maintenance and I&I program and preparations for the Skippack Creek Interceptor project;
- Continue robust Road Paving Program;
- Continue expanded Special Events programs and concerts at Fischer’s Park;
- Continue parks capital projects including partially-grant funded Grist Mill Park improvements; allocating the Township’s remaining ARPA funds to the Weikel Road widening, sidewalk, and stormwater improvements project.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved Resolution 23-28, Adopt 2024 Budget.

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

Resolution 23-29: Sewer Capital Fund Transfer in lieu of “TAN”

Certain Township funds could incur temporary indebtedness in anticipation of the receipt of taxes and other revenue during the first two quarters of the year. Rather than incur the costs of a Tax Anticipation Note (“TAN”) from a bank, the Sewer Capital Fund has funds available to lend

temporarily to the General, Fire, Park and Recreation and Debt Services Funds as needed in the short term. As an annual practice, staff recommends that a short-term loan not to exceed \$500,000 from the Sewer Capital Fund be made available, if needed, in anticipation of taxes and other revenue. The loan shall bear interest at the weekly variable rate computed based on a 365-day year and paid monthly to the Sewer Capital Fund. The principal portion of the loan shall be repaid no later than December 31, 2024.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board approved Resolution 23-29, Sewer Capital Fund Transfer in lieu of “TAN”.

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

Resolution 23-30: Sewer Rental Rate

This resolution establishes the annual sewer rate of \$590 per EDU.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved Resolution 23-30, Sewer Rental Rate.

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

Resolution 23-31: Tax Levy

This action establishes the millage rate at 5.689 for 2024 to satisfy the requirements of the budget.

On a motion by Supervisor Marino, seconded by Supervisor Smith, the Board approved Resolution 23-31, Tax Levy.

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

Resolution 23-32: North Valley View Way Street Light District

Located near the intersection of Valley Forge Road and Morris Road, this is the Township’s only established Street Light District. Property owners within this area are assessed annually to fund the operation and maintenance of the six streetlights in this development. The amount assessed to each property is \$35.00 annually.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved Resolution 23-32, North Valley View Way Street Light District.

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

Resolution 23-33: Homestead Exemption

This establishes the Homestead Exemption at \$50,000. In 2000, the County implemented the Homestead Exemption Program that allows for the reduction of the amount of the assessed value of a property that is taxed by the Township. To participate, the property must be the primary residence of the property owner. Once a property is participating, it will remain in the program unless its status changes (i.e., sold or rented). New buyers must register with the County to participate. The Township annually determines the exemption amount as part of its budget process.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved Resolution 23-33, Homestead Exemption establishing exemption amount at \$50,000.

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

Resolution 23-34: Farmstead Exemption

The Farmstead Exclusion is a similar method of targeting real property tax relief to farmers. It allows property tax relief to farmers on the taxes they pay on their farm buildings (other than the farmhouse, which receives tax relief through the homestead exclusion), as long as at least one farm owner lives on that farm. This is in addition to other existing real property tax relief programs aimed at farms, such as Act 319 (often referred to as "Clean and Green"), which reduces the assessed value of farmland. By law, if a homestead exemption is offered in a taxing jurisdiction, the farmstead exemption must also be offered. The farmstead exemption rate is set by the governing body and cannot exceed the amount of the homestead exemption. This resolution establishes the Farmstead Exemption rate at \$50,000.00.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board approved Resolution 23-34, Farmstead Exemption establishing exemption amount at \$50,000.

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

Resolution 23-35: Adoption of 2024 Fee Schedule

This resolution establishes the fees charged for various permits and Township services, including zoning, land development, building, fire suppression systems, etc.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved Resolution 23-35, Adoption of 2024 Fee Schedule.

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

Resolution 23-36: Investment Policy

At the recommendation of the Township appointed auditors years ago, the Finance Committee prepared an “Investment Policy” that was subsequently approved by the Board. The purpose of the Policy is to establish cash management and investment guidelines for the stewardship of public funds under the jurisdiction of Towamencin Township. It is the policy of Towamencin Township to invest its funds in a manner that will provide the highest investment return with the maximum security while meeting the daily cash flow needs of the Township and to comply with all state statutes governing the investment of public funds. In accordance with the recommendation of the auditors, the policy is reviewed annually.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved Resolution 23-36, Investment Policy.

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

Supervisor Smith wished everyone a Merry Christmas. Chairman Wilson also wished residents a Merry Christmas and Happy New Year. He added the last meeting Board Meeting in December may be cancelled and to check the Township website for an updated decision.

There being no additional business, the meeting adjourned at 8:08 pm.

Respectfully submitted,



Colleen Ehrle
Director of Administration