

**Towamencin Township
Board of Supervisors
Work Session
May 10, 2023
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:

Robert J. Iannozzi, Jr., Esq., Township Solicitor
Mary Stover, Township Engineer
Niral Modi, IT Staff
Will Brugger, Director of Planning, Zoning and Code Enforcement

Present Remotely:

Colleen Ehrle, Director of Administration

Absent:

David G. Kraynik, Township Manager

Chairman Wilson called the meeting to order at 7:04 PM and led the assemblage in the Pledge of Allegiance.

Opening Comments

Chairman Wilson noted the meeting was 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.

Supervisor Smith reminded residents about Towamencin Day, scheduled for Saturday, May 13th, from 12 pm – 4 pm. She promoted and summarized the various attractions that were scheduled.

Supervisor Snyder announced the Township's Electronics Recycling Event will be held on Saturday, June 24th from 9am - 12 noon, at the North Penn High School's parking lot. Residents must pre-register for this event.

Chairman Wilson noted campaign signs are not permitted on Township property, recognizing lax enforcement recently. Signs were pulled from Township sites and stored in the rear of the Administration building. He added the issue of campaign signs that are lacking proper disclaimers should be reported to the County's Board of Elections and/or the State. He further stated the Supervisors have no knowledge of the source of these signs.

Public Comments

Chairman Wilson acknowledged the Board is aware of the billing issue with community associations (Condominium and Homeowners Associations). He stated the Board is waiting on further information from Pennsylvania American Water. Supervisors have asked that PA American Water's to have their staff analyze these communities, make an assessment, then have Township staff coordinate meetings between the Township Manager, Township Sewer Engineer, property managers, and representatives from Pennsylvania American Water to review each community. The aim is to get these meetings coordinated in the next few weeks.

Emailed Comments

Township Resident Lauren Lepiane stated her opposition to the sale of the sewer system and felt voting for Home Rule is the best option for residents. She described the future impacts to her monthly rent with the anticipated sewer rate increase under PA American Water and had concerns of the financial impact to retirees, and others who live on a fixed income, from the sale.

Township Resident Paul Andrews, asked the following: if the 4 supervisors who sold us out calculated their sewer bill yet? Have you realized that Towamencin residents will never see any savings from this deal, and will each pay tens of thousands of extra dollars over the coming decades to a monopoly company that we won't be able to get rid of? He also questioned the timing and transparency of receiving future rate information. He encouraged resident to vote yes for Home Rule to stop the sewer sale.

Resident Rochelle Dodge commented, she is waiting to receive information about why we should vote to approve the sewer sale and asked: what are the current debts that Towamencin will pay off with the proceeds? what does the Board want to do with the proceeds? She asked that the Board show residents what they will get in exchange for the sewer sale in a future newsletter.

Chairman Wilson reviewed the public comment time limits and requested that the comments be civil in nature.

In-Person Comments

Resident and Government Study Commissioner Jenn Foster commented the Board continues on a path of no transparency referencing the last-minute March 8 agenda additions and March 22nd voting items regarding the sewer sale, then read an excerpt of text messages from Supervisors Marino and Wilson obtained via a right to know request, emphasizing discussions in December 2022 regarding NextEra considering reassigning the contract to PA American Water. She advocated that residents deserve a voice and transparency, and voting yes for the Home Rule Charter would achieve that.

Resident and Government Study Commissioner Kofi Osei referenced Article 1, Section 2 of the Pennsylvania Constitution, emphasizing people have the right to "alter, reform or abolish their government in such manner as they may think proper." The Constitution latest iteration allows citizens a right to adopt a home rule charter. He stressed the Township does not have a right to no-debt flush coffers, adding the sewer sale is a tax-decision. He advocated residents vote yes for the Home Rule Charter.

Resident and Government Study Commissioner Tina Gallagher noted her disappointment in the Board, specifically Supervisors Marino and Wilson. She questioned Supervisor Snyder's exclusion from Board discussions, adding the community deserves better.

Resident and Government Study Commissioner Gisela Koch referenced the text discussions in December about the departure of NextEra/transfer to PA American Water. She asked was there ever a community impact analysis done before deciding to sell the sewer system. She forecasted low property values in the future resulting from increased sewer rates. She felt the only way to change this outcome is voting yes to the Home Rule Charter.

Resident Joanne Andrews reiterated the Board's position that they are selling the sewer system to eliminate debt, then asked what kind of debt residents will incur by this transaction. She reviewed her household's estimate for taxes, homestead exemption combined with future sewer rates, based on PA American estimates, emphasizing residents will pay more each year. She urged residents to vote yes to the Home Rule Charter.

Resident Joe Silverman complimented the Township's Public Works Department stellar work maintaining the Township parks. He listed reasons to oppose the sewer privatization, such as rate increases, maximized profits, inferior service, being accountable to shareholders, fosters corruption, and is difficult to reverse.

Resident James Collins referenced his YouTube page with video posts related to the sewer sale. He referenced President James Madison's work in constructing the Constitution with respect to checks and balances across bodies of government. He emphasized the referendum powers included in the Home Rule Charter.

Resident Vanessa Gaynor is interested in the PAWC timeline. She suggested the Board demand better work from the Township consultants, particularly PFM's financial analysis for the sewer sale. She suggested the Board reprioritize Township projects and questioned the due diligence process ahead of the sewer sale decision. She urged residents to vote for the Home Rule Charter.

Resident Joe Meehan referenced the taxes and sewer fee calculation presented by Paul Andrews. He then questioned the water consumption of the Andrews' household, comparing it to his household's water usage.

Resident Kofi Osei recommended separating water usage from future sewer rate increases.

Resident Jenn Foster noted she met with her Condominium Manager, noting they were not aware of sewer sale's direct impact to the Association and its residents. She added they have no budgeted reserves for this and that rates will be based on the size of unit.

Chairman Wilson noted there's several variables for these communities to consider and questioned Ms. Foster's rate forecasting.

Resident Joe Silverman questioned the water consumption as the sole basis for future sewer rates.

Resident James Collins emphasized the unresolved issue concerning billing for community associations.

Resident Vanessa Gaynor noted rates are going to be high regardless of if residents live in metered or unmetered households. She added the benefits do not outweigh what residents will be paying. She said no resident should fear going into debt because the Township does not want to be. She stated the Township has other options available.

Chairman Wilson responded about the text disclosures – referenced in Jenn Foster’s public comment, resulting from her right-to-know request. He provided context, noting he and Supervisor Marino were the point people on the Board for the sewer sale. He stated they were made aware of NextEra’s change in utility direction, the Monday after Thanksgiving in 2022. He said NextEra representatives stated they would honor the agreement, but it may involve assigning the agreement to another company. He continued with the timeline. In December 2022, PA American Water representatives reached out to Supervisors Wilson and Marino to check their temperature on the idea of reassigning the asset purchase agreement to PA American Water, after being contacted by NextEra representatives. Future discussions were between NextEra and PAW representatives. The conclusion of those discussions occurred the Thursday/Friday prior to the March 8, 2023 meeting.

Supervisor Marino provided a slide of rate projections for 2025, provided by PA American Water and included in their PUC filing based on water usage. He described a 10-year walk up transition before Zone 1 rates would take effect. He referenced community associations were expected to be billed at a commercial rate, which is 25% less than the residential rates.

Approval of Minutes

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved the April 26, 2023 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

Waiver of Damages - 107 Lakeview Drive Fence Installation/Permit

The Township has prepared a Waiver of Damages Agreement that would allow the owners of 107 Lakeview Drive to install a fence within a Township storm sewer easement, which traverses the property.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved the waiver agreement.

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

Sidewalk & Trail Connectivity Plan Update

The Township's planning consultant, Simone Collins, was tasked to perform a study to analyze existing pedestrian connectivity in the Township and propose improvements to improve and expand the ability to walk or bike within the Township. The Township recently received a draft Connectivity Study Report from Simone Collins. The report includes extensive inventory and analysis of existing conditions with various maps and mapping tools, along with recommendations, priorities, and potential funding sources for future implementation. The draft report is available on the Township website, with a link to provide feedback through May 29th.

Emma Haley of Simone Collins provided an update on the study and draft report. She identified the notable staff and committee members. She reviewed the project schedule to date, public input survey responses, mapping tools, improvement suggestions and recommendations, and cost estimates divided by section and itemized per improvement. Ms. Haley provided illustrations of the Township collector route, school connection route and park connection route. Draft priorities were presented along with reasoning behind them and potential funding sources.

Chairman Wilson asked for the plan along Kerr Road. Ms. Haley responded that a side path was being proposed, that would extend to Evansburg State Park, noting it would complete the north/south connection, introducing the trail system for the Township.

Kriebel Road Trail Phase I Construction Inspection Extension Request

Traffic Planning and Design, Inc., the contractor assigned to inspecting services of the Kriebel Road Trail Project, has requested a 3-month time extension to September 30, 2023, as the inspection agreement is due to expire on June 30, 2023. The additional time requested will account for inspection coverage to complete final stabilization and coordinate NPDES closeout activities, as well as, part time work for close out documents, final approvals by various Department Units and inspections made confirming all physical work is complete.

Supervisor Snyder asked what the cause of the time extension was. Supervisor Marino replied there was a fair amount of grant close-out documentation to file and review.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved the Kriebel Road Trail Phase I Construction Inspection Extension Request.

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

Ordinance 23-04: Residential Sewer Rate Uniformity

The Township provides wastewater services to certain customers located in Worcester and Lower Salford Townships. A majority of these customers receive such wastewater services as a result of a 1987 Montgomery Court of Common Pleas Court Order requiring the Township to provide such

extra-territorial services to all of the residential lots in a certain Worcester residential development. In connection with the sewer sale, the Township reviewed its existing rate arrangements with its Worcester and Lower Salford Township residential customers in conjunction with the Township's annual resolution and it was determined that an ordinance should be adopted making a provision to ensure rate uniformity amongst all its residential customers, including Worcester and Lower Salford Township residential customers. Under this ordinance, the Township will continue to provide service to all its existing residential customers, within the Township or extra-territorial, at the annual sewer rental charge and subject to the same terms and conditions as required by the Pennsylvania Public Utility Code and certain regulations of the Pennsylvania Public Utility Commission.

The Board of Supervisors is empowered to establish sewer rental charges to its customers and does so annually via resolution. On December 28, 2022, the Board set the annual sewer rental charge for each residential EDU at \$450.00 under Resolution 22-43. The proposed ordinance provides that any portion of any Township ordinance; resolution; or agreement inconsistent with Township Resolution 22-43 "2023 Annual Establishment of Sewer Rental Charge" is expressly repealed and struck and/or voided, respectively, to ensure uniformity amongst all Township residential sewer customers - Township and extra-territorial residential sewer customers alike - with the Township's annual residential sewer rental charge.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board adopted Ordinance 23-04: Residential Sewer Rate Uniformity.

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

Authorize Planning Commission to Recommend Revisions Amending Ordinance for Backyard Chickens

In 2021, as a result of resident feedback, Supervisor Smith presented information to the Planning Commission regarding backyard chickens for consideration of a possible ordinance amendment allowing chickens on lots smaller than 5 acres, the current requirement. Criteria such as lot size, setbacks, visibility, number of hens, no roosters was discussed. In March 2023, this topic was revisited by the Planning Commission, where a document was presented comparing local municipalities and their zoning specifications to allow chickens on residential lots. At this meeting, the Planning Commission recommended the Board of Supervisors direct the Township Solicitor to prepare a draft chicken ordinance without providing their recommendations. Supervisor Smith summarized the concerns raised in 2021. She advocated that the Township look for inspiration in North Wales Borough's chicken's ordinance.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board authorized the Planning Commission to make recommendations to amend the Ordinance for Backyard Chickens.

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

Acceptance of Police Donation

The Police Department recently received donations from Living Branches (Dock Woods Campus) for \$3,500 and from the Immanuel Church of the Nazarene for \$50. The Board must consider acceptance of these gifts in accordance with the Township's Donation Policy.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board accepted the donations on behalf of the police department.

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

Authorize Grant Preparation Services – DCED Application Kriebel Road Trail Extension

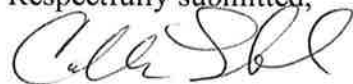
Township staff requested a proposal for services from Gilmore & Associates to complete an application submission for grant funding via DCED's Greenways, Trails, and Recreation Program. The grant funding would be used to continue extending the Kriebel Road Trail advancing toward Fischer's Park for approximately 1800 feet. The grant application is due May 31st and the Township will seek the grant max of \$250,000, with a 15% match. The submitted proposal for services totals \$1,970.00.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board authorized Gilmore & Associates to perform the grant preparation services for the DCED grant application for another phase of the Kriebel Road Trail.

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

There being no additional business, the meeting adjourned at 8:39 pm.

Respectfully submitted,



Colleen Ehrle
Director of Administration