

**Towamencin Township
Board of Supervisors
Monthly Meeting
May 24, 2023
7:00 PM**

Present:

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

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

Awards & Recognitions

Recognition of VMSC / EMS Week (May 21 – 27)

In honor of Emergency Medical Services (EMS) Week, the Board of Supervisors recognized the critical role that VMSC Emergency Medical Services plays delivering exceptional emergency medical care and ensuring the well-being of our residents. Supervisor Smith read the proclamation, with the Supervisors presenting the proclamation to VMSC Deputy Chief Lori Dusza.

On a motion by Supervisor Snyder, seconded by Supervisor Marino, the Board approved the VMSC Proclamation.

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

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 Board met in executive session prior to tonight's meeting to discuss personnel matters.
- The draft Connectivity Study Report is available on the Township's website, along with a link to provide feedback through May 29th. The report includes extensive analysis of existing conditions, recommendations, priorities, and potential funding sources for implementation.
- The Township is holding a dedication ceremony for the Kriebel Road Trail on May 25th, at 9 am, at the trail entrance at Kriebel and Trumbauer Roads.
- The Township pool will open this Saturday, May 27, at 12 pm. For pool and membership information, check out the pool webpage on the Township's website.
- At the County Commissioners meeting on May 18th, they announced Towamencin Township would be awarded \$200,000 via the Montco2040 Implementation Grant Program to go toward the sidewalk phase of the Weikel Road Improvements Project.

Chairman Wilson read the Board of Supervisors' statement related to the Home Rule Charter and the sewer sale:

We are aware of the unofficial results regarding the Home Rule Charter from the election last week. Although the vote was close, the Home Rule Charter did pass, and we acknowledge that the Charter will be the law of the Township as of July 1. However, the relevant issue at this time is whether a prospective law can upend a contract. As have we previously stated, and as we have shared with the opponents of the sewer system sale, the Township legal team does not believe the passage of the Home Rule Charter negates the sewer sale under current Pennsylvania law and the Pennsylvania Constitution. There is strong legal precedent against overturning pre-existing contracts based on the passage of new laws. As such, we do not intend to seek to terminate the contract. We, as elected representatives of our citizens, continue to believe firmly that the sale is in the best interest of our community.

We explored privatization in accordance with Pennsylvania's Act 12 of 2016 (sale of municipal water/wastewater systems for fair market value), believing it was our duty to do so. Throughout this 18-month journey—including learning about how the Act 12 fair market value process works, retaining municipal finance experts, identifying current and future township needs, evaluating the benefits of a sale, pre-qualifying bidders and then finally making the decision to sell—we exercised due diligence and transparency. We remain confident that, after considering the many benefits to our community, we have made the right decision. We intend to honor our contractual commitments. We are committed to working with PA American Water Co. on a smooth transition.

This matter is pending at the Public Utility Commission. The Public Utility Commission is the statewide agency with jurisdiction to determine whether the transaction is in the public interest and to ensure that rates will be just and reasonable. The Township is confident that the Commission, after full consideration of the mounting environmental challenges of the system and other relevant facts, will find that the transaction is in the public interest.

Public Comments - Emailed Submissions

Resident Anne Rostosky asked the Supervisors to honor the request of the majority of the residents with the Home Rule Charter passage and terminate the sewer purchase agreement.

Resident Donna Lucas stated for a group who took an oath to uphold the PA constitution and look out for the best interests of residents, four out of five of you have failed miserably. I expect you to adhere to the Home Rule Charter provisions and terminate the agreement with PAWC.

Resident John Silvers asked the Board to respect the voters of the township by adhering to the Charter provisions and immediately terminate the purchase agreement with PAWC.

Residents Bob and Lisa Levins commented the Supervisors need to adhere to the Charter provisions and terminate the agreement with PAWC, adhering to what residents voted for.

Resident Paul Andrews noted his appreciation for the new Kriebel Road bike/walking trail, and asked for an update on the stormwater replacement work along Valley View Way, emphasizing how much longer it is taking than original estimates. He added the Home Rule Charter passage should be acknowledged, with Towamencin citizens voting in 2 successive elections to stop the sale. It is time to terminate the agreement with PAWC.

Resident Gina Bernitt commented despite the Home Rule Charter winning the election, it does not indicate that Towamencin residents want it. Only 20% of residents voted for Home Rule and I would venture to say that the remaining 80% of us do not want our township's government to be overturned for Home Rule Charter. She called Kofi Osei the master of the media, referencing his power of persuasion.

Resident Michael Miller shared he was disappointed to see the township website and electronic newsletter being used to promote the sale of the sewer system shortly before the May 16th election, adding it was void of any meaningful information regarding the out-of-pocket costs residents will be faced with if the system is sold and was one-sided and incomplete. The voice of the citizens could not be more clear; take the necessary steps to terminate the sale.

Resident Maureen Parry asked the Board to please terminate the purchase agreement to sell the sewer system as it is constitutionally required in order to abide by the charter. The people of this community have spoken.

Resident Craig Goldsmith asked why is the sewer sale not canceled yet? The voters have spoken by choosing home rule by the majority of the residents. Not sure how many more ways we can say to the BOS that this sale isn't wanted. Please do the will of the people as promised when you all took your oaths of office.

Resident Mark Gerlach noted the majority of voting residents of Towamencin requested that the Board of Supervisors terminate the Sewer Plant Sale deal as quickly as possible. Please exhibit the same haste that was used to enter into the deal in order to get the township out of it.

Resident Rusty Gladulich commented please start the process of terminating the sewer sale. The residents voted to end this sale.

Resident Gretchyn Bailey commented please acknowledge the Home Rule vote and explore exiting the sewer sale contract per the charter.

Resident David McCreary noted the residents have spoken by going through the process to create and implement a home rule charter. When it goes into effect on July 1st, the sale of the sewer system will be prohibited and illegal. The contract to sell will no longer be valid and must be terminated. Will you finally do what is right and constitutionally required of you?

Residents Valerie Skripek and Mike Gawell commented they are looking forward to the township's response to the HRC adoption and its plan to deal with PAWC. We have been deluged with information in the last few weeks and residents deserve to know the path ahead.

Resident Jonathan Campbell asked what the next steps are with the sewer sale with the vote approving the Home Rule Charter. He then asked for the Board's official statement as referenced by Supervisor Rich Marino via North Penn Now.

Resident Sean Judge commented now that a majority of the residents, who voted in the May 16, 2023 election, chose to adopt the home rule charter produced by the Government Study Commission, and since formal adoption of the home rule charter that will occur on July 1, 2023 will prohibit the sale of the sanitary sewer system, I implore the Board of Supervisors to exercise the township's right to terminate the asset purchase agreement.

In-Person Comments

Resident and Government Study Commissioner Kofi Osei reviewed recent Township election results, making a case that the voting majority have been against the sewer sale since 2021. The Home Rule Charter is effective July 1st and is constitutionally binding. While preferring not to, he said he would pursue any legal option if termination was not being explored by the first July Board of Supervisors meeting, adding the no liability termination language should be attempted.

Resident Anthony Pelegrino voiced his disappointment with the Supervisors regarding the sewer sale, with the exception of Supervisor Snyder, they have not been working in the best interest of constituents. He urged the Board to follow wishes of residents by voting in favor of the Home Rule Charter.

Resident and Government Study Commissioner member Tina Gallagher emphasized the fact that the Home Rule Charter passed as residents want more voice and a better way, and to terminate the sewer sale agreement.

Resident Vanessa Gaynor stated the community does not feel the sale is in the best interest of residents. She made a statement about potential unethical and compliance concerns related to the lead up to the primary, referencing publishing a Letter to the Editor to the Reporter via Township communications and the process addressing election signs with non-disclosures.

Resident Becky Curlett noted the residents have spoken in adopting a Home Rule Charter. She dissected the primary election votes, comparing the results against vote tallies for the five supervisors, with three receiving less than the total Charter vote. She urged the Supervisors to follow the law with the Home Rule Charter and listen to their constituents.

Resident Christian Fusco emphasized the oath sworn to the constitution taken by each elected supervisor and the expectation to uphold the oath taken. He added their oath is to serve constituents and to respect the primary vote results.

Resident Joe Silverman read the background of Norman Rockwell's "Freedom of Speech" painting and its inspiration from town hall meetings, noting the democratic process described if practiced in this instance would have avoided the current state of affairs in Towamencin.

Resident Rory Kelley defended comments relating to a lack of Government Study Commission communication, adding the GSC was using a mailing list provided by the Township and questioned when it was last verified, noting residents of Schwenksville Manor did not receive notices. He then asked Chairman Wilson if he would update his direct PUC testimony about resident input from residents, referencing the favored Home Rule Charter election results.

Resident and Government Study Commission member Jenn Foster noted her disappointment with the Board refusing to do the right thing with the Charter. She added she will pursue any legal action to stop this, adding the Board's legacy will be dividing the community.

Resident Judy Phipps emphasized the extent of public comments in opposition to the sewer sale made at Town Hall and Board meetings over the last two years. She then referenced points made in an op-ed in the Philadelphia Inquirer related to the sale of municipal utilities.

Resident James Collins condemned the information about resident input with respect to the decision-making process for the sewer sale, as referenced in the published PUC testimony, adding elections are the voice of the people, a mandate from the people. He noted residents are frustrated that despite the elections and comments residents do not feel heard, and are ignored.

Resident Ron Hugick commented that it's too bad there is nothing in the Constitution that would allow for re-calling the election.

Resident and Government Study Commission member Gisela Koch asked the Board what more they need to hear to recognize the voice of the community that residents don't want the sale.

Resident Andrew Phipps reviewed the election results percentages, asking where is the Board's respect for the residents, when they do not listen to voters.

Resident Louis Orth, a resident of Norwyck Way, requested a safety study on his road, describing ongoing speeding concern of new drivers.

Resident David Daikeler stated the residents own the sewer and urged the Board to cancel the contract. He referenced the primary vote results and the missed opportunity to pull out of the agreement when NextEra expressed their intentions.

Resident Joanne Goebels thanked the Board for allowing for the opportunity of public comment at meetings, thanked those who voted in the primary, and to the Board for recognizing the work of VMSC.

Resident Richard Costlow described the ballot question language in the November 2022 and May 2023 elections as not being reflective of text relating to the sewer sale.

Vanessa Gaynor noted the responsible act would have been for the Board not to sign with PA American Water, when NextEra backed out.

Rory Kelley stated the Government Study Commission used the required ballot language and it would have been illegal to include text referencing the sewer sale. He urged the Township Solicitor to clarify this point.

Joe Silverman referenced testimony in 2000 noting Supervisors took an oath of duty for fidelity and that they represent the people of the Township.

Kofi Osei clarified the ballot question referenced the March 9, 2023 report that did reference the sewer sale; feeling it was reasonable to infer those voting for the Charter voted against the sale. He urged the Board to use the contract's termination language and let a judge decide.

Resident James Collins commented it is disheartening and dishonest to portray that residents did not know what they were voting for in the last two elections.

Resident Joanne Andrews commented the ballot question was clear, adding independent voters came out to vote specifically on the Home Rule Charter ballot question.

Resident Craig Plummer noted he is an independent voter and found the ballot question to be clear when voting in the primary.

Approval of Minutes

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved the May 10, 2023 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

Belfair Square - Land Development Review Time Extension Request

The applicant, Cornerstone Premier Homes, is proposing to consolidate nine separate parcels into a single 3.94-acre development site, located along Welsh Road, between Vernon Court and Grist Mill Road, within the MRC – Mixed Residential Cluster and RBP – Residential Business Professional Overlay Zoning Districts. The applicant is proposing to develop the property into 16 townhouses and associated public and site improvements. The applicant has requested a time extension for the review of the revised land development plans until August 31st, with a previous time extension ending on May 31, 2023.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved the applicant's time extension for the review of the revised land development plans.

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

Warrant List

The May warrant list was presented for approval. Chairman Wilson noted the top costs for the Township as reflected in the May warrant list.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved the warrant list in the amount of \$1,700,744.02.

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 May 18th. Supervisor Marino provided the Committee's report with the following topics reviewed:

- Kriebel Road/Orchard Lane/Eagle & Valley View Way Storm Sewer Project Update
- Weikel Road Drainage /Pedestrian Walkway Update
- Central Drive Storm Sewer Repair Project Update
- Bocce Courts Update
- 2023 Road Paving Project – Awarded to Harris Blacktopping, Inc.
- 2022 ADA Ramp Replacement Project
- 2023 ADA Ramp Replacement Project
- Crosswalk at Allentown Road/Walton Farm School – pavement markings, added signage
- Old Forty/Rittenhouse Roads Intersection – PennDOT reviewing multi-way stop sign request
- Kerr Road Analysis
- Forty Foot Road Pedestrian Bridge – leak investigated via excavating planting beds
- Towamencin Swimming Pool Repairs update
- Salt Storage & Equipment Storage – preconstruction meeting on May 16
- Green Lane Park Soccer Field – CKS provided proposal for grading plans
- Fischer's Park – requested CKS to provide proposal to design improvements (additional parking, a pavilion, potential pickle ball courts).
- Drinnon Park Improvements – resident meeting being coordinated
- Welsh/Orvilla Intersection Project Update
- Route 309 Connector/Sumneytown Pike Improvements – proposed slip ramp/left turn lane
- Forty Foot Road/Newbury Way/PSDC Traffic Signal – grant extension till November 2024
- Traffic Signal at Allentown Road & Derstine/Fretz Roads - McMahan performed analysis.
- Fischer's Park – addition parking and facilities
- Electric Vehicle Charging Stations – staff to draft ordinance amendment.
- Grant Opportunities - staff, consultants to continue seeking potential grant opportunities.
- MS4 Permit Requirements – establish management committee with 5 municipalities.
- TYA Projects
- Budget Process Review

Finance Committee Report

The Township Finance Committee meets monthly to monitor economic indicators and the pulse of the Township’s revenues and expenditures. The Committee also addresses various requests and concerns that may arise. The Committee met on May 17th. Chairman Wilson read the report, with the following discussion items:

- Township 2023 April Financial Review
- Update on TTIA Dissolution
- OPEB Trust
- StandGuard Contract – Pool Update
- Preliminary Discussion on Process to Allocate Sale Proceeds
- Comprehensive Plan funding updates
- 2024 Budget calendar updates
- Sewer Advisory Committee 2024 Sewer Rate Proposal - to fund upcoming capital needs, TMA and the township will have to consider additional borrowings in the near future. The Sewer Advisory Committee proposed an increase in the sewer rate from the current rate of \$450 to a rate of \$590 next year be considered in the budget process.

Resolution 23-12: Budget Amendment

As referenced in the previous report, the Finance Director prepared a budget transfer of \$151,140 to amend the 2023 General Fund budget to fund professional services from identified personnel savings and other line items with unencumbered appropriations.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved Resolution 23-12, Budget Amendment.

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

Kriebel Road Trail Phase II Change Order

Richard E. Pierson Construction Company, Inc., was awarded the construction contract to complete phase II of the Kriebel Road Trail in the amount of \$135,194.00. The project began in early May and will extend the trail from Kriebel Road, from the powerline crossing to the Green Lane Park ballfields. Gilmore and Associates are recommending 4 change orders for the project, totaling \$77,799.26. This project is being funded by a Montco2040 Grant for \$190,000, along with the Township match of 20 percent.

C01	\$14,000.00	Tree removal beyond the size indicated in clearing specification.
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CO2	\$ 5,000.00	Ramp alteration to provide additional concrete to avoid small asphalt wedges.
CO3	\$52,447.31	Extra depth undercut & stone backfill due to poor existing subgrade material.
CO4	\$6,351.95	Means & methods alteration due to poor subgrade material. Offload material and asphalt from side of road with flagging to avoid trucks on unfinished surface

Joe Carlin, of Gilmore & Associates, reviewed the four change orders and provided a project update.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved the four described change orders.

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

Resolution 23-13: DCED Grant Application - Kriebel Trail 2, Fischer’s Park Stage 2 (Green Lane Park to Fischer’s Park)

At our last meeting, the Board approved a proposal authorizing Gilmore & Associates to prepare the DCED Grant Application for the next leg of the Kriebel Road Trail Extension from the Green Lane Park ballfields to Fischer’s Park. This grant funding will be used to extend the existing Kriebel Road Trail approximately 2,000 feet from the Green Lane ballfields to Fischer’s Park. The project includes the construction of the trail, ADA crossing of Bustard Road at the intersection with Kriebel Road, and a Rapid Rectangular Flashing Beacon installation at an ADA crossing of Kriebel Road at Fischer’s Park.

The overall project cost estimate is \$278,122. The grant request will be \$236,404, with a 15% match of \$41,718. This resolution is required as part of the referenced grant application process. Joe Carlin, of Gilmore & Associates, reviewed the scope of this phase of the trail project.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved Resolution 23-13, DCED Grant Application - Kriebel Trail 2, Fischer’s Park Stage 2.

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

Police Department Request – Training with Overnight Travel

Chief Troxel is requesting approval for Officer McAroy to attend PA State Police Commercial Vehicle Safety Division, Motor Carrier Safety Assistance Program (MCSAP) North American

Standard Level I Commercial Vehicle Safety Inspection Training from June 4th – 9th in Harrisburg, Pennsylvania. The training program is utilized by Pennsylvania to certify inspectors to conduct systematic driver/vehicle inspections on commercial vehicles as authorized by State and Federal motor vehicle carrier regulations. Officer McAroy will be replacing retired Sergeant Gregory Wert on the department's Highway Unit and will need this certification for the police department to retain our ability to conduct inspections on commercial vehicles.

On a motion by Supervisor Snyder, seconded by Smith, the Board approved the Police Department request's for training with overnight travel.

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

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 needed to be scheduled. Chairman Wilson stated it is the goal to select the best possible match for both the committee and candidate.

Supervisor Snyder Public Comment

Supervisor Snyder expressed her appreciation of the public participation at meetings. She thanked those who came out and made public comments and those who did not. She shared her disappointment that nothing can be said to change the minds of the other four Supervisors. She believes litigation should be expected to challenge the sewer sale agreement with the passage of the Home Rule Charter and is disappointed by that thought as a Supervisor and taxpayer.

She emphasized to the other Supervisors that there is more to the Home Rule Charter besides stopping the sewer sale and that these steps should be addressed.

Chairman Wilson responded that he had recently discussed the website updates to disclose various committee members, their terms, and any vacancies with the Township Manager. Township Manager David Kraynik said those changes would be addressed.

There being no additional business, the meeting adjourned at 8:34 pm.

Respectfully submitted,



Colleen Ehrle
Director of Administration