

**Towamencin Township
Board of Supervisors
Monthly Meeting
August 23, 2023
7:00 PM**

Present:

H. Charles Wilson III, Chairman
Richard Marino, Vice Chairman
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:

Laura Smith, Joyce F. Snyder

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.
- A message from our Tax Collector: the discount period for the North Penn School District property taxes ends August 31st. Payments made in person or via drop box must be received on or before August 31st.
- Mark your calendars for our Volunteer Fire Company's 58th Annual Chicken BBQ that will be held September 9th, from 3:30 pm – 7 pm (or until sold-out). The dinners will be sold at Station A, located at 1590 Bustard Road. This is a popular event that usually sells-out.

Chairman Wilson read the following statement:

We are aware of the complaint filed in the Montgomery County Court of Common Pleas by Jenn Foster and Kofi Osei. The Township has accepted service this evening by way of email. As this is now a matter of litigation, on the advice of our Solicitor, we will not be commenting.

Emailed Public Comments

Resident John O'Donnell noted his opposition to the sewer sale, asking the Supervisors to reconsider their decision. He then referenced empty shopping centers and vacant locations about the Township, questioning why adjacent municipalities are developing new retail sites, feeling the Township prevents economic growth, recommending a change in direction by the Township.

Resident Paul Andrews commented since this Board (minus Joyce) insists on trying to proceed with the sewer sale despite the enactment of the Home Rule Charter that specifically prohibits it, you have won a great prize: a lawsuit, congratulations! He referenced portions of Section 14 of the Asset Purchase Agreement with termination language, emphasizing that the Home Rule Charter's prohibition of selling the sewer system should count as a basis for termination.

Resident Vanessa Gaynor commented on her disappointment with the four supervisors, stating they continue to fail the Township by their decision. While not expecting them to change their minds, acknowledging the harm the sewer sale would cause the community, she expects the PA Constitution is followed by effecting the citizen elected charter and terminating the sale.

In-Person Comments

Resident Kofi Osei shared details on his housing and development position. It favors free markets, property rights, and smaller government; adding fiscally responsible market socialism is going to be the new wave. He acknowledged the public benefit to residential zoning with maximum impervious surface, height restrictions, etc., but questioned why the government should dictate what type of housing is permitted. He noted the Township's residential zoning could be relaxed and simplified greatly. He offered proposed development examples in the Township. He stressed municipal village patterns in the area are mixed-use, mixed density and are walkable.

Resident Donald Litman referenced a personal litigation matter describing a criminal citation issued by the Township's Code Enforcement Officer, adding the Board has never formally approved an ordinance allowing a Zoning Officer to issue such citations. He stated an abuse of power was at play by the Board of Supervisors and the Solicitor.

Resident Joseph Silverman demonstrated a Morse Code device, producing the code for SOS, "save our ship." He offered historical background on the communication median, citing the Titanic's sinking was due to the ignored emergency signal. He said he was issuing a similar warning to "save our sewer" to the Board of Supervisors and Township tax and ratepayers.

Resident Kofi Osei added his suggested changes to the Village Overlay District, including: no setbacks, no minimum lot sizes, a 0-parking minimum for businesses, and allow residential units to park on the side and rear of homes.

Resident Donald Litman stated the Township does not know how to follow its own Code, again stating criminal citations cannot be issued for Zoning Code violations.

Resident Joseph Silverman described a median strip along Sumneytown Pike with large weeds that need to be addressed, then recommended reduced mowing frequency of Grist Mill Park.

Chairman Wilson outlined previous Township communication efforts to disseminate information to the community on the sewer sale and its benefits, but noting the same questions continue to be asked. He consequently noted additional communication efforts would be forthcoming after

Labor Day. He added upcoming presentations by the Township’s Sanitary Sewer Engineer and Township Engineer would be scheduled for the September meeting agendas including reports of upcoming projects for the sewer plant and collection system, as well as, MS4 and stormwater projects that will be planned over the next five years. Chairman Wilson also stated direct mailings would be sent to get more information out to residents on the sewer sale.

Resident Joanne Andrews, responded from the audience, taking exception with the future communication plans as outlined by Chairman Wilson.

Approval of Minutes

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board approved the August 9, 2023 minutes.

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

Zoning, Subdivision and Land Development

Belfair Square - Land Development Review Time Extension Request

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 with public and site improvements. The applicant has requested a time extension for the review of the revised land development plans until September 30, 2023, with a previous time extension of August 31, 2023.

On a motion by Supervisor Warner, seconded by Supervisor Marino, the Board accepted the applicant’s time extension request for the review of revised Land Development plans until September 30, 2023.

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

Resolution 23-16: Amending Res. 22-31 Waiver of Land Development 2748 Kriebel Road Minor Subdivision

At the July 26 meeting, the Board approved amending Resolution 22-31, a Waiver of Land Development for 2748 Kriebel Road Minor Subdivision to revise a condition requiring the applicant to obtain a Sewage Facilities Planning Approval from the PA DEP. However, with no

construction plans on the property, the subdivision qualifies for a waiver of Sewage Facilities Planning. The requested text change has been incorporated into the amended resolution.

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board approved Resolution 23-16: Amendment to Resolution 22-31 Waiver of Land Development 2748 Kriebel Road Minor Subdivision.

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

Request to Sign Planning Waiver and Non-Building Declaration 2748 Kriebel Road

In conjunction with the amended resolution, the Planning Commission recommended the request for Planning Waiver and Non-Building Declaration at 2748 Kriebel Road be acknowledged and approved. As part of the declaration form, the municipality must concur its acceptance of the Planning Waiver and Non-Building Declaration with the municipality's secretary or chairperson signature.

On a motion by Supervisor Warner, seconded by Supervisor Marino, the Board agreed to sign the Planning Waiver and Non-Building Declaration form as appropriate.

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

Consider Escrow Release for Improvements: (Kessler Dental) 1361 Sumneytown Pike

In accordance with the provisions of the Land Development and Construction Escrow Agreement, the Township Engineer has reviewed the developer's request for a reduction in the amount of financial security posted for the associated project's public/site improvements and confirmed that items referenced in the reduction request have been satisfactorily completed by the project developer. The Township Engineer prepared Certificate of Completion #2 in the amount of \$77,154.75 for associated Escrow Status Report Update and recommends approving the escrow release to the developer.

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board approved Certificate of Completion #2 and the corresponding escrow release for \$77,154.75.

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

Old Business

None

New Business

Warrant List

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

On a motion by Supervisor Warner, seconded by Supervisor Marino, the Board approved the warrant list in the amount of \$1,149,290.26.

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

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 August 17th. 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 Update
- 2023 ADA Ramp Replacement Project Update
- Old Forty/Rittenhouse Roads Intersection Update
- Kerr Road Analysis Update
- Forty Foot Road Pedestrian Bridge Remediation Work Update
- Towamencin Swimming Pool Repairs Update
- Salt Storage & Equipment Storage for Public Works Department Update
- Green Lane Park Soccer Field Update
- Drinnon Park Improvements
- Welsh/Orvilla Intersection Project Update
- Route 309 Connector/Sumneytown Pike Improvements Update
- SR 1058 HT4 Improvements along SR63 Update
- Forty Foot Road/Newbury Way/PSDC Traffic Signal – grant extension till November 2024
- Fischer's Park Improvement Plan
- Electric Vehicle Charging Stations – Planning Commission to review proposed ordinance at their September 11 meeting.
- Grant Opportunities - staff, consultants to continue seeking potential grant opportunities.

- MS4 Permit Requirements Update
- TYA Projects
- Long Term Storm Sewer Maintenance Plan

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 arise. The Committee met on August 21. Supervisor Warner read the report, with the following discussion items:

- Township 2023 July Financial Review
- 2023 Audit Update
- OPEB Trust
- Draft 2024 -2029 Capital Budget Review
- 2024 Budget: Schedule and Assumptions – added budget workshop date September 20

Bocce Court Rehabilitation Project – Consider Revised Proposals

The Public Works Committee recommended a hybrid solution to rehabilitate the existing bocce courts at Fischer’s Park, that have been plagued by drainage issues in recent years. The proposed solution will have the Public Works Department perform the majority of construction, including installing a new retention wall, paver path and drainage to eliminate stormwater runoff. Top-A-Court LLC, a company specializing in construction and resurfacing of tennis courts, will perform the court installation incorporating drainage features. Public Works will perform the primary construction phase this fall/winter, with Top-A-Court LLC to install the court surface in spring 2024. The respective quotes for the work include: Public Works cost of \$14,368 and Top-A-Court’s estimate costs \$21,216. This hybrid solution is within budget.

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board approved the estimated work for both proposals to rehab the bocce courts.

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

Drinnon Park Walking Path Construction

The 2023 Township Budget included \$20,000 for the construction of a 10-foot-wide asphalt trail to connect the Drinnon Park playground to the sidewalks on Drinnon Way. Residents of the neighborhood were invited to attend the Open Space and Parks Advisory Committee’s June meeting to provide feedback on the path’s construction.

The Committee’s recommendation is for the construction of a 6-foot-wide path connecting the sidewalks of Tennis Circle and Drinnon Way to the playground. The Committee and residents feel

a 10-foot-wide path is too wide for this small park setting and unnecessarily adds additional impervious surface. It is the staff and Public Works Committee's recommendation to install a 10-foot wide-path to better aid its future maintenance and the wider path is easier to construct.

Open Space and Parks Advisory Committee Chair Joseph Meehan provided an overview of the location, visuals of the existing park and proposed path, background of the proposed path discussions with the Open Space and Parks Advisory Committee and residents, and how they arrived at their 6-foot recommendation.

Supervisor Marino noted he agreed a 10-foot-wide path is too wide for this park but felt a 6-foot-wide path would be too narrow for multiple children riding bikes, or people passing each other.

Supervisor Marino made a motion to approve an 8-foot path compromise, it was seconded by Supervisor Warner. The Board approved constructing an 8-foot-wide asphalt trail to connect the Drinnon Park playground to the sidewalks of Tennis Circle and Drinnon Way.

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

Consider Solicitor Appointment

The Township Solicitor, Robert J. Iannozzi, Jr., informed the Board of Supervisors of his intention to leave the law firm of Dischell, Bartle & Dooley, P.C. effective September 8, 2023, and will join the law firm of Hamburg, Rubin, Mullin, Maxwell & Lupin effective September 11, 2023. Bob has expressed his interest to continue representing Towamencin Township. There will be no change in rate structure by this change if approved.

On a motion by Supervisor Warner, seconded by Supervisor Marino, the Board approved the appointment of Hamburg, Rubin, Mullin, Maxwell & Lupin to represent Towamencin Township as Solicitor, upon the condition that they will cease any representation of all private applicants before this Board.

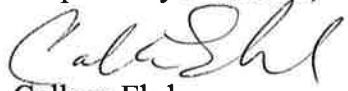
Voting Yes: H. Charles Wilson, III, Richard Marino, Kristin Warner
Voting No: N/A
Abstaining: N/A
Absent: Laura Smith, Joyce F. Snyder

Solicitor Response to Resident Donald Litman's Public Comments

Solicitor Iannozzi provided context to Mr. Litman's public comments referencing a matter involving an illegal trailer referenced in the vehicle code, stating representations made by Mr. Litman are not legally or factually accurate. A summary was provided of the legal advancement of the matter and anticipated next steps in the legal process.

There being no additional business, the meeting adjourned at 8:14 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Colleen Ehrle".

Colleen Ehrle
Director of Administration