

**Towamencin Township  
Board of Supervisors  
Work Session  
April 13, 2022  
7:00 PM**

**Present:**

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

Colleen Ehrle, Manager of Administration, Communication & Human Resources

**Absent:**

Chairman Wilson called the meeting to order at 7:06 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. 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.
- Reminder that the 2<sup>nd</sup> Town Hall meeting regarding the potential sewer system sale or lease will be held on Wednesday, April 20<sup>th</sup>. The meeting will again be held at the Dock Mennonite Academy Auditorium and will begin at 7pm. A letter has been mailed to all non-residential sewer customers advising of this meeting.
- The Board met in Executive Session prior to this evening's meeting to discuss legal and personnel matters.

**Public Comments**

Chairman Wilson read the emailed submissions, with summaries below.

Resident JoAnn Goble, 603 Heritage Drive, requested the Supervisors please consider all Towamencin residents before deciding whether or not to sell the sewer system, including children, older residents, as well as, small business owners. Is this really what you want to leave behind as your legacy when you are no longer on the board or living in the Township?

Resident David McCreary, 1809 Hickory Way, referenced the PFM disclaimer from their April 6<sup>th</sup> presentation, then asked: Does PFM have a legal fiduciary duty to the township? Does Gilmore and Associates, our township's independent engineering firm, have a fiduciary duty when they are contracted? Please treat PFM with all due skepticism, and vet their conclusions with Gilmore and Associates, assuming they are acting as a fiduciary.

Resident Jenn Foster, 105 Concord Place, thanked the supervisors for holding these very important Town Hall Meetings. I think you can see that your constituents are deeply passionate about our opposition to this sale. The presentation from PFM was clearly biased in favor of a sale; after all, they get paid a lot more if we do. For this next town hall, I would like to hear from my elected officials, not a consultant or a bidder. I want to know where you stand on this issue, and I want you to answer why this is even remotely a good idea, especially after hearing from residents.

Resident Joseph and Dolores Mucchetti, 1107 Amber Lane, noted their opposition to the sale of our sewer plant.

Resident Joan Tavernelli, of Devonshire Court, asked if the Township explored the Infrastructure Act for monetary support to maintain the sanitary sewer system? Specifically Division E Drinking Water and Waste Water Infrastructure, Title II Clean Water "provides financial assistance" for publicly owned treatment works to eligible entities. Consider Scranton when you make a decision - the sewer system sale is stalled in the court and the City is waiting resolution and release of funds, if the court decides in their favor.

Resident Maureen Bucci, 563 Broxton Court, noted her opposition to the sale of the sewer plant.

Resident Judy Phipps, 1231 Archer Lane, requested Scott Shearer of PFM to refrain from presenting and attending the next town hall, and it is time to hear from the elected officials. She had suggestions for the Board to consider at the upcoming town hall, including: addressing the Township residents, indicating why or why not the sewer should be sold, and developing a format that allows for fair participation – suggesting sequestering the supervisors from hearing each other when each addresses the community, and allowing residents an opportunity to voice their wishes.

Resident Kris Clemmer, 335 Orvilla Road, asked: Why would anyone want to sell an asset that is profitable? A private company has to make a profit. Who is to say that company sells to someone else in a year or so? All I can see is the supervisors only seeing the dollar signs to pad the coffers of the township. You gave out lots of info as to where the money would go, then say would only sell to a company which benefitted the community. We as people of the community of whom the supervisors were voted in by, should listen, we are asking for information regarding upgrades, and maintenance of our present sewer system.

Resident Maureen Hill, 11 Hackney Way, noted her opposition to the sale or lease of our sewer system. This will impact the schools in NP School District and this will make our school taxes rise; it doesn't have to happen! This is selling of public goods which demands a public review. Residents on fixed and low incomes will be adversely affected by corporate rates.

In-Person Public Comment Summaries:

Resident Kofi Osei, 105 Cambridge Way, noted he received some information on the history of Upper Gwynedd's problem and suggested a regional authority with Upper Gwynedd and Franconia Townships; if not all three, then a partnership with Franconia. Mr. Osei offered to present the merits of public consolidation at the next town hall. He criticized Scott Shearer's PFM town hall presentation, including: optional projects and rate projections. He analyzed the noted projections. He further criticized Chairman Wilson as duplicitous, questioned the silence of Supervisors Smith and Marino, while being hopeful regarding Supervisors Warner and Snyder.

Resident Gisela Koch, 703 Freedom Circle, noted she is opposed to a potential sewer sale. She requested other Supervisors address residents at their meetings, citing challenges in hearing and understanding Chairman Wilson.

James Collins, 596 Weikel Road, repeated his opposition to the potential sewer sale, noting the issue transcends political party. He criticized the town hall presentation feeling it lacked basic information. He expressed he was troubled by the notion that he has no idea where the Supervisors stand on the issue with a decision looming in a few weeks.

Resident Tina Gallagher, of 117 Misty Meadow Lane, acknowledged the Board following through with resident requests to improve communication of the potential sewer sale process. She was proud of the community involvement, asking the Board to take into account all the public concerns presented.

Resident Rory Kelley, of 325 Central Drive, referenced Senate Bill 597, asking if there were plans to mitigate these future mandates. He then questioned why business impacts were excluded from the PFM town hall presentation and asked if Township businesses were notified of the next Town Hall.

Chairman Wilson responded Township businesses were notified of the April 20th Town Hall.

**Approval of Minutes: March 9, 2022**

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board approved the March 9, 2022 minutes.

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

Voting No: N/A

Abstaining: N/A

Absent: N/A

**Zoning, Subdivision and Land Development**

**Public Hearing: Traffic Signal Specifications Update**

At the January 26th Board of Supervisors' meeting, our traffic engineer presented a proposed update to the Township's traffic construction and materials specifications and the Board authorized

the preparation and advertisement of the ordinance. These specifications were last updated in 2009 and fall within the Township's Subdivision and Land Development Ordinance and based on current technologies and federal standards. These updates have been reviewed and recommended for approval by the Planning Commission. Since this is an update to the Township's Subdivision and Land Development Ordinance, a public hearing is required.

Township Solicitor Jack Dooley, Esq. presented the associated hearing exhibits and introduced Township Traffic Engineer Chad Dixon to review the update. A court reporter was present to make a complete and formal record of the hearing. Solicitor Dooley closed the hearing.

**Ordinance 22-03 – Traffic Signal Specifications Update**

Adoption of this ordinance would amend the Township's Zoning Code to provide regulations pertaining to the matter as presented in the proceeding public hearing.

On a motion by Supervisor Marino, seconded by Supervisor Smith, the Board adopted Ordinance 22-03, Traffic Signal Specifications Update.

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

Voting No: N/A

Abstaining: N/A

Absent: N/A

**Resolution 22-09 – Final Land Development, Chipotle & Mattress Warehouse**

The Shops at Town Square is proposing to replace the demolished Boston Market Restaurant with a 2,445 square foot Chipotle fast food restaurant, with a drive-through and a 4,000 square foot Mattress Warehouse. On December 8th, the Board granted preliminary plan approval with conditions. On March 23rd, the Board reviewed revised final plans and supporting information to meet the conditions outlined in the preliminary approval. The final plan approval resolution has been prepared and is ready for the Board's consideration.

On a motion by Supervisor Snyder, seconded by Supervisor Smith, the Board approved Resolution 22-09, Final Land Development, Chipotle & Mattress Warehouse.

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

Voting No: N/A

Abstaining: N/A

Absent: N/A

**Preliminary/Final Land Development Plan Third Review: Verus Partners Delp Drive**

On February 9th and March 23rd, the applicant provided the first and second review to the Board of Supervisors for this proposed land development. The applicant is proposing to construct a

267,648 square foot warehouse building with associated improvements including parking, interior circulation, exterior roadway/intersection, landscaping, stormwater management, public water and public sewer service. Representatives from Verus Partners will provide an update based on the discussions that were held at the two prior meetings to further review the application.

*Chairman Wilson left the Meeting Hall at the beginning of the applicant's review.*

Gregory J. Davis, Esq., representing the applicant, provided a summary since the March 23rd meeting, noting the applicant would comply to the comments outlined within the updated consultant review letters, notably the April 7<sup>th</sup> CKS letter, April 7<sup>th</sup> McMahon Associates, and Gilmore Associates.

Supervisor Marino asked if there was an update on a potential tenant and timelines on construction. Bob McCormick, of Verus Partners, responded there was no tentative tenant and referenced a 10-month completion timeframe. Supervisor Smith inquired into the status of tree installations on site. Mr. Davis confirmed the applicant was able to incorporate all required trees within the property as requested.

Mr. Davis noted the applicant needs Board approval to remove three trees with a circumference greater than 60".

Supervisor Warner asked if there was any resolution to the emergency access easement. Mr. Davis responded it was still under negotiation with the adjacent property owner.

Dock Woods resident, John Hubbert of 759 Spring Lane, noted the building height maximum of 40 feet, then raised concerns of an HVAC system mounted on the roof, adding 8 to 10 more feet. Solicitor Dooley noted the applicant will have to comply to the appurtenance Zoning Code., adding the applicant did not request any variation for such structures. Mr. Dooley further explained the building plans are subject to various staff reviews.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board authorized staff to prepare approval resolutions, including all waivers and the request to remove three trees in excess of 60" in circumference.

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

### **Core5 Overnight Work Request**

Representatives from Core5 at Park 31 submitted a request to perform construction activities outside of the permitted hours of 7 am to 7 pm on a limited basis at 505 and 515 Wambold Road. The construction activity is related to concrete placement for the slab on grade, dock apron, dolly pads and tilt-up wall panels which are poured on-site. Their construction schedule for Buildings A and B have construction pours for slab on grade and tilt-up wall panels being during May and June

2022, with the dock aprons and dolly pads being poured in July/August 2022 timeframe. The construction activity would include lighting on-site, concrete delivery trucks and concrete finishing equipment. Brian W. Reisinger, P.E., Vice President of Development for Core5 was present to review this request and answer any questions.

Supervisor Marino noted the concern of Fretz Road residents, asking that they mitigate the sound, talk to construction contractor to minimize noise. Mr. Marino recommended lights being directed downward and away from residential areas and proposed a truck circulation where back-up alerts would be infrequent.

*Chairman Wilson return to the dais.*

Resident Joseph Silverman, of 1325 Reiff Road, questioned if the work would be a continuous pour and the quantity of concrete for the project.

Chairman Wilson recommended notification to neighboring municipalities, Franconia and Hatfield Townships, be provided. Supervisor Marino requested a week's notice for the Township to provide associated updates to neighbors. Mr. Reisinger was agreeable to communicate the Board's recommendations.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved Core5 overnight work request.

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

Voting No: N/A

Abstaining: N/A

Absent: N/A

### **Old Business**

None

### **New Business**

#### **Township Wide Sidewalk Study Proposal Request**

The Township's Planning Commission and Economic Development Committee both discussed the need for a sidewalk study and both recommended that the Board authorize such a study, that would provide a complete inventory of Township sidewalks. The study would be a planning tool illustrating gaps that should be filled, recommending locations for new sidewalk installations and how the Township's trail system supports and ties in the Township's sidewalk system to create cohesive pedestrian mobility. The Planning Commission feels that the Township should not waive any development sidewalk requirements moving forward. Rather, the Township should consider a fee in lieu of so that this money can be used by the Township to install sidewalks in areas where needed, as supported by the proposed study.

Supervisor Snyder noted there is existing GIS applications available via the Delaware Valley Planning Commission and recommended whoever does this project utilize these available tools. Chairman Wilson suggested consultant Simone Collins Landscape Architecture be tasked with providing the proposal.

On a motion by Supervisor Warner, seconded by Supervisor Snyder, the Board authorized staff to request a proposal from Simone Collins to prepare a Township-wide sidewalk study.

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

### **Lower Salford Fire Police Request and Acceptance of Donation**

Lower Salford Township is requesting the assistance of the Towamencin Volunteer Fire Company's Fire Police Unit for traffic and safety control for their annual Country Fair Days' fireworks and parade. Fireworks are scheduled for Friday, May 27<sup>th</sup>, and the parade is scheduled for Saturday, May 28<sup>th</sup>. The Towamencin Fire Police also received a donation from the Harleysville Jaycees in the amount of \$250 for their assistance with the 2021 Country Fair Days.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board approved Lower Salford's Fire Police Request and the acceptance of the Harleysville Jaycees donation.

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

### **Public Comment Time Limit Policy – Authorize Preparation**

When preparing the format of the Town Hall, it was noted there was no existing public comment time limit policy in place. Other municipalities have adopted such a policy that limits each member of the public to 3 minutes for public comment. The Board discussed establishing a public comment time limit policy to have on the books to facilitate meetings with large attendance.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board authorized the Township Solicitor to draft a public comment time limit policy for review.

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

### **MS4 Skippack Alliance Update**

The Township Engineer has been meeting with DEP about the Township's NPDES MS4 submission and staff and consultants have also been meeting with the other municipalities within the Skippack Creek Alliance (Towamencin Township, Hatfield Township, Worcester Township, Skippack Township and Lower Providence Township) about the proposed intermunicipal agreement. We are nearing a point where this agreement will be presented to the Board for consideration at a future meeting.

Chairman Wilson noted the presented MS4 stormwater projects would be funded by the potential sewer sale proceeds, being examples of unfunded mandates, where many municipalities need to implement stormwater management fees to fund.

Township Engineer Mary Stover presented the Skippack Creek Multi-Municipal pollution reduction plan to the Board, including: background of the alliance and MS4 program requirements, updated sediment load modelling, reduction plan timeline, BMP watershed projects, map of the Skippack Creek Watershed, a summary of the multi-municipality agreement. Ms. Stover concluded by provided a timeline of the various steps required in moving forward with the joint pollution reduction plan.

Supervisor Snyder asked for location of BMPs within Towamencin.

Resident Rory Kelley recommended working with Perkiomenville Watershed Conservancy for grant resources and facilitation in future projects.

Resident Lisa Lieb, of 2000 Kriebel Road, asked would there be two separate proposals - one considering using proceeds from a sewer sale, one independent of a sale. Chairman Wilson responded regardless of the potential sale, the Township would still seek available grand funding.

Resident Kofi Osei, asked if the Board would state with certainty that the mandates will be unfunded forever. Chairman Wilson responded there will always be unfunded mandates from the state and federal governments.

### **Environmental Advisory Council Report**

The Township's Environmental Advisory Council meets monthly and is responsible for undertaking tasks that promote and conserve the natural and historic resources of the Township and protect and improve the quality of the environment within the Township. The Committee met on March 8th, Supervisor Snyder provided the Council's report.

Supervisor Snyder noted the Council needs about \$70 to buy materials for Towamencin Day. Chairman Wilson noted the Township Manager can work with her for reimbursements. The Council reviewed upcoming events:

- Downspout Planter Workshop – May 12, 2022
- Towamencin Day Exhibit/Crafts – May 21, 2022



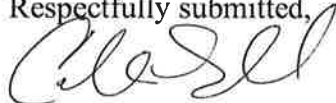
The Council recapped their local Earth Day Event, partnering with the Perkiomenville Water Conservancy Stream Clean-Up, where 14 contractor trash bags and other large debris were collected. Supervisor Snyder thanked the Public Works Department for disposing the debris from the clean-up event.

**April 20<sup>th</sup> – Town Hall**

Chairman Wilson commented that at the next Town Hall each Board member will have an opportunity to present their position on the proposed sale of the sewer system, along with open dialogue, and comments. The next presentation would be scaled down, with better clarity. Mr. Wilson added William Dingman of Gilmore & Associates, the Township's Sewer Engineer, may speak at the next Town Hall.

There being no additional business, the meeting adjourned at 8:44 pm.

Respectfully submitted,



Colleen Ehrle

Manager of Administration, Communication & Human Resources