

**Towamencin Township
Board of Supervisors
Monthly Meeting
July 28, 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:

Brooke Neve, Interim Township Manager/Finance Director
Jack Dooley, Esq., Township Solicitor
Mary Stover, Township Engineer
Niral Modi, IT Staff
Timothy Troxel, Chief of Police

Present Remotely:

Colleen Ehrle, Assistant to Township Manager

Chairman Wilson called the meeting to order at 7:34 PM and led the assemblage in the Pledge of Allegiance.

Awards & Recognition

Recognition of Retirement – Sergeant Michael Paul

Sergeant Michael Paul will be retiring on September 1, 2021, after 25.5 years of service to the Towamencin Township Police Department and the Towamencin Township community. Sergeant Paul has received numerous departmental commendations and positive correspondence letters from the community during his tenure with Towamencin. He has dedicated much of his time to multiple committees and in various roles serving our youth.

The Board of Supervisors expressed their sincere appreciation to Sergeant Paul for his dedication to law enforcement, his fellow officers and the residents of Towamencin Township. The Board of Supervisors presented a commendation for distinguished service to Sergeant Michael Paul. Chief Troxel followed up by presenting Sergeant Paul with a retirement badge to commemorate his service at Towamencin. The Board congratulated Sergeant Paul on his retirement and wished him the best in his future endeavors.

Opening Comments

Chairman Wilson made the following announcements:

- This Board meeting is being held in person at the Township Meeting Hall. It is also being provided via Zoom, a video streaming option, for residents who may not yet be able to attend in person. With this option, the public is able to view and hear the meeting live remotely. As accorded by law and notice, 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 available at the beginning of the meeting.
- Mark your calendars for tomorrow, July 29th as our Concert Series continues with Real Diamond – the premier Neil Diamond tribute band. The concert will begin at 7:00 pm and will be held at Fischer’s Park. Food sales by Diz’s Dogs/Love Food Truck will start at 6 pm.
- The Veteran’s Park grant celebration is also scheduled tomorrow, July 29th, from 10:30 am to 11:30 am. The Township’s Veterans Memorial Committee is hosting a ceremony to commemorate the Township’s grant awards. This grant funding makes the development of a Veterans Memorial Park Master Plan possible. The Committee will also recognize Senator Bob Mensch’s continued support of the Committee. Residents are invited to attend this ceremony at the location of our future Veteran’s Memorial Park - the Tennis-Lukens Cemetery open space.
- The Board met in Executive Session prior to this evening’s meeting to discuss personnel matters.

Additional Comments:

- Chairman Wilson noted staff has received a number of inquiries concerning the public hearing scheduled tonight for the North Penn School District’s Proposed Zoning Map Amendment. He explained the school district has not submitted any land development plans with respect to their proposed future ninth grade building or for a health center. Should the school district submit such plans, there is a land development review process that is required, which includes: a staff review, various consultant reviews, followed by the Planning Commission and Board of Supervisors’ review. This review process precedes any final approval. Tonight’s hearing is strictly related to a zoning map amendment.
- There have been many inquiries about the development of the Towamencin Village Shopping Center. Staff has reached out to the developer, who will provide an update at a future meeting.

Public Comments

Resident Lauren Shive, of 1305 Sunny Ayr Way, submitted the following comment:

As a nearly 20 year resident of Towamencin Township, I am extremely concerned about the proposal to sell the Township Sewer facility. This idea seems extremely short-sighted and not at all in your constituents’ best interests. There are far too many cases in recent history of large corporations purchasing local infrastructure and then raising rates to ridiculous levels or causing irreversible environmental damage to the local area. The U.S. General Accountability Office reports that for-profit utilities are \$15-\$21/month more expensive than public utilities. If needed repairs are going to cause our sewer rates to rise, that will still happen no matter who owns it. At least if the facility stays public, we won’t be paying for corporate profits along with repairs.

Chairman Wilson responded that the Board has not made a decision. He noted many municipalities in southeastern PA are reviewing the monetization of their sewer system. The Board has a fiduciary responsibility to explore the process for our taxpayers and ratepayers.

Mr. Wilson added another reason to possibly consider a sale, would be that a larger utility would have greater resources to address ever-changing environmental and DEP regulations.

Resident Kofi Osei, of 105 Cambridge Way, read the following comment:

I think it is a huge mistake to value a potential sewer sale from the perspective of the township's balance sheet. While in testimony to the Norristown Municipal Waste Authority on September 9th of last year, David Bush of Keystone Alliance Consulting said:

One of the things that is set in stone with a private utility, is that under the law the utility is entitled to recover reasonably incurred expenses and a fair return on investment . . . There is a profit margin built into the rate of return, [and] the rate of return approaches almost 10 percent.

With that rate of return in mind, selling the sewer to a private company is clearly a net negative present value transaction from the perspective of township residents. We are giving up our asset, paying for its sale, and paying the profit margin on top.

Not raising the sewer rates for a decade and letting maintenance lapse was a fiscally irresponsible move of the board. To remedy that mistake, instead of selling the sewer and letting rates double immediately the Board should look into financing the needed sewer repairs and developing a 10 to 20 year plan for gradual rate increases so that the sewer system can get back to positive cash flow. Other options might include consolidating with other municipalities. If the Board was hoping to use the proceeds of a potential sewer sale to fund non-sewer projects, I hope the Board would be more upfront about the desire to raise taxes.

Chairman Wilson corrected Mr. Osei's statement about lapsed maintenance of the sewer system, noting that the system has been well maintained with annual inspection service and repair, several major projects, including rebuilds of two sections of the Towamencin Creek Interceptor, and a rebuild of the Kriebel Road interceptor. There is also a major project on the agenda later this evening for work on the Skippack Creek Interceptor.

Approval of Minutes: July 14, 2021

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the July 14, 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

TCO Extension – 2001 Gehman Rd. (Amazon) / ROW Status Update

As a condition of the land development process, Amazon was required to make certain improvements to portions of Gehman Road and Detwiler Road in order to accommodate increased truck traffic generated by its new facility. As right-of-way needed to be obtained, the Township granted a temporary certificate of occupancy (“TCO”) in 2019 to allow Amazon to commence operations while addressing the roadway improvements. At its April 28th meeting, the Board authorized an extension of the TCO to July 28th, indicating Amazon would need to provide a status update.

Darwin R. Beauvais, Esq, representing Amazon, provided a summary of the pending land acquisitions and construction for the noted rights-of-ways. The closing date for the land acquisitions is scheduled for August 20th with subsequent construction to take place 10 to 12 weeks.

Chairman Wilson suggested another Amazon status update for September 22, 2021. Mr. Beauvais responded that they would be happy to return with an update.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board extended the temporary certificate of occupancy to September 22, 2021.

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 Hearing: North Penn School District – Proposed Zoning Map Amendment

The North Penn School District has filed a zoning map amendment application to re-zone various parcels that include the High School property, the North Montco Technical Institute, and the recently acquired radio station property from R-125 and R-175 Zoning to IN – Institutional Zoning. At their May 26, 2021 meeting, a public hearing on this matter was authorized by the Board of Supervisors and is scheduled this evening. The property was properly posted prior to this evening’s hearing. This proposed zoning map amendment was reviewed and recommended for approval by the Township Planning Commission at their June 7, 2021 meeting.

Chairman Wilson introduced Township Solicitor Jack Dooley, who presented the associated hearing exhibits. Mr. Dooley introduced Gregory R. Heleniak, Esq., representing the applicant, who made a presentation to the Board. A court reporter was present remotely to make a complete and formal record of the hearing. Solicitor Dooley closed the hearing.

Ordinance 21-08: North Penn School District – Zoning Map Amendment

Adoption of this ordinance would amend the Township’s Zoning Map to rezone various North Penn School District owned parcels as presented in the preceding public hearing.

It was the consensus of the Board to defer the amendment to a future meeting, with necessary advertisement in place.

Liberty Paving Sketch Plan

Liberty Paving has submitted a sketch plan application for a lot on Detwiler Road. The applicant would like to develop a small office building with a separate equipment storage building. The lot is narrow and non-conforming, and developing the lot in compliance with the zoning regulations has resulted in a number of necessary potential waivers including driveway widths, curb, and landscape islands. The Planning Commission did not have objections to the potential waivers as reviewed and discussed at their July 12, 2021 meeting. The applicant would like Board input on the required waivers before proceeding with additional design and representatives are here this evening to present.

Cliff Stout, P.E. of STA Engineering, Inc., representing the applicant, made a presentation outlining the layout of the lot, proposed use, and waivers needed to move forward with any land development. Mr. Stout focused on waivers related to driveway width, curb requirements and landscape islands.

The Board had concerns related to the narrow lot size and vehicle circulation in and out of the property, with the understanding that larger trucks with trailers would likely be utilizing the space due to the nature of the business.

Mr. Stout recommended tabling the matter and for the applicant to provide additional information to the Board. The Board agreed that the applicant should return to a future meeting with more information to provide better context to the Board.

Resolution 21-22: Preliminary Plan Approval - Wambold Realty, LP – Public Storage Facility

This Land Development Plan proposes to construct a second phase to the existing self-storage facility on the easterly side of Wambold Road, between Fretz and Schoolhouse Roads. The applicant proposes to demolish the existing buildings and driveways associated with the two dwellings on the property and construct seven new self-storage buildings. A formal presentation was made to the Board by the applicant at their July 14th meeting.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved Resolution 21-22, Preliminary Plan Approval - Wambold Realty, LP – Public Storage Facility.

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 21-23: Final Plan Approval - Wambold Realty, LP – Public Storage Facility

Per the Pennsylvania Municipalities Planning Code, a land development plan is, in most cases, a two-step process: a preliminary plan followed by a final plan. Generally, the preliminary plan is intended to provide a more generalized plan of development. The final plan provides design details for immediate development.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved Resolution 21-23, Final Plan Approval - Wambold Realty, LP – Public Storage Facility.

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

Old Business

None

New Business

Warrant List

The July warrant list was presented for approval. On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved the warrant list in the amount of \$1,067,258.78.

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 scope projects and identify deficiencies related to Township infrastructure, properties, and equipment. The Committee met on July 27th. Supervisor Marino provided the Committee's report.

Wambold Road/Fretz Road Truck Restriction Study - Chad Dixon provided an update concerning the prior Wambold Road/Fretz Road Truck Restriction Study. The traffic engineer contacted Lower Salford Township officials to discuss potential modifications to the signal system at the Derstine Road/Fretz Road intersection. They also contacted PennDOT to discuss the aforementioned modifications. Both PennDOT and Lower Salford had no issues with the potential changes. Towamencin would be responsible for implementing changes to the signal permit plan and preparing a study to confirm that the changes are warranted. McMahon will submit a proposal for the engineering required to implement the study and potential signal permit plan changes for consideration by the Board of Supervisors at an upcoming meeting.

2017 Green Light-Go Grant Update – The 2017 Grant in the amount of \$341,000 was previously rescinded by PennDOT, but was restored with PennDOT's 2021 budget. Anton Kuhner recommended that the scope of work be modified to remove intersections that have been funded by other sources, and include additional work at other intersections for the grant funding. The projects would have to be completed by May 2022 in accordance with the grant guidelines. A summary report noting recommendations for improvement consideration will be provided to the Board of Supervisors at an upcoming meeting.

Kriebel Road Truck Restrictions – The required signage for the Kriebel Road truck restrictions was installed by Public Works.

Allentown Road/Derstine Road Intersection – Supervisor Marino suggested that modifications be made to the traffic signal timing at the Allentown Road/Derstine Road intersection to facilitate left turn movements from Derstine Road onto Allentown Road. Chad Dixon advised that McMahon had recently made changes to the timing of the signalization at this intersection and would be monitoring the effectiveness of these changes as soon as school resumes.

Weikel Road Drainage – Township Engineer Tom Zarko presented four concept plan options for drainage and pedestrian walkway improvements along Weikel Road. The Committee endorsed the option 4 design for the project including the installation of a designated bike lane, curbing, and stormwater sewer system along the easterly side of Weikel Road. The Committee recommended the options be presented to the Board of Supervisors at a future meeting.

1540 Kriebel Road – An update was provided regarding the deteriorated storm sewer line on the property of 1540 Kriebel Road. CKS had completed a survey of the area of the Campisi property and the adjoining property to determine requirements for construction/maintenance easements. CKS is currently preparing the associated legal descriptions and plot plans for the easements, which will be forwarded to the Township Solicitor's office for preparation of the associated easement agreements. The easement documents will then be submitted to the Campisis and the neighboring property owners for their review/consideration. It is expected that the legal descriptions/plot plans will be completed shortly and that the easement documents will be forwarded to the property owners in early August.

1060 Valley Forge Road Drainage Concerns – The status the drainage concerns were reviewed. It was noted the resolution was primarily a PennDOT responsibility. PennDOT was contacted several times with no response to date.

Sump Pump Curb Discharge Connections – Public Works Director David Hillmantel provided an update on the connection installations. During the course of this work, a new location was identified that should be included – 1840 Rampart Road.

2021 Road Paving & ADA Ramp Replacements – The scheduling for both projects was reviewed. The ADA ramp replacement project is expected to begin in mid-August. While the road paving was anticipated to begin in beginning to mid-September.

Forty Foot Road/Newberry Way intersection - Chad Dixon advised that warrants to permit the Forty Foot Road/Newberry Way traffic signal installation were based upon the development of a senior housing project proposed PSDC. Therefore, the signal installation could not proceed until that project was approved. He noted that the redevelopment of the shopping center would not trigger the signal warrants needed to install the signalization and improvements. It was also noted

that the facade upgrades at the shopping center have been delayed as a result of material availability related to prior COVID issues.

Stable Pavilion – Brooke Neve, Interim Township Manager, reported the Township had received a number of complaints concerning the use of the Stable Pavilion at Fischer's Park due to the condition left after use. Mr. Hillmantel noted that the Stable Pavilion was not currently rented by the Township as it was not in good condition and in need of replacement. The condition of the restrooms at the park were also discussed. Mr. Hillmantel reported that the vandalism issues have not been resolved, and that the restrooms had to be cleaned on a daily basis.

1691 Meadow Glen Drive Drainage Issues – Supervisor Smith reported a complaint from the property owner at 1691 Meadow Glen Drive concerning drainage issues reportedly related to ongoing construction activities at the North Penn High School site. Mr. Zarko noted that he would coordinate a site visit to evaluate the complaint and report back.

Pennsylvania Turnpike Right-of-Way Areas – Supervisor Marino reported overgrowth along the right-of-way areas along the Pennsylvania Turnpike leading into Kulpsville. He suggested some "greenscape" options be considered. It was recommended that contact be made with the PA Turnpike Commission representatives to determine if they would consider such improvements.

Sewer System Monetization Status Report

As part of the Township's ongoing exploration of a possible sale of its sewer system, the Board has asked PFM Financial Advisors to provide regular updates on how the process has been proceeding. Chairman Wilson read the July report. Recent events included:

- Continuing to populate the data room with various documents that were requested from the bidders or uncovered as part of the Township's ongoing due diligence.
- Continuing drafting all the necessary bidding documents, including but not limited to the: Asset Purchase Agreement ("APA") & Schedules, Asset Lease Agreement ("ALA") & Schedules, and the Request for Bids.
 - The financing team held a call on July 8th to discuss the various schedules that would be required as part of the APA/ALA.
 - The financing team held a call on July 12th to discuss and review the current draft of the APA & discuss next steps in the process.

Immediate next steps include:

- Continue fielding due diligence questions received from the bidders and continue populating the virtual data room accordingly.
- Continue drafting the various required bidding documents.

It is the goal of the financing team to have a draft of the available bidding documents to the various bidders for their review and comment by late August, 2021. Prior to releasing the bidding documents to the bidders, the financing team would brief the Board of the various terms in the documents and allow them to address any comments, questions or concerns.

Fire Police Request – Upper Salford Township

Upper Salford Township is requesting the assistance of the Towamencin Fire Company Fire Police Unit on a mutual aid basis for traffic and safety control for the following events:

- Philadelphia Folk Fest - August 21 - 22
- Old Goshenhoppen Oyster Picnic - September 11 (conflicts with Towamencin Day and TVFC BBQ Chicken Dinner)
- WMGK Big Bad Bonfire - October 16

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board approved Upper Salford Township's fire police request for assistance at the Philadelphia Folk Fest on August 21-22, and the WMGK Big Bad Bonfire on October 16.

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

Fire Police Request – rideATAXIA

The annual rideATAXIA bike ride fundraiser will be transiting through Towamencin again this year on October 9, 2021. Riders will be following the “rules of the road.” No road closures are scheduled, nor is police assistance requested. They have requested Fire Police assistance for riders making left turns from Quarry Road onto Old Forty Foot Road, between 8 am to 10 am.

On a motion by Supervisor Smith, seconded by Supervisor Littley, the Board authorized the rideATAXIA fire police request for October 9th, between 8 am to 10 am.

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

Award of Bid – Skippack Creek Interceptor Repair & Rehabilitation

This bid is for a contract associated with the investigation, repair, and rehabilitation of the Skippack Creek Interceptor portion of the sanitary sewer collection and conveyance system. The Township was awarded a \$425,000 Commonwealth Financing Authority grant late in 2020 through the Pennsylvania Small Water and Sewer program to fund this project. The amount budgeted in 2021 for this project consists of the \$425,000 in grant funds plus \$75,000 in engineering expense. A total of one (1) bid was received. The bidder is Standard Pipe Services, LLC with a bid price of \$943,111. The cost appears to be significantly higher than budget due to the need to estimate quantities in the scope of work as the extent of rehabilitation work needed is not yet known. If work is authorized, it will be by a work directive to manage the cost of the project.

It is Township staff's recommendation to award the Skippack Creek Interceptor repair and rehabilitation bid to Standard Pipe Services, LLC for the total base bid amount of \$943,111. The overall cost of this project will not exceed \$425,000 for the contractor's portion of the work in accordance with the grant agreement. The Township's wastewater engineer, Gilmore & Associates, Inc., will manage the work so not to exceed the grant budgeted amount.

Chairman Wilson questioned if the Township can use funds from the sewer capital fund to complete the project if it exceeds the grant total. Solicitor Dooley stated that they could in the form of change orders.

Supervisor Marino commented with one bidder it makes it difficult to compare the scope of the work and the estimated unit costs submitted. He recommended further discussion with additional information provided by the wastewater engineer, who is managing the project. There was a consensus of the Board to revisit the bid award consideration at a future meeting, after receiving additional information.

Acceptance of Donation to Police Department

The Police Department recently received the following donation: Dunkin' Donuts (Sanjay R. & Kinnari S. Patel) for \$250. The Board must consider acceptance of this gift in accordance with the Township's donation policy.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board authorized the acceptance of the Police Department donation in accordance with the Township's donation policy.

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 9:24 pm.

Respectfully submitted,



Colleen Ehrle

Assistant to Township Manager