

**Towamencin Township  
Board of Supervisors  
Monthly Meeting  
October 26, 2022  
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:**

Dennis Carney, Interim Township Manager  
Robert J. Iannozzi, Jr., Esq., Township Solicitor  
Mary Stover, Township Engineer  
Niral Modi, IT Staff  
Timothy Troxel, Chief of Police

**Present Remotely:**

Colleen Ehrle, Manager of Administration, Communication & Human Resources

**Absent:**

Chairman Wilson called the meeting to order at 7:01 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 will be read at the start of the meeting. For those physically present, public comment is available at the start of the meeting.
- The annual Turkey Trot will be held on Saturday, November 12<sup>th</sup> at 8 am. Registration information is available on the Township's website and Facebook page.
- The Budget Work Session will take place on November 2<sup>nd</sup> at 7 pm here in the Meeting Hall Building of the Municipal Complex.
- The Planning Commission will meet Monday, November 14, 2022 at 7 pm, instead of November 7<sup>th</sup> due to the Meeting Hall use for election set-up.
- Prior to the meeting, the Board met in executive session to discuss a personnel matter.

**Public Comments**

Resident Tina Gallagher, of Misty Meadow Lane, read an article that described the history and basis for the municipal Home Rule Charter process, referred to as a vehicle to protect democracy.

Resident Kofi Osei, of Cambridge Way, commented there was no update to the FAQ despite requested language clarifications from both slates for the Government Study Commission and noted outdated material within the FAQ. He provided his interpretation of Home Rule, referencing page 10 of the PA Home Rule Handbook, in that it holds force and status of legislative enactments, that the Government Study Commission is a law-making process and further expounded on the Home Rule Charter for the public. He criticized the PUC's recent appointment of lobbyists from utility companies.

Resident Michael Main, of Old Morris Road, one of the TRUST Towamencin candidates for the Government Study Commission. He is against using Home Rule Charter to breach the sewer sale contract. He further described there are several points of view on the issue, emphasizing it is not only a two-sided issue. He continued that Home Rule Charter can not cancel a contract or stop the sewer sale.

Resident Jenn Foster, of Towamencin Condominiums, cited continued misinformation being spread with taxpayer dollars. Adding, the TRUST slate is privately suggesting residents vote against the Government Study Commission, but to select the TRUST candidates should the commission be voted on. She opined the TRUST slate has no intention of studying the government and may dissolve the commission. She recommended that residents who are interested in studying the government, where their voices would be heard, should select NOPE candidates, and clarified a Home Rule Charter is not being voted on in November.

Resident Robert A. Di Domizio, Jr, Tax Collector, questioned what's behind this volatile issue, noting his research led him to possible ulterior motives. He questioned the connection between David McMahon, active member of the Democratic Socialists of America, and the NOPE group and Kofi Osei. He said this group is against all privatization and encouraged residents not to break the existing government system.

Resident Doug Kile, of Susan Drive, emphasized the significance of the upcoming November 8<sup>th</sup> election. He questioned the change in perspective of the NOPE slate to seek out Home Rule to stop the sewer sale, only after the majority Board approved of the sale. He critiqued the TRUST portrayals, by the NOPE slate, as being nothing more than a mouthpiece for the Republican Party. He stressed residents should understand what they are voting on, it is more than a one-item issue.

Resident Vanessa Gaynor, of Woodlawn Drive, emphasized that the NOPE slate's purpose has been clear – to stop the sewer sale and to include resident involvement on big decisions that may arise - not to change the foundation of the Township. She trusts the voters of the Township.

Resident Todd Fisher, of Militia Drive, questioned the rationale of the NOPE slate in that they are against the sale as sewer rate may potentially be tripled, then cited Mr. Osei, who was in favor of raising taxes or enacting a stormwater fee if it was needed. He further questioned how they will stop the sewer sale.

Resident Bruce Bailey, of Monroe Drive, noted the issue is privatization versus citizen control via elected government officials, adding the upcoming vote is simple - to enable citizen control by voting for the Government Study Commission, to possibly overturn a bad decision by the Board.

Resident JoAnn Goble, of Heritage Drive, Towamencin NOPE chairperson, commented she would not be involved with the group if associated with the Democratic Socialists of America,

adding Mr. McMahon is not a part of the NOPE slate. She explained the purpose of the NOPE slate is to have referendums in the future for large asset issues.

Resident Kofi Osei, of Cambridge Way, responded to Mr. Fisher clarifying his analysis of the future sewer rate projections. He said he will advocate for raising taxes, which is the mechanism for funding if its needed, adding you can't follow sewer rates like taxes. He emphasized the Franconia bid and PA American Water bid would be cheaper to residents than Next Era.

### **Agenda Changes**

Chairman Wilson noted two changes to the agenda: item 6.1 Resolution 22-31: Schnabel Minor Subdivision Final Land Development Plan would be removed as it is not ready for action and to add item 8.1 Authorization to Amend Sewer Treatment Agreement (Clemens Food Group) back to the agenda. It had been removed from the latest agenda version anticipating edits would not be available for this meeting.

On a motion by Supervisor Snyder, seconded by Supervisor Smith, the Board approved the noted agenda changes.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

### **Approval of Minutes: October 12, 2022**

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board approved the October 12, 2022 minutes.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

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

#### **The Shops at Town Square Developer Update**

Philadelphia Suburban Development Corporation ("PSDC") acquired the Towamencin Village Shopping Center, located on Allentown and Forty Foot Roads in 2015. The Township has been working with PSDC to facilitate the renovation and revitalization of the site. PSDC President Mark Nicoletti provided an update for the development of the shopping center. He noted various challenges that have delayed and halted development over the years for the both the shopping center and proposed mixed-use residential component presented to the Township, such as retail disruptions brought on by the increased demand for online retailers and the pandemic, as well as, changes to the real estate market where there is no demand for 55 and older communities. He also

cited local residential competition with new development adjacent to the Ralph's Corner Shopping Center in Hatfield. He highlighted the positives - the success of Planet Fitness, the new Penn Community Bank and future supermarket in the works, as well as, a Chipotle and Panera in the pipeline. He suggested future apartments in the area would need to lack age-restrictions given the market, and that it should not affect enrollments for the school district due to the younger demographic of anticipated renters.

Supervisor Snyder asked why they are not seeing any recent development despite the Board's various approvals. Mr. Nicoletti blamed the grueling permitting process and suggested the Township issue building permits prior to PennDOT highway occupancy permits.

Chairman Wilson asked the Township Engineer Mary Stover to speak to the permitting delays referenced by Mr. Nicoletti. Ms. Stover explained there are two land development applications in progress. The Chipotle/Mattress Warehouse received their last review in late July and no updated plans have been submitted. The supermarket application plans were received approximately late September, with a review letter turnover within a few weeks. Ms. Stover concluded the Township is not holding up the process.

Mr. Nicoletti emphasized the two items he needs the Board to consider: 1) releasing building permits ahead of the PennDOT permitting, and 2) amending the proposed apartments removing the 55 and older restriction. Supervisor Marino emphasized the need for improved communication and updates from Mr. Nicoletti and his staff to better facilitate the development. Supervisor Smith recommended Mr. Nicoletti reach out to local legislators in navigating the PennDOT permitting delays he referenced.

**Authorize Solicitor to Remove Dock Manor Entity from Hatfield Mennonite Home Addition Land Development Documents**

At the time the land development agreements were approved in July, they were drafted to include all owners of all parcels within the Dock Woods tract, even though the development was limited to just one area involving the Hatfield Mennonite Home. The inclusion of Dock Manor has had unintended consequences in that HUD, which has financed the Dock Manor portion of the property, has alleged there is a breach in the existing financing and is refusing to advance refinancing of the Dock Manor property. Additionally, Dock Manor has no association with the project or the associated land development documents. The developer is asking that Dock Manor be removed from the project's land development documents, including: the Land Development and Construction Escrow Agreement; Stormwater Management Facilities Maintenance and Monitoring Agreement; and the Landscaping Covenant. Carl Weiner, Esq., representing the applicant, summarized the basis for the removal of the Dock Manor Entity from the project's land development documents.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board authorized the Township Solicitor to remove the Dock Manor Entity from Hatfield Mennonite Home Addition Land Development documents.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

### **Old Business**

None

### **New Business**

#### **Authorization to Amend to Sewer Treatment Agreement (Clemens Food Group)**

The Township, Municipal Authority and Clemens Food Group entered into a Sewer Treatment Agreement on October 27, 2015, which permitted the company to continue to utilize the Sewer System operated by the Township and the wastewater treatment plant operated by the Authority. The agreement was for a term of five (5) years with a further automatic extension of two (2) years unless any of the parties gave prior notice to terminate or renegotiate. The agreement is set to expire October 26, 2022, as no party provided notice. It is the desire of the parties to extend the agreement for an additional one (1) year term with an additional extension, if desired by the parties. This amendment allows the agreement to continue until October 26, 2023, at which time the agreement shall renew for an additional one (1) year unless any one of the parties shall give notice by no later than April 26, 2023, of their intention to terminate or renegotiate the Agreement.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved the amendment to the Sewer Treatment Agreement (Clemens Food Group).

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

### **Warrant List**

The October warrant list was presented for approval. On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved the warrant list in the amount of \$1,655, 778.97.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

### **Public Works Committee Report**

The Public Works Committee meets monthly to review projects and identify deficiencies related to Township infrastructure, properties, and equipment. The Committee met on October 20<sup>th</sup>. Supervisor Marino provided the Committee's report with the following topics reviewed:

- Forty Foot Road Pedestrian Bridge Repair Recommendations
- 1540/1556 Kriebel Road & Orchard Lane Storm Sewer Improvements
- Weikel Road Drainage /Pedestrian Walkway Update
- Central Drive Storm Sewer Repair Project
- Bocci Courts Update
- 2022 Paving and ADA Ramp Replacement Project
- Allentown Road/Walton Farm School Crosswalk
- Old Forty Foot/Rittenhouse Road Intersection
- Kerr Road Analysis
- Towamencin Swimming Pool Repairs
- Proposed Salt & Equipment Storage Building
- Nash Soccer Field
- Drinnon Park Budgeted Improvements
- Welsh/Orvilla Intersection Project Update
- Route 309 Connector/Sumneytown Pike Improvements
  - Traffic Engineer Chad Dixson provided the latest update.

Resident Joe Silverman questioned the compromised joint sealant - referenced in the Forty Foot Road Pedestrian Bridge Repair update – and asked if road salt run-off was causing corrosion to the structure’s rebar. Supervisor Marino replied that the top of bridge deck does not get salted and that the engineer found no evidence of structural steel corrosion.

**Public Works Salt Storage Engineering Proposal**

As referenced in the Public Works Committee Report, the Township Engineer submitted a proposal for engineering services required to prepare design plans, construction specifications, regulatory agency permit applications, bidding documents and to provide bid administration services for the above referenced project. The work to be performed in conjunction with this project generally includes the site work required to expand the existing Public Works Department Maintenance Yard into the Township's Bustard Road Park, in the area of existing playing fields # 6 and # 7 so as to accommodate a future 50' x 80' salt shed structure. The proposal amount for the noted engineering services is \$34,500.00.

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board approved the engineering proposal for the Public Works salt storage building.

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

**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 October 21<sup>st</sup>; Chairman Wilson provided the Committee's report. Discussion items included:

Volunteer Medical Service Corp (VMSC) meeting - The Committee met with VMSC representatives to discuss their organization and future funding needs. VMSC services a majority of Towamencin Township and also services several other municipalities, with about 15 percent of service calls from Towamencin. VMSC reviewed the internal improvements they have made to improve clinical indicators and to reduce call response times. The representatives also discussed the revenue struggles of their industry and their future plans to enhance its community risk reduction program. VMSC is asking its member communities to contribute to its organization starting in 2024 to partially fund its services and recover costs. Members of the Finance Committee suggested adding a \$30,000 contribution to the 2023 budget for EMS services, allocated to VMSC and other EMS providers serving the township in proportion to their respective call volumes.

Township 2021 Audit - The Township received its 2021 audit. The General Fund ended 2021 with a fund balance of \$1,784,654 due to a 2021 surplus (after transfers) of \$512,138. The Committee will convene the board of auditors and audit firm to review. The Township's audit firm will then have a representative review the audit at a future Board of Supervisors meeting.

Township 2022 September YTD Financial Summary - The Committee reviewed a summary of year-to-date financials. Tax revenue generated through the first nine months of the year is consistent with historical trends by tax type and on track to meet or exceed 2022 budget figures.

Update on TTIA Dissolution - Administration and the Solicitor have begun to share documents to aid the process of TTIA dissolution. The solicitor is working on next steps and will advise the Board soon on the actions required.

LERTA Abatement - The Board of Supervisors passed an ordinance authorizing a Local Economic Revitalization Tax Assistance (LERTA) abatement for several parcels in the Shopping Center. The Township passed a 10-year abatement on the improvements, while the North Penn School District Board took action authorizing the LERTA on a different 5-year schedule. The County followed the School District's schedule. This has the impact of putting the township's assessed value for the project on a different schedule than the County's assessment rolls for the life of the project, requiring reconciliation and billing based on different assessed amounts for the township portion of the annual tax bill.

The Township Solicitor has been in contact with the developer and County Assessors' Office. The school district and county will stay with their 5-year schedule. If legally allowable, the Committee recommends amending the Township LERTA for these parcels to the 5-year schedule for consistency and administrative ease.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board authorized the solicitor to draft an ordinance converting the LERTA program from a ten-year schedule to a five-year schedule if allowable.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

Status on ARPA funds and designated ARPA Projects - The Board of Supervisors budgeted the following ARPA-funded activities in the 2022 capital budget:

|                                                 |           |
|-------------------------------------------------|-----------|
| Campisi/Barna Property Storm Sewer Improvements | \$67,500  |
| Central Drive Storm Sewer Improvements          | \$322,500 |
| Weikel Road Storm Sewer Improvements            | \$441,100 |

Year-to-date expenditures have been limited to engineering as the bid projects have since been rejected and changed in scope. It is anticipated that the new scope of these projects will collectively exceed the \$1.9 million of Township's ARPA funding.

2023 Budget Progress - The Committee reviewed the in-progress capital plan. The plan has more requests than the Township will be able to absorb in the 2023 budget cycle. The Finance Director advised that current projections of the 2022 General Capital Fund suggest the fund will end the year with a negative balance of approximately \$150,000. This is largely the result of emergency Keeler Road bridge reinforcement costs that were not budgeted in 2022.

The addition of a Township salt storage building has been identified as a priority capital need for 2023 as the current shed resides on TMA property, which would be conveyed to a private party with the sale of the sewer system. The Committee recommends a mix of drawing on reserves and a line of credit from the Sewer Capital Fund to cover the anticipated General Capital shortfall for 2022. The Committee also advises the Board of Supervisors that a larger line of credit may need to be authorized to help fund priority capital projects in the 2023 budget. Credit drawn from the Sewer Capital Fund will be interest-bearing (paid monthly).

The Committee recommends the authorization of a transfer from:

- Capital Reserve Fund (Fund 95) to General Capital Fund in the amount of \$77,600.
- General Reserve Fund (Fund 94) to General Capital Fund in the amount of \$40,000.
- Sewer Capital Fund to the General Capital Fund not to exceed \$150,000 to eliminate any remaining deficit in the General Capital Fund at year-end 2022.

On a motion by Supervisor Marino, seconded by Supervisor Smith, the Board authorized the noted transfers and authorized staff to prepare the resolution for the line of credit from the Sewer Capital Fund to the General Capital Fund as described.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

### **Kriebel Road Trail II Project Update - Bid Authorization**

This project includes engineering and construction associated with installing a trail along Kriebel Road (by PECO right-of-way) to Green Lane Park. In June 2020, the Township was awarded a Montco2040 grant for \$190,000 to help fund the project. Joe Carlin, of Gilmore Associates, provided a brief construction update on the current Kriebel Road Trail project noting that it should be wrapped up with a December 4 completion date. With respect to the Kriebel Road Trail II Project, an updated cost estimate was performed earlier that day, which was in the ballpark with



previous estimates keeping totals under the grant threshold. His office needs to finalize bid documents and scheduling dates.

Supervisor Marino asked when the bid documents would be ready and advertised. Mr. Carlin replied that it should take no more than a couple weeks, noting they are waiting on a review from Montgomery County's Planning Commission and will need to update insurance requirements. He preferred the bid be released ahead of the holidays with staff available to answer bidders' questions.

On a motion by Supervisor Snyder, seconded by Supervisor Smith, the Board authorize the advertising the bid release of the Kriebel Road Trail II Project.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

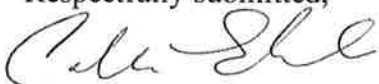
### **Skippack Creek Interceptor Project Update - Bid Authorization**

At the August 24<sup>th</sup> meeting, the Board rejected the only bid received by Doli Construction for \$928,800 due to the lack of competition in bid submissions and concerns of volatility in pipe costs. The Township's Sewer Engineer has modified the project's scope. TJ Figaniak, Project Manager of Gilmore Associates, reviewed the history of the project and the extent of rehabilitation needed along the interceptor. Mr. Figaniak explained a revision of scope was needed to address the three sections with the most restrictive flows and to best utilize the balance of the grant funds. The estimated repairs for the revised scope would be approximately \$400,000. The proposed change of scope was submitted to DCED, the grant source, with the approval to be considered at their next meeting in November.

Chairman Wilson asked how much was remaining for the grant balance to use toward this revised project and what has been spent to date on engineering costs. Mr. Figaniak explained that \$113,000 was spent on televising to date and that he would need to check the engineering total. Mr. Figaniak noted the project is on hold until the change of scope is approved. After that point, bidding documents could be pulled together within a month. Chairman Wilson asked if he was confident that construction would be completed before the grant expiration in June 2023. Mr. Figaniak replied if that was a concern, they would recommend a grant extension request be submitted for 6 months to one year. He added there are two new COVID-19 ARPA grants available that could help fund remaining rehabilitation work along the interceptor, with grant applications due December 21<sup>st</sup>.

There being no additional business, the meeting adjourned at 9:59 pm.

Respectfully submitted,



Colleen Ehrle

Manager of Administration, Communication & Human Resources