

**Towamencin Township
Board of Supervisors
Monthly Meeting
October 27, 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

Present Remotely:

Brooke Neve, Assistant Township Manager/Finance Director

Chairman Wilson called the meeting to order at 7:44 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.
- Registration is open for our annual Turkey Trot which will be held on Saturday, November 13th. It is a great race for runners or walkers of all levels which includes a children's 10 and under fun run. All proceeds support Towamencin's special events fund, which provides free events for the entire community throughout the year.
- The Board met in executive session on October 20th and prior to this evening's meeting to discuss litigation and real estate matters.

Swearing-in New Fire Police Officer

Robert Bausman has stepped forward to volunteer as the Township's newest fire police officer and was sworn-in by Chairman Wilson. The Board congratulated and thanked Mr. Bausman for accepting these important responsibilities for the Fire Company. Chairman Wilson reminded

residents of the various volunteer opportunities available at the Towamencin Volunteer Fire Company.

Public Comments

Chairman Wilson read the emailed submissions, with summaries below.

Resident Daniel Cox, of 1272 Orchard Lane, asked the following: At the presentation meeting for sewer monetization, could you provide a 20-year analysis of total cost to ratepayers, taxpayers, and businesses for the scenario of the township keeping the sewer and for the various scenarios of the different bids?

Chairman Wilson noted that this request would be forwarded to the Township's financial consultant for review to see if this request could be accommodated.

In-Person Public Comments:

Resident Kofi Osei, of 105 Cambridge Way, thanked the Board for their commitment to mailed notices. Mr. Osei took issue with Chairman Wilson's comment at the previous Board of Supervisors meeting noting the decision to sell a sewer system is not a political one and countered that those who make such decisions are elected officials/politicians and advised the Board to consider the political impacts of selling the sewer system. He continued government deciding what to do with public property is a political decision and continued to define actions he considered to be political in nature. He referenced his recent lobbying for House Bill 1936, which is currently in Committee that would reform 2016's Act 12 – requiring municipal authorities to demonstrate distress when proposing a sale.

Chairman Wilson responded he took exception with Mr. Osei's lack of transparency comment, clarifying the process has been disclosed at public meetings with all associated documents available online.

Resident Martin Cohen, 18 Westhampton Way, referenced a recent article in the Reporter covering the municipal split between the former Upper Gwynedd Towamencin Municipal Authority, and Upper Gwynedd's diversion project, where an independent study was cited analyzing future upgrades and associated costs in the 10s of millions of dollar range. Mr. Cohen asked how will this impact cost/rates.

Chairman Wilson responded that the immediate concerns in the study were addressed, notably the Kriebel Road Interceptor project along with plant upgrades, adding all the cost projections did not materialize to the extent of the study. Mr. Wilson continued there were no large immediate capital upgrades needed and that an updated 10-year study would be completed before a decision is made on the sewer system. Mr. Cohen asked if it would be posted on the website. Chairman Wilson replied it would be.

Resident Tina Gallagher, 117 Misty Meadow Lane, thanked the Board for producing the FAQ document and committing to mailed notices for meetings associated with reviewing bids and making a decision to sell the sewer system. Ms. Gallagher opined that if the sewer system sale was on the ballot most residents would vote against the prospect, as many residents she's met expressed concerns about increased rates and the loss of control. She continued that it is important that the Board share anticipated 10 to 20 year rate comparisons to their residents, in addition to the dollar

amount they would consider to justify a sale. She concluded that the intention of proceeds should be shared as well, considering the debt motivation with respect to the potential sale.

Chairman Wilson replied that a complete proceeds analysis would be provided to the public, adding that rates will go up regardless if a sale transpires or not. Mr. Wilson continued that federal regulations are ever-changing, noting another motivator for the sale is to pass that regulatory liability risk onto another entity to better manage.

Approval of Minutes: October 13, 2021

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the October 13, 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

None

Old Business

None

New Business

Warrant List

The October 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 \$1,591,037.63.

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 October 21st. Supervisor Marino provided the Committee's report with the following topics reviewed:

- Weikel Road Drainage/Pedestrian Improvement Project - October 12th meeting
- 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
- 2021 Road Paving & ADA Ramp Replacements Updates – ADA Ramp Replacements complete; 2021 Road Paving on agenda for an extension until spring 2021
- Pennsylvania Turnpike Right-of-Way Landscape Improvement Areas Update – PennDOT will allow; Township will need to provide sketch and maintain.
- 309 Connector Update – will be provided later in agenda
- Potential alternatives for the implementing a pedestrian crossing on Kriebel Road at Fischer’s Park.
- Bustard Road Park sign update
- Cemetery (behind Holiday Inn) - acquisition intention update
- Developing a potential long-term maintenance plan for the storm sewer system
- MS4 Program update
- Various traffic concerns noted by owner of 1370 Anders Road along Kriebel and Anders Roads. Complaint was passed along to traffic engineer for review and response.

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:

Continued drafting all the necessary bidding documents including but not limited to the Asset Purchase Agreement (“APA”) and schedules, Asset Lease Agreement (“ALA”) and schedules, and the request for bids. Township staff and consultants met several times to discuss and begin drafting its operating standards, a vital component of the ALA. Continued drafting and completing an FAQ sheet to help address questions from the public.

On September 24th, the Township distributed its draft APA & schedules to those bidders interested in a purchase of the system for their initial review and comment. On October 15th, the Township received responses to its request for comments in connection with the draft APA.

Immediate next steps include:

Continue fielding due diligence questions received from the bidders, and drafting various required bidding documents. The Township will meet with its team to review the comments and questions received from the various bidders as part of the request for comments.

Forty Foot Road Project – Change Order #6

As we continue to wrap up this project, our consultant McMahon Associates is providing another change order for review and consideration, in the amount of \$2,317.77. This change order includes additional signs and pavement markings, which PennDOT determined as necessary to mitigate a safety concern, resulting by the delayed installation and operation of the traffic signal at Newbury Way. Chad Dixson from McMahon Associates reviewed the change order.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the Forty Foot Road Project Change Order #6.

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

309 Connector Project Update Presentation by McMahon

PennDOT continues to proceed with the 309 Connector Project that starts at the Turnpike interchange in Towamencin and will ultimately end at Route 309. Chad Dixson from McMahon Associates provided an overview of Phase 2 and 3 of the project.

Phase 2 is currently in the bidding phase with construction anticipated in early 2022. It will be a multi-year construction term. Highlights in Towamencin include:

- Coordinated traffic signal system along Wambold Road with intersecting roads Sumneytown Pike, Detwiler Road, Fretz Road, Schoolhouse Road and Allentown Road.
- Dual left-turn lanes on Sumneytown Pike at PA Turnpike slip-ramp (eastbound)

Phase 3 continues with preliminary design, with public meetings anticipated in late 2021. Details will be posted on the project's website. Environmental clearance expected in 2022. Construction is estimated to last from 2026 to 2029. Highlights in Towamencin include:

- Widening of Sumneytown Pike to lengthen dual left-turn lanes installed approaching the PA Turnpike Slip Ramp, under Phase 2
- Sumneytown Pike may be broken into separate project

The Supervisors discussed their concerns and disapproval of the proposed improvements for the stacking problem on Sumneytown Pike approaching the PA Turnpike slip-ramp (eastbound), expressing their request - from PennDOT's original improvement design for Sumneytown Pike - to include a five-lane road widening component to better address the traffic flow in this congested area, which was later eliminated. The Board commented the stacking issue was created by PennDOT's scaled back design. Supervisor Marino referenced the proposed improvements as a band-aid for the area. Mr. Dixson said these concerns would be raised at future project meetings.

Buttonwood Drive Sanitary Sewer Extension Recapture Agreement

Five property owners on Buttonwood Drive recently extended the sanitary sewer main in order to connect to the public sewer system. The extension has been constructed and the connections have been made to all five properties. Three additional properties along the path of the new main remain on private sewer. Future connections by these owners will require a "recapture" fee in addition to EDUs in order to share the expense of extending the main. These recapture fees will be distributed to the original five property owners, based on the actual costs for design, construction and inspections for the sewer main extension and have been confirmed by the Township's sewer engineer. Solicitor Jack Dooley reviewed the process of the agreement.

On a motion by Supervisor Littley, seconded by Supervisor Bell, the Board approved the recapture agreement and authorized the Township Manager to sign the 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

Resolution 21-32: Open Records Officer Appointment

Due to a retirement, the Township needs to officially fill the position of Open Records Officer. It is recommended that the Township appoint Colleen Ehrle to be the Open Records Officer for all non-police matters and Chief Timothy Troxel to be the Open Records Officer for all police matters as outlined in Resolution No. 21-32.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board made the noted appointments and approved Resolution 21-32, Open Records Officer Appointment.

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

Forty Foot Road Right-of-Way Agreement

The Township Solicitor made progress with the ongoing litigation involving the acquisition of right-of-way for the Spause property, 1273 Forty Foot Road. Solicitor Jack Dooley provided an update, explaining this acquisition resulted from the Forty Foot Road widening project that started in 2003 and was completed in 2009. A settlement was reached for \$990,000 through a reimbursement agreement. Under the agreement, the Township is responsible for 10 percent of the settlement (\$99,000), 80 percent includes federal highway funds and 10 percent includes PennDOT funding, per the reimbursement agreement. Assigned Judge Thomas Rodgers and Solicitor Dooley recommend approval of the right-of-way settlement agreement.

On a motion by Supervisor Smith, seconded by Supervisor Bell, the Board approved the right-of-way settlement agreement as outlined by the Solicitor.

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

2021 Road Paving Contract Extension

The Township's 2021 paving contractor, Allen Myers, has requested to extend the paving until spring 2022, since we are nearing the end of the paving season. Allen Myers has advised that supply chain and trucking issues have significantly delayed their ability to complete the milling and paving prior to the October 31st deadline. As part of the request, Allen Myers has agreed to hold the current contract pricing per the bid documents and will make Towamencin a top priority for the spring paving once the weather allows.

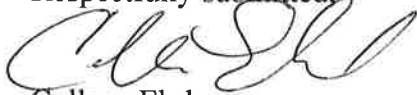
Chairman Wilson expressed the Board is very disappointed that this work is being postponed, acknowledging some residents affected have been waiting a long time for this paving to take place. Supervisor Marino asked if the curb repair/replacement component was included in the postponement, and he recommended that this work proceed. Township Manager Donald Delamater replied he would check in with the contractor.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the request and authorized the Township Solicitor to prepare the appropriate contract extension documents.

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 8:49 pm.

Respectfully submitted,



Colleen Ehrle

Assistant to Township Manager