

**Towamencin Township
Board of Supervisors
Work Session
August 9, 2023
7:00 PM**

Present:

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

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:

Chairman Wilson called the meeting to order at 7:01 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 would be read at the start of the meeting.
- The Board met in executive session prior to tonight's meeting to discuss personnel matters.

Chairman Wilson read the following statement:

The Township acknowledges the recent court decision in which the Commonwealth Court of PA reversed PUC approval of AQUA's acquisition of the East Whiteland Township sewer system. With the PA American application pending before the PUC, our legal counsel has advised us not to speak further on the issue. Suffice it to say, the benefits of our sale, all of which have been previously discussed, are substantial and affirmative and therefore readily distinguishable from the East Whiteland sale.

Public Comments - Emailed abbreviated submissions:

Resident Michael Ricci cited the recent East Whiteland court ruling where the Administrative Law Judge found the sale was not in the public's best interest and should not occur. He noted similarities between the two municipalities, emphasizing the public opposition and the systems are considered safe and reliable. He stressed no one wants to see significant rates increases and urged the Supervisors to respect the interests of their constituency and terminate the sewer sale.

Resident Anne Rostosky commented she has not seen the issue of the sewer sale adequately addressed by the Board of Supervisors. Residents spoke out that they do not want this to happen. We are looking at drastically increased sewer rates to make up for items that should be addressed by regular taxes, so you can say you're not raising taxes? Again, I implore you to stop the sale.

Resident Valerie Skripek asked the Supervisors who is going to do your elected duty, by listening to your constituents, and second Joyce's motion to stop the sale of the sewer plant?

Resident David McCreary addressed the Board. This recent court ruling is another nail in the coffin for this absurd scheme of yours. How much taxpayer money are you prepared to waste? If you force this into court, I can't wait to see what comes to light from the discovery process.

Resident David and Marsha Edwards commented as our supervisors are well aware, Towamencin residents have overwhelmingly expressed their opinion on the sewer sale. It is beyond time that the sale be stopped. There are other ways to maintain our system without putting it in the hands of a for profit organization.

Resident David Daikeler asked if the Board has seen the recent court ruling challenging the public benefit these municipal sales. He continued PA American is not going to help replace our infrastructure or make things better. He criticized the consultants who believe the sale makes financial sense and the contract's structured by which the consultant receives a significant financial benefit if a sale goes through.

Resident Augustus Fox IV, noted as a Township resident and voter, I feel that my voice and the voices of my fellow citizens are not being heard. I will not be voting for any of you ever again, with the exception of Joyce. If the Board cannot answer questions, let the Solicitor. He requested the Board take steps to improve communication with residents, ensuring their voices are heard, acknowledged, and answered. He suggested adding a dog park instead of pickleball courts.

Resident Mary Jean Moroz cited the court decision to reverse the PUC decision to approve East Whiteland's sewer sale. Based on this ruling, will one of the Supervisors please second Joyce's motion? Thank you very much for your consideration.

Resident Lynn Sweet-Reimel shared her experience requesting a variance on behalf of her parents years ago, and observing elderly residents crying, begging the Board not to approve the eminent domain to properties previously along Forty Foot Road. She questioned that decision to install the bridge to nowhere. I cannot and will not sit around and let this repeat. This sale will affect our community's history and culture and will reduce social capital. Stop the sewer sale! She asked the Solicitor, if and when the sewer sale is stopped, what will happen next?

Resident Mark Wohlpart shared a fictionalized Dear Diary entry from a suggested point of view from Supervisor Marino, Supervisor Smith or Supervisor Warner, noting regret that their plan to sell the sewer system may not work, causing disappointment to Chairman Wilson.

In-Person Comments

Resident Kofi Osei commented he is one of Pennsylvania's leading experts on sewer sales and stopping sewer sales, then shared four options to stop these sales: 1) Get the PUC to deny the application; 2) Sue the PUC to reverse an approval; 3) Get the General Assembly to repeal Act 12; and 4) Use a home rule charter provision to stop the sale with direct democracy. He cited the Commonwealth court's recent ruling reversing East Whiteland's PUC approval, adding the PUC will have trouble approving these sales going forward and will likely deny the Towamencin application. He stated it is in the best interest of residents and better for the Township's finances to terminate the agreement now. He requested the Board to terminate the agreement with PAWC.

Resident Lorena Fields commented it is time for the Board to end their scheme, citing the recent East Whiteland court ruling noting it was not in the public's best interest. Stop wasting more time and money. She noted two options for the Board – continue with the sale/face a lawsuit by residents or bow out of the contract gracefully.

Resident Tina Gallagher read a section of the Commonwealth court's recent ruling of East Whiteland PUC application noting an insufficient net benefit to support the transaction. She emphasized the statement that customers will bear the burden by the cost of such acquisitions. She questioned why the Board would choose to burden residents especially those on fixed incomes, concluding, the Board is making this choice because it is easier than raising taxes significantly. She stated, you could not raise my taxes by over 300%, like the proposed future sewer rates. She recommended the courts decide this dispute on the benefit of the sale.

Resident Vanessa Gaynor read from the recent court ruling. She noted similarities drawn between by East Whiteland and Towamencin Township with the arguments made. She added continuing with the decision to sell is a disservice to the Township.

Resident Joe Silverman brought a speaker and played an audio recording of Chairman Wilson answering questions posed justifying the basis for exploring the monetization of the Township's sewer system at the Board's public meeting on September 22, 2021.

Resident Jenn Foster stated she does not comprehend the majority Board's unwavering position to continue with the sewer sale. She addressed them "we'll see you in court."

Resident Lisa Patriarca noted on July 1, 2023, the Home Rule Charter took effect with no change initiated by the Board. She added the East Whiteland's court ruling sided with ratepayers, noting similarities between the two municipalities. She stated her future sewer rate under PAWC will quintuple, then stated Chairman Wilson's PUC testimony was full of lies.

Resident James Collins commented he is struck by the lack of communication when the sewer sale is discussed between the Supervisors and residents. While residents stress the significant rate increases, the Board references the financial benefits to the Township. He questioned that maybe the Board does not care how much residents will be paying post-sale.

Resident Gisela Koch questioned the Solicitor's service, specifically any guidance provided to the Supervisors supporting their decision to sell the sewer system.

Resident Joe Silverman stated he would like a copy of the warrant list.

Chairman Wilson responded the warrant lists are available on the Township website and that Towamencin one of the first municipalities to include them online.

Resident Vanessa Gaynor noted there are a few candidates being considered for a committee vacancy, then recommended the Board promote increased citizen participation on committees.

Approval of Minutes

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

None

Old Business

None

New Business

Consider Contract Award: Skippack Creek Interceptor Replacement Project

At the June 14th meeting, the Board authorized the bid release for the Skippack Creek Interceptor Replacement Project. Bids were due on August 1st and six bids were received. The Township’s Sewer Engineer reviewed the submissions and is recommending the contract be awarded to the low bidder Wexcon, Inc. for the bid amount of \$394,270.00, subject to the Township’s Solicitor’s satisfactory review of the bid documents.

TJ Figaniak, of Gilmore Associates, reviewed the bid process and emphasized the significant tuberculation within this 600-foot section of the interceptor. Chairman Wilson added that several more of these projects will be untaken over the next several years, with Gilmore Associates seeking appropriate grant opportunities to help fund them.

Supervisor Snyder asked for clarification on the term tuberculation. Mr. Figaniak responded it means rust or corrosion growth on the inside of iron pipes.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board approved awarding the Skippack Creek Interceptor to the low bidder Wexcon, Inc. for \$394,270.00.

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

Disposition of Bids: Salt Storage Building & Public Works Building Improvements

At the June 28 meeting, the Board tabled awarding the project with the project's overall price tag well over budget. Possible alternatives to the underground stormwater retention system were discussed, which accounted for approximately 30% of the project's overall bid cost. The Township Engineer presented alternative options to construct an above ground basin with two orientations of the building to the Public Works Committee on July 20. It was noted that the alternative options create other impacts to Public Works operations. For review: the low bid prices, each with a recommended alternate, include: General Construction \$1,279,005.98; Electric \$67,695, for a total price of \$1,346,700.98.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board rejected the bid submission due to the project's over budgeted costs.

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

Chairman Wilson noted alternative options/considerations to address the need for future salt storage. If the sewer sale occurs, the Township could enter a lease arrangement with PA American Water to continue to use the existing building at the sewer plant. If the sewer sale does not occur, the Township may continue to use existing building at the sewer plant and construct a pole barn for the sewer plant equipment (approximate cost including construction, site work, stormwater management – totals \$250,000).

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board recommended returning this item to staff and the Public Works Committee for further evaluation.

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

Consider Amending EAC Ordinance 95-07: To Establish Associate Members

The Environmental Advisory Council was established by Ordinance 95-07 on May 15, 1995, with the makeup of seven voting members. There has been interest in establishing an associate member classification of no more than three individuals. These three non-voting positions would be invited to participate in meetings and receive all EAC meeting agendas and minutes, etc.

On a motion by Supervisor Snyder, seconded by Supervisor Smith, the Board approved amending the ordinance as noted will have the Solicitor draft an ordinance for review at a future meeting.

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

Volunteer Committee Appointments

Residents have submitted applications expressing their interest to serve on Township volunteer committees. The Board considered the committee appointment of Kelly Bonsignore to the Environmental Advisory Council.

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board appointed Kelly Bonsignore to the Environmental Advisory Council with a term ending December 31, 2024.

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

Additional Business

Supervisor Snyder made a motion for staff to prepare an ordinance to terminate the Township's Asset Purchase Agreement with PA American Water. With no second, the motion failed.

There being no additional business, the meeting adjourned at 7:46 pm.

Respectfully submitted,



Colleen Ehrle
Director of Administration