

**Towamencin Township  
Board of Supervisors  
Monthly Meeting  
September 28, 2022  
7:00 PM**

**Present:**

H. Charles Wilson III, Chairman  
Richard Marino, Vice Chairman  
Laura Smith, Secretary  
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:**

Kristin Warner, Treasurer

Chairman Wilson called the meeting to order at 7:05 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.
- On Thursday, October 6<sup>th</sup>, the movie Addams Family 2 will be featured at Fischer's Park.
- Towamencin Community Day will be held on Saturday, October 8<sup>th</sup>, from 12 pm to 4 pm.
- 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 Planning Commission will be meeting on Monday, October 10, 2022 at 7 pm.
- Prior to the meeting, the Board met in executive session to discuss a personnel matter.

**Public Comments**

Resident Joseph Silverman read from a recent Philadelphia Inquirer article where Buck County's officials were applauded for not moving forward with their proposed sewer sale, and making a case to repeal Act 12, which allowed for the privatization of public water and sewer utilities.

Resident Todd Fisher cited the current annual sewer residential rate of \$450, explaining it translates to half of 1% for a \$100,000 median income household. He questioned the opposition's ire to rates being raised 2-3 times over 10 years considering the overall percentage at stake.

Chairman Wilson added there would be an update to the Frequently Asked Questions document on the Township's website - related to the Sale of the Sanitary Sewer System - the next day to clear up resident confusion relating to how the Home Rule Charter process affects the sale and how much of the \$115.3 million purchase price would be built into future consumer rates.

**Approval of Minutes: August 24, 2022, September 7, 2022, September 14, 2022**

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved the August 24, 2022 minutes.

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

On a motion by Supervisor Snyder, seconded by Supervisor Smith, the Board approved the September 7, 2022 minutes.

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

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved the September 14, 2022 minutes.

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

**Zoning, Subdivision and Land Development**

**Waiver of Land Development Request - Kessler Dental**

The applicant has requested a waiver from the land development process because the application has been reviewed and considered by the Township's Planning Commission, along with the Board of Supervisors. In addition, the applicant has submitted waivers from the Township's Subdivision and Land Development Ordinance including modification to driveway width, street tree and shrub

requirements, buffer landscaping in parking area, and 50-foot separation for refuse area. Requested deferrals include: sidewalk and concrete curbing along frontage and parking lot perimeter landscape buffer.

Richard Mast, project engineer, reviewed the proposed site improvements, along with the rationale behind the requested waivers and deferrals.

On a motion by Supervisor Marino, seconded by Supervisor Snyder, the Board authorized staff to prepare a resolution to waive the land development process, incorporating requested waiver and deferrals, along with consultant comments as discussed.

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

### **Mainland Golf Land Development Waiver Request**

The applicant has requested a waiver from the land development process as the proposed development consists of renovating an existing building on the property, far-removed from the existing road frontages. In addition, the applicant has submitted waivers from the Township's Subdivision and Land Development Ordinance including requirements for road widening, curb and sidewalk installations.

Susan A. Rice, project engineer, reviewed the proposed changes, traffic modifications and the waiver request. Supervisor Marino suggested modifying the waivers to deferrals in the event these improvements would be required at some time in the future.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board authorized staff to prepare a resolution to waive the land development process, incorporating consultant comments and the requested deferrals as discussed.

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

### **Schnabel Minor Subdivision – Land Development Review**

The subject property consists of 25.92 acres located on both sides of Kriebel Road on the eastern side of the intersection with Kriebel Road and Old Forty Foot Road in the "R-200 - Residential Agricultural" Zoning District. There is one existing single-family detached dwelling, a detached garage with an apartment on the second floor, two existing driveways to Kriebel Road, two septic fields, two wells and a shed on the property. Plans note that one of the dwellings also contains an existing home occupation. The remainder of the property has been farmed. Lot 1 is proposed to consist of 2 acres which would include all of the existing improvements noted above. Lot 2 is proposed to consist of 23.92 acres which would include the remaining farmed area of the property.

Timothy Duffy, Esq. representing the applicant, provided background on the property, reviewed the proposed plans and improvements, and the consultant review comments.

It was noted a waiver request letter had not been submitted to date. The Board requested the applicant submit their waiver list and return at a subsequent Board meeting to review the waivers.

**ZHB 2022-04: 1600 Delp Drive, Special Exception Extension Request**

The applicant is seeking a 6-month extension of the current October 19, 2022 expiration date for the special exception relief granted from section 153-616.B(4)(b) of the Township's Zoning Ordinance to construct a road within the 50-foot-wide stream margin. Since the relief was granted, the applicant's predecessor pursued and obtained conditional use and conditional preliminary/final land development approval for the project. The applicant has recently acquired the property and is pursuing the necessary permits for the project and is requesting an additional six month to do so.

Gregory J. Davis, Esq., representing the applicant, provided a summary of the special exception relief request.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board authorized the Solicitor to submit a position statement to the Zoning Hearing Board, making them aware the special exception extension should be predicated on the representation made resulting from the Condition Use extension request discussion.

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

**Conditional Use: 1600 Delp Drive, Extension Request**

The applicant, AG-HS Delp Property Owner LLC, recently acquired the rights and title to the 1600 Delp Drive property from Verus Partners, LLC, is requesting an extension to the October 27, 2022 conditional use deadline relating to steep slope disturbance. The Board approved the conditional use for the project in March 2022, along with conditional Preliminary/Final Land Development approvals on April 27, 2022.

Under Section 153-1115 of the Township's Zoning Ordinance, unless extended, a conditional use expires six (6) months from the date of a subsequently obtained land development approval. The applicant is requesting a 6-month extension to the conditional use deadline of October 27, 2022, extending the deadline to April 27, 2023.

Gregory J. Davis, Esq., representing the applicant, provided a summary of the approval timeline for the conditional use request, explaining the time lost from the recent sale of the property with construction anticipated in 2023.

Mary Stover, Township Engineer, noted there has been a lack of communication with the applicant and their plan submissions. Mr. Davis responded that issue would change.

On a motion by Supervisor Marino, seconded by Supervisor Smith, the Board granted a 6-month extension of the Conditional Use deadline and for the solicitor to write a letter to accompany the approval.

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

**Resolution 22-23: Dock Mennonite Academy Waiver of Land Development Approval**

The Township received a request for a waiver of land development pertaining to the Dock Mennonite Academy property located at 1000 Forty Foot Road. The property is located on the northwesterly corner of the intersection of Forty Foot Road and Detweiler Road in the “IN – Institutional” Zoning District. The applicant is proposing to construct an addition on the Dielman Hall Building, modify the walkways in the vicinity of the addition, and remove four parking spaces within the Dock Mennonite Academy Campus. This waiver request was reviewed by the Board at its September 14th public meeting and the approval resolution is now ready for the Board’s consideration.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved Resolution 22-23, Dock Mennonite Academy Waiver of Land Development Approval.

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

**Old Business**

None

**New Business**

**Public Hearing: Tax Exempt Financing for Hatfield Mennonite Homes**

Hatfield Mennonite Home has applied for a federally-tax-exempt revenue note by a qualified authority in the maximum principal amount of \$30,000,000 for the benefit of Hatfield Mennonite Home to finance:

- (1) the refunding of the Souderton Industrial Development Authority Revenue Note issued in the original aggregate amount of \$6,000,000 (“Refunding Project”);
- (2) the costs of the construction, furnishing, and equipping of new buildings, alterations, additions, renovations, and other improvements and enhancements to existing buildings, together with related

site improvements, including, but not limited to, the construction of a new connecting wing to the Dock Terrace nursing center and renovations to existing wings, common areas, and hallways on the campus of the Corporation's continuing care retirement community located at 275 Dock Drive, Lansdale, Towamencin Township, Montgomery County, Pennsylvania;

(3) the funding of capitalized interest on the Tax-Exempt Note, if any; and

(4) the funding of all or a portion of the costs of issuance relating to the Tax-Exempt Note.

The purpose of this hearing is to receive public concern regarding the issuance of the note as a tax-exempt obligation for the benefit of the Projects. The public hearing is being held in accordance with requirements of the Internal Revenue Code.

Township Solicitor Robert J. Iannozzi, Jr. presented the associated hearing exhibits, then introduced Zachary Morano, Esq., the applicant's representative. Mr. Morano introduced his witness Steven Myers, Chief Financial and Technology Officer of Living Branches. A court reporter was present to make a complete and formal record of the hearing.

### **Resolution 22-24: Tax Exempt Financing for Hatfield Mennonite Homes**

The following resolution relates to the preceding public hearing, whereby the Board of Supervisors must consider approving the use of tax-exempt obligations in financing the described project. If approved, the Township will not incur any liability for this project or the obligation of the tax-exempt note.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved Resolution 22-24, Tax Exempt Financing for Hatfield Mennonite Homes.

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

### **Warrant List**

The September warrant list was presented for approval. On a motion by Supervisor Snyder, seconded by Supervisor Smith, the Board approved the warrant list in the amount of \$2,123,844.52.

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

### **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 September 15<sup>th</sup>. Supervisor Marino provided the Committee's report with the following topics reviewed:

- 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
- Municipal Complex Driveway Lighting
- Kerr Road Analysis
- Forty Foot Road Pedestrian Bridge Repairs
- Towamencin Swimming Pool Repairs
- Proposed Salt & Equipment Storage Building
- Nash Soccer Field
- Drinnon Park Budgeted Improvements
- 1690 Old Forty Foot Road Flooding in Flood Way
- Welsh/Orvilla Intersection Project Update
- Valley View Way Storm Sewer Replacement

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved the CKS Engineers proposal for \$17,500 for services associated with the design and bidding phases to replace deteriorated storm sewer system within Valley View Way.

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

Voting No: N/A

Abstaining: N/A

Absent: Kristin Warner

### **Stormwater Improvement Project Bid Review/Recommendation**

As referenced in the Public Works Committee Report, this associated project included work to be performed in conjunction with improvements and the repair of existing storm drainage facilities in the Kriebel Road, Orchard Lane and Eagle Way areas of the Township. Six (6) bids were received for the project. The Township Engineer noted the lowest responsible proposal submitted is significantly higher than the pre-bid construction cost estimate. The Township Engineer recommends that current bid submissions be rejected, and the project be re-released when current supply chain issues are resolved. At that point, the released RFB should include the associated storm sewer replacement work needed along Valley View Way.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board rejected the current bid submission and authorize rebidding the project in the future, per the Township Engineer's recommendation.

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

### **Finance Committee Report**

The Township Finance Committee meets monthly throughout the year and more often when needed. The Committee monitors 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 September 16. Chairman Wilson provided the report. Discussion items included:

- Fire Company Capital/Budget Requests - The Committee met with Towamencin Volunteer Fire Company representatives to review their financial outlook and upcoming capital needs ahead of the 2023 budget work session. The fire company have been reviewing designs and hope to replace its existing fire house facility this decade. TVFC representatives discussed their current capital replacement schedule, their desire to adjust their incentive program, and requested an increase in the township's real estate tax millage dedicated to fire services.
- Township 2022 August YTD Financial Summary
- Liquid Fuels Audit 2020-2021 Review
- 2023 Minimum Municipal Obligation (MMO) Review
- 2023 Debt-Related Interfund Transfers Review
- Update on TTIA Dissolution - The solicitor is working on next steps and will advise the Board soon on the actions required.
- Act 57 Discussion - Act 57 amends the Local Tax Collection Law to allow taxpayers who fail to receive a tax notice during their first year of occupancy to apply for and receive a waiver from penalties and associated fees. The Act requires all townships levying a property tax to adopt a resolution or ordinance directing the tax collector to implement the act.

### **Resolution 22-25: Minimum Municipal Obligation Police Pension Plan**

The required municipal contribution, referred to as the Minimum Municipal Obligation (MMO), is calculated annually. The calculation must be prepared for the upcoming calendar year, certified by the Administration, and submitted to the Board of Supervisors by the last business day of September. The 2023 MMO for the Police Pension Fund is \$698,300. In 2022, it was \$667,527.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved Resolution 22-25, Minimum Municipal Obligation Police Pension Plan.

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



Abstaining: N/A  
Absent: Kristin Warner

**Resolution 22-26: Minimum Municipal Obligation Non-Uniform Pension Plan**

The MMO for the Non-Uniformed Pension Plan is calculated annually and represents the Township's funding requirement. The 2023 MMO for the Non-Uniform Employees Defined Benefit Pension Fund is \$181,777. The defined benefit plan is no longer available to new hires, consequently the MMO is projected to decrease over time. In 2022, it was \$199,008.

On a motion by Supervisor Snyder, seconded by Supervisor Smith, the Board approved Resolution 22-26, Minimum Municipal Obligation Non-Uniform Pension Plan.

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

**Resolution 22-27: Minimum Municipal Obligation Non-Uniform Employees Money Purchase Pension Plan**

In 2014, the Board adopted an ordinance establishing a Defined Contribution Pension Plan for new non-uniformed Township employees hired subsequent to the adoption. The transition to this new plan will aid in controlling escalating costs in future funding of pensions compared to a Defined Benefit Pension. The 2023 MMO for the Non-Uniform Employees Defined Contribution Pension Fund is \$34,715; in 2022, it was \$24,185.

On a motion by Supervisor Littley, seconded by Supervisor Bell, the Board approved Resolution 22-27, Minimum Municipal Obligation Non-Uniform Employees Money Purchase Pension Plan.

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

**Other Business**

Supervisor Smith reminded residents to be more mindful and pay attention to school buses during morning and afternoon pick-ups.

There being no additional business, the meeting adjourned at 9:58 pm.

Respectfully submitted,



Colleen Ehrle

Manager of Administration, Communication & Human Resources