

**Towamencin Township
Board of Supervisors
Monthly Meeting
June 14, 2023
7:00 PM**

Present:

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

Staff:

David G. Kraynik, Township Manager
Robert J. Iannozzi, Jr., Esq., Township Solicitor
Mary Stover, Township Engineer
Niral Modi, IT Staff

Present Remotely:

Colleen Ehrle, Director of Administration

Absent:

Laura Smith, Secretary

Chairman Wilson called the meeting to order at 7:10 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 Township Pool will be open daily starting tomorrow, June 15th, with hours of 12 pm - 7 pm, unless otherwise indicated. For more information on the pool and/or to purchase a membership check the Township website, search pool.
- Our first summer events will kick off with a children's concert/Movie-in-the-Park on Tuesday, June 20th featuring music by "Lolly Hopwood" and movie "Puss in Boots." Our concert series begins with the popular Don't Call Me Francis on Thursday, June 22nd. Food sales will start at 6 pm, concert will start at 7 pm. These events are free at Fischer's Park.
- Reminder that the Township's Electronics Recycling Event will be held on Saturday, June 24th, from 9am - 12 noon. The event will be held at the North Penn High School parking lot at 1340 Vally Forge Road. Residents must pre-register for this event by accessing the Township's website for more information and a registration link.

Public Comments - emailed submission summaries

Resident Joseph Fischetti do not let the NOPERS bully you. The study vote was a resounding win but as folks found out what was really going on they only pulled off a 310-vote majority.

Resident Allen Leiby requested consistent speed enforcement on Old Morris Rd, adding it is rare that an officer is seen conducting speed enforcement. Most cars use the road like a drag racing strip, traveling at least 50 mph, with a 35-mph speed limit. He suggested monthly reports be published for enforcement vehicle stops, noting how many citations issued.

Resident David McCreary asked if the Board will concede, and obey the law as of July 1st. Do the right thing, and don't spite the residents by forcing a lawsuit.

Resident Rebecca Curlett asked the Board to reconsider their stand to continue the sewer sale process. We have spoken and it is time to move on; we do not want to sell our sewer. \$100 million for the Township and all the things it could buy sounds good, but that money is not free, as ratepayers will be paying back for eternity. It is an expectation in a free society that election results be respected.

Resident Mary Jean Moroz asked the Board to honor their oath to uphold the Constitution of Pennsylvania. Please listen to the wishes of your constituents and make your decision based upon the votes of the residents! She asked that the Board reconsider their position on the sale.

Resident Nancy Blackburn commented Towamencin residents voted for Home Rule; you cannot continue the sewer sale. Let the people have peace of mind. If the sale goes through, senior citizens will move out, unable to afford the sewer rates. Stop and think what you are doing. I love Towamencin with my whole heart, do not break it! Stop the sale, you won't regret it.

Resident Dave Daikeler commented please stop the sewer sale immediately and prevent any more legal wrangling between any of us. We are all neighbors that listen to each other and respect each other. The Home Rule Charter is written to keep these kinds of bulldozer decisions from happening again.

Resident Bob Kurnik, a resident of 30 years and a registered Republican. I have voted for most of you that are currently on the Board. It is apparent that you have absolutely no intention of terminating the contract in accordance with the wishes of the majority of your constituents and that is now mandated by law. For whatever reason, you four are determined to push this through. Please stop this collusion and do the right thing now.

Residents Judy Phipps and Andrew Phipps addressed their comment to the four supervisors who voted to sell the sewer system. To continue to protest the sale of the sewer is an exercise in futility. They listed examples of how they feel the supervisors failed to live up to their oaths of office. We are waiting for you to finally do the right thing, having had multiple opportunities.

Resident Ron Hugick, a 34-year township resident, noted at last meeting, it was proposed the sewage cost for next year is \$590. Can the Supervisors explain how paying at least \$1,200 to PA American Water is in residents best interest? Moving from a flat rate cost to a higher metered rate structure based on overall water usage does not seem fair. I thought when services were privatized, it was because it could be done cheaper. It would be nice to do a job with little accountability managing expenses and debt because a large revenue stream will result from the sewer sale. Please follow the lead of Bucks County against privatization and vote to use the termination clause to exit the Asset Purchase Agreement.

Resident Bryan Gaynor - On May 16th, voters of Towamencin made their will explicit by adopting a Home Rule Charter (HRC) with clear language to make the sale of our public sewer system illegal. Despite this, the majority of the Board – Supervisors Marino, Smith, Warner, and Wilson - continue to make legally dubious assertions that the sale simply “cannot be stopped” at this point, or the Township will be subject to legal action by attempting to do so. He listed his concerns with the referenced assertion: the Township's agreement includes no-fault termination clause if the sale is no longer permitted by law; the Township will be subject to legal action for attempting to stop the sale; and the ramification of election cycles. He urged the referenced Supervisors to do their part to uphold the law before July 1.

In-Person Comment summaries

Resident Kofi Osei reminded each Supervisor that they have equal decision-making power as Chairman Wilson and that they are within their right to motion staff to prepare a resolution to terminate the APA. He directed specific comments to each supervisor, except the Chairman, advocating that they vote to terminate the agreement, and thanked Supervisor Snyder for her support in the opposition effort for the sewer sale.

Resident Paul Andrews referenced recent news about municipal utilities, referencing a recent Lansdale Borough meeting and their plan to financially invest in its infrastructure, comparing it with Towamencin’s decision to sell its sewer system. He referenced State Senator John Kane’s memoranda; in it he condemns Act 12 and the negative impacts of its passing.

Resident Geraldine Dilisi, described being a proud a 50-year Township resident up until 2022. She referenced her involvement with residents opposing the sewer sale, noting the most distressing event was on March 22, 2023 when the 4 supervisors voted to approve: an Assignment Agreement to PA American Water, amending both the Asset Purchase Agreement and the Sewer Sale Ordinance 22-04. Despite all the residents’ opposition, she feels the Board continues not listening.

Residents Tina Gallagher, Lisa Patriarca, and Gisela Koch read excerpts from a letter written by Amanda Johnsen, on behalf of the residents of Exeter Township, Berks County, urging that the sale of Towamencin’s water treatment plant to PA American Water cease. Ms. Johnsen claimed PAWC's billing periods fluctuate with no set standard, and that wastewater is not properly metered. The manner of quantifying wastewater for well-water customers and financing options/budget billing was critiqued. She added, Exeter Township has not seen any repairs, upgrades, etc. to the water treatment facility or other water resources.

Resident Martin Cohen referenced the transcript of PUC testimony, specifically the capital project funding method, and that it would be dwarfed by resident rate increases, with 10% of the valuation annually. He asked that the Supervisors to think and reconsider continuing with the sewer sale.

Resident Mark Wohlpart referenced the Board’s statement to continue pursuing the sewer sale and upholding the contract with PAWC, adding the shareholders would not be too upset should they terminate the agreement. He then asked if the Board checked their future rates when PAWC takes over. He then critiqued the work of PFM and their rate projections. He reminded the Board that residents voted in two elections with results indicating their opposition against the sale.

Resident Joe Silverman referenced the Supervisors two reasons cited to sell the system – meeting DEPs future regulations and the purchase price. He referenced a homeowner taking out a loan for a roof replacement project, paying it back over a few years, which could be done similarly for the

sewer system improvements, rather than selling one's home, just to rent it back again at a higher rate. He reviewed the Township's debt service/millage from 1998 to current.

Resident Vanessa Gaynor urged the four Supervisors to reconsider their position to sell the sewer system and terminate the Asset Purchase Agreement, similarly to Supervisor Snyder's position.

Resident Lorena Fields questioned the actions of the four supervisors when choosing not to pause the sale process when NextEra backed out and moving forward to reassign the APA to PAWC. She noted not enough time given to properly research the impacts. She urged the Board do what is best for their constituents.

Resident Tina Gallagher questioned the Board's decision, knowing the sale will negatively impact rates and household finances. She said the sale is harmful to residents, especially seniors and those struggling economically.

Resident Rory Kelley commended the North Wales Police Department. He described their officers ticketing children wearing bike helmets, rewarding them with coupons for free ice cream at Little's Ice Cream. He recommended something similar be implemented in Towamencin.

Resident Kofi Osei referenced corrections for the math and rate projections under PAWC on the Township's website, with a context of keeping the system, making upgrades, that would save money.

Resident Joe Silverman analyzed the Township's debt service fluctuations, noting it could go up to address the sewer system improvements, then be reduced when repairs are complete.

Chairman Wilson responded to Mr. Silverman that he shouldn't focus narrowly on the debt service component of the millage, adding a lot of debt service is paid through the general fund, additionally the fluctuation of traffic impact fees influences the general fund component of debt service.

Chairman Wilson noted PA American Water had been out to meet with the Condominium Associations that are not currently individually metered for water consumption. Reports will be provided from PAWC to the Township with future meetings to be scheduled with the association managers (Timber Creek, Towamencin Condominiums and Chatham Village), PAWC representatives and the Township Manager. Chairman Wilson emphasized the decision to change future metering is ultimately the decision of each condominium association's membership.

Approval of Minutes

On a motion by Supervisor Marino, seconded by Supervisor Snyder, the Board approved the May 24, 2023 minutes.

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

Zoning, Subdivision and Land Development

Proposal Recommendation Comprehensive Plan Update

The Board authorized a request for proposals for an update to the Township's Comprehensive Plan at the Board's March 22 meeting. The RFP was sent to 10 consultants with experience in preparing municipal comprehensive plans. On April 21, two submissions were received - CHPlanning (\$130,000) and Simone Collins (\$140,000). The Planning Commission reviewed the proposals at their meeting on June 5, 2023 and are recommending the Board consider the Simone Collins proposal in the amount of \$140,000 due to the familiarity with previous work produced for Towamencin.

Supervisor Marino noted he was surprised that only two submissions were received. He proposed representatives of the two firms come in to make a presentation to review their proposals with the Planning Commission, answer questions and note the challenges facing the Township. Chairman Wilson agreed with the suggestion and directed staff to reach out to the two consultants to present to the Planning Commission, or perhaps a joint meeting between the Commission and the Board of Supervisors.

Waiver of Damages - 551 William Penn Way

The Township has prepared a Waiver of Damages Agreement that would allow the owners of 551 William Penn Way to install a fence within a Township sanitary sewer easement.

On a motion by Supervisor Snyder, seconded by Supervisor Warner, the Board approved approval of waiver agreement for 551 William Penn Way.

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

Old Business

None

New Business

RFP Review of Engineering Services Municipal Buildings Roof Replacements

At our April 26th meeting, the Board reviewed a proposal submitted by the Township Engineer for engineering service fees associated with building projects at the Municipal Complex. The scope of work includes roof replacements, removal and replacement of the existing siding, replacement of decorative barn doors, repair/replace existing fascia and miscellaneous roofing improvements. The proposal included an Engineering/Design/Bidding Phase (\$19,500) and Construction Management / Inspection Phase (\$20,500). It was recommended that a request for bids be sought for these engineering services. Township staff received three proposals for the Engineering/Design/Bidding Phase of this project.

- CKS Engineers \$19,000
- Gilmore & Associates, Inc. \$23,860

- Phillips & Donavan Architects, LLC \$23,940

The staff recommendation is to accept the CKS Engineers proposal for \$19,000.

On a motion by Supervisor Marino, seconded by Supervisor Snyder, the Board approved the CKS proposal for engineering services for Municipal Buildings Roof Replacements.

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

Authorization to Bid - Skippack Creek Interceptor Replacement Project

Last year, 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. This past fall, the Township’s Sewer Engineer reviewed the modifications made to the project’s scope. The project is ready to go out to bid with the modification in scope, focusing on the three worst sections.

TJ Figaniak, of Gilmore Associates, provided history and an update of the project to date. Chairman Wilson asked for a timeline from bid release to final completion. TJ reviewed the next steps, including: the bid release, permits, collecting access easement agreements, a bid recommendation would be in August, notice to proceed issued in September, followed by 6-month construction period, with restoration work targeted for early spring 2024. Supervisor Marino asked for the project budget. Mr. Figaniak responded the grant amount is \$500,000.

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board authorized the bid release for the Skippack Creek Interceptor Replacement Project.

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

Traffic Engineer Status Report

Towamencin’s Traffic Engineer Chad Dixson provided an overview of current and future traffic projects and priorities within the Township. The following projects/concerns were reviewed with timelines:

- Welsh and Orvilla Intersection Improvements Update
- PennDOT Low Cost Safety Improvements – improved signage and markings
 - Old Forty Foot Road and Rittenhouse Road
 - Allentown Road – North Forty Foot Road (between Thorndale Drive & Reinert Road)
- Allentown Road – Walton Farm School Zone new signage and markings

- 309 Connector HT2 August/September 2023
 - (Sumneytown Pike eastbound I-476 slip ramp)
- Forty Foot Road Widening/Newbury Way traffic signal warrants lacking
- Sumneytown Pike and Valley Forge Road – intersection widening

Chairman Wilson asked if there were plans for future Green Light-Go funding. Mr. Dixon responded this funding will open up later in the year and he will review grant criteria against needed transportation upgrades.

Veterans Committee Update

Veterans Committee member Bill Dauphinee presented an update to the Board with next steps for planning the future Veterans Park. He noted the future location consisting of 13 acres, the Committee’s mission statement, development plan, and phased development strategy. The Committee will begin to look into funding via grants, and other opportunities, including a donation program. Mr. Dauphinee reviewed the project’s various phases outlined within the Master Plan for the future park.

Acceptance of Police Donation

The Police Department recently received a donation from Wilbur Eastlack for \$200. The Board must consider acceptance of this gift in accordance with the Township's "Donation Policy."

On a motion by Supervisor Warner, seconded by Supervisor Snyder, the Board approved acceptance of the police donation.

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

Skippack Township Fire Police Request – Skippack July 4th Parade

Skippack Township is requesting the assistance of the Towamencin Fire Company Fire Police Unit on a mutual aid basis for traffic and safety control for their annual Skippack July 4th Parade.

On a motion by Supervisor Snyder, seconded by Supervisor Marino, the Board approved Skippack Township’s Fire Police Request.

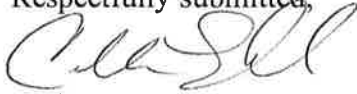
Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner, Joyce F. Snyder
 Voting No: N/A
 Abstaining: N/A
 Absent: Laura Smith

Volunteer Committee Appointments

The Board continues to interview potential candidates to fill committee vacancies. No appointments would be made at the meeting as additional meetings are still being coordinated.

There being no additional business, the meeting adjourned at 8:46 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Colleen Ehrle".

Colleen Ehrle
Director of Administration