

**Towamencin Township
Board of Supervisors
Monthly Meeting
September 27, 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
Clayton Reed, IT Director
Timothy Troxel, Chief of Police

Present Remotely:

Colleen Ehrle, Director of Administration

Chairman Wilson called the meeting to order at 7:00 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 remaining budget work session dates are: October 4th, October 18th and November 1st. These meetings will be held at 6:30 pm and take place at the Township's Meeting Hall.
- Towamencin's Environmental Advisory Council is sponsoring a Backyard Composting Workshop led by the Pennsylvania Resource Council. Discover the importance and benefits of composting, the process, proper maintenance, and ways to use finished compost. The event will be held in the Meeting Hall, on October 12th at 6:30 pm.
- On Friday, October 13, stop by Fischer's Park for a pet parade, followed by the Movie "Addams Family 2." Donations for local animal shelters will be accepted. Check the Township Facebook page or website for more details.

- Chairman Wilson recommended residents sign-up for the Township's enews to stay informed about Township news and events.

Emailed Public Comments

Resident David Daikeler urged the Supervisors not to spend taxpayers money on the sewer sale.

Resident Ken Stout thanked the Supervisors for sharing information about the Township's sewer capital 10-year plan, acknowledging residents need this information to be informed about the status of the system. He shared his opposition to the sale, with concerns rates would fund corporate executives making more money. He added Act 12 should be changed so it cannot be used to correct years of mismanagement by the Supervisors. He condemned the Board for rushing a decision on the sale without all the information needed and not waiting until after the May election results related to Home Rule Charter. He recommended a Town Hall be provided, and for the Board to listen to the public and stop the sale.

In-Person Comments

Resident Kofi Osei thanked Supervisors Marino and Smith for advocating not to send out additional mailers about the sewer sale at the last meeting, with the Board voting unanimously. He then discussed managing residents responding from the audience during meetings; adding people will use their first amendment right to speak, regardless of decorum, if the Board does not provide an opportunity to respond after the audience believe they are being lied to. He cited Upper Gwynedd's public comment policy as a model to assist with residents not speaking out of turn.

He criticized the rationale provided by the Board in its decision to reassign the Asset Purchase Agreement to PA American and having not terminating the agreement to date.

Resident Jenn Foster asked for clarification on the "no signs on Township property" rule. Chairman Wilson responded no political signs are permitted on Township property. Township Manager David Kraynik clarified signs from Township affiliated associations, like TYA, were ok.

Resident Allan Hoover described what he felt was a lack of communication relating to the on-going paving project. Mr. Kraynik said the contract called for the contractor to post signs but that they had done a poor job to date. Mr. Hoover questioned the Township's ability to tow a vehicle if no signage or communication was provided. Mr. Kraynik provided an update on communications and clarified his statement with respect to towing a vehicle.

Resident Joseph Silverman shared his financial acumen when running a lawn mowing business in 1958. He explained his practice of using savings to upgrade equipment and not sharing those costs with his customers. He condemned Township's spending via the use of grants and future proceeds from the sewer sale – creating a desire to spend more when it is not your own money.

Resident Bruce Bailey reviewed examples of discretionary funding. He criticized the 8-10' foot dimensions proposed for the Drinnon Park path.

Resident Vanessa Gaynor requested electronic availability for the budget workshops via Zoom to open the process to more residents, especially with Township finances being a contentious subject lately.

Kofi Osei reviewed the four methods of stopping sewer sales, then referenced: suing the PUC, passing a Home Rule Charter, and legislative measures to repeal of Act 12.

Joseph Silverman continued to critique the Township's spending, then suggested the Township consider other consultants instead of relying solely on consultant Simone Collins' estimates.

Approval of Minutes

The September 13, 2023 minutes were deferred.

Zoning, Subdivision and Land Development

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 #3 in the amount of \$50,169.00 for associated Escrow Status Report Update and recommends approving the escrow release to the developer.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved Certificate of Completion #3 and the corresponding escrow release for \$50,169.00.

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

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 November 30, 2023, with a previous extension of September 30, 2023.

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

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

Absent: N/A

**Consider Recommendation - Time Extension for Special Exception Application: AG-HS
Delp Property Owner LLC**

The applicant is requesting a Special Exception for a time extension on a previous approval from the Zoning Hearing Board. The hearing is scheduled for October 5th. The application originally received approval of a special exception on October 18, 2021, in order to construct a road within the 50-foot-wide stream margin.

It was the consensus of the Board not to send the Solicitor to the Zoning Hearing Board meeting.

Old Business

None

New Business

Sanitary Sewer System Presentation: Eight -Year Capital Plan

The Township's Sanitary Sewer Engineer has prepared a Capital Improvement Plan for the Sanitary Sewer System to assist Towamencin Township and Towamencin Municipal Authority (TMA) in budgeting capital funds for system improvements. The anticipated capital expenditures between 2024 - 2031 is approximately \$39 million.

William Dingman, Towamencin's Sanitary Sewer Engineer, reviewed this capital plan, breaking down improvements expenditures between the collection system and wastewater treatment plant facility. Mr. Dingman provided background and highlighted the two most significant projects to the collection system - the Inglewood Sewer System Replacement Project and the Skippack Creek Interceptor – with cost estimates for both, totaling over \$14,000,000. A \$20,000,000 improvement estimate was referenced for the wastewater treatment plant facility that included necessary and recommended upgrades to piping, the emergency generator, and a Class A biosolids upgrade project.

Supervisor Warner asked if the UV disinfection would assist with the smell in the area. Mr. Dingman responded that improved UV disinfection process would not address odor.

Resident Joe Silverman asked for clarity on the timeline of the sewer plant's start of operation and the age of the Inglewood collection system.

Resident Martin Cohen asked if the emergency generator referenced would be considered a replacement or upgrade. Mr. Dingman noted it would be a replacement and upgrade of the current equipment.

Resident Kofi Osei referenced a 2011 study of the sewer system by Hazen & Sawyer, asking if the recommendation to raise rates and perform upgrades has been the case. Mr. Dingman responded that study was focused on the former UGTMA, now TMA plant and noted the Authority has

maintained the equipment and has made upgrades as necessary to meet current regulations. He emphasized that maintaining such a facility requires continuous expenditures due to the nature of the equipment's functionality and wear.

Supervisor Marino asked if any of the future capital improvements would factor in the upcoming NPDES (National Pollutant Discharge Elimination System) permit. Mr. Dingman reviewed the spreadsheet noting he did not see anything specifically related but added that the system they are using now is working well and that may explain why its not included.

2022 Audit Presentation

The Township's appointed auditor Maillie LP has completed the 2022 audit for Towamencin Township. Dale Umbenhauer, from Maillie LP, provided a summary presentation of last year's audit. Mr. Umbenhauer reviewed: key financial statement items and net position for the last 5 years of Township for governmental activities and business-type activities, changes in net position, general fund balances, budget versus actual, government fund balances. This completed audit is available on the Township website for review.

Warrant List

The September 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 Smith, seconded by Supervisor Marino, the Board approved the warrant list in the amount of \$2,625,162.30.

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

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 21st. 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 – (DCED) Local Shared Account Grant – 3 identified project submissions
- 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 September 20th. Supervisor Warner read the report, noting the following discussion items.

- Township 2023 August Financial Review
- 2023 Audit Update
- OPEB Trust
- Draft 2024 -2029 Capital Budget Review
- 2024 Budget Review
- 2024-2028 Minimum Municipal Obligation (MMO) Pension Projections

Resolution 23-17: Minimum Municipal Obligation Police Pension Plan

The required municipal contribution, referred to as the Minimum Municipal Obligation (MMO), is calculated annually. The MMO represents the Township’s annual funding requirement. 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 2024 MMO for the Police Pension Fund is \$380,044. The MMO represents a significant reduction compared to recent years due to the positive actuarial results and more conservative rate of return assumptions adopted by the Township over the last decade.

Previous Years	2020	\$698,247	2021	\$725,298	2022	\$667,527	2023	\$698,300
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Supervisor Snyder suggested the Township offer more than the minimum pension obligation. Chairman Wilson noted if the contribution was greater it would not affect the actual amount each officer would receive in their pension.

On a motion by Supervisor Marino, seconded by Supervisor Smith, the Board approved Resolution 23-17, Minimum Municipal Obligation Police Pension Plan.

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

Resolution 23-18: Minimum Municipal Obligation Non-Uniform Pension Plan

Similar to the Minimum Municipal Obligation (MMO) for the Police Pension Plan, the MMO for the Non-Uniformed Pension Plan is calculated annually and represents the Township’s funding requirement. The 2024 MMO for the Non-Uniform Employees Defined Benefit Pension Fund is \$98,040. The Defined Benefit Plan is no longer available to new hires, this plan’s MMO is projected to continue decreasing over time.

Previous Years	2020	\$254,182	2021	\$244,526	2022	\$199,008	2023	\$181,777
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On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved Resolution 23-18, Minimum Municipal Obligation Non-Uniform Pension Plan

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

Resolution 23-19: Min. Municipal Obligation Non-Uniform - Employee Money Purchase Pension Plan

In 2014, the Board implemented an ordinance establishing a Defined Contribution Pension Plan for new non-uniformed Township employees hired subsequent to 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 2024 MMO for the Non-Uniform Employees Defined Contribution Pension Fund is \$50,085.

Previous Years	2020	\$18,531	2021	\$19,996	2022	\$24,185	2023	\$34,715
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On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved Resolution 23-19, Minimum Municipal Obligation Non-Uniform - Employee Money Purchase Pension Plan.

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

Consider Defense Counsel Engagement Proposal: Foster/Osei v. Board of Supervisors

In conjunction with the Foster/Osei v. Board of Supervisors suit filed in the Montgomery County Court of Common Pleas on August 22, 2023, the Township has received an engagement letter from Dilworth Paxson, LLP to provide defense counsel. The hourly rate for legal fees is outlined as \$500 and \$680 for the designated lead attorney, with the firm agreeing to a 15% discount on these fees.

Solicitor Iannozzi explained at the Board’s February 24, 2021 meeting, Dilworth Paxson, LLP was appointed to serve as special counsel to the Board for the Sewer Monetization Project. However, in abundance of caution this engagement for legal services is specifically tailored to address Dilworth Paxson’s role as defense counsel for the litigation. He added the engagement letter was received after the Board’s last meeting and is why it was being presented this evening.

Supervisor Snyder asked Solicitor Iannozzi why he could not provide these services to the Township at his lower hourly rate. Solicitor Iannozzi explained he is a municipal solicitor, not a litigator.

Resident Vanessa Gaynor asked if this rate is higher than the rate negotiated in February 2021. Chairman Wilson responded that it was for the litigator. Solicitor Iannozzi further explained the original billable rate did not specifically factor the litigator’s rate.

Resident Bruce Bailey questioned the maximum anticipated number of hours, noting it would be a lot cheaper for the Board to back out of the contract with PA American Water.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved the Defense Counsel Engagement as outlined for the Foster/Osei v. Board of Supervisors suit.

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

Authorize Grant Applications to DCED Local Shared Account

The PA Department of Community and Economic Development (DCED) Local Shared Account Grant is accepting submissions through November 30, 2023. These grants are available for projects with a total eligible project cost of \$25,000 or more, not to exceed \$1,000,000 for any project, with no matching funds required by the municipality. Applicants may submit multiple applications. Township staff have identified three candidates for grant applications as follows.

- **Skipack Creek Interceptor Phase 2** consists of the replacement of 15” and 18” ACP interceptor pipe. The pipe was previously televised and found to be beyond its useful life. It is recommended that the Township request the full \$1,000,000. Gilmore and Associates, Inc. have proposed to complete the grant application for a not to exceed fee of \$4,000.
- **Grist Mill Park Phase 1 Improvements** will include: 4 pickleball courts, 2 basketball courts, a pavilion, playground, ADA accessible trails and ADA parking spaces. This grant submission will

seek \$250,000 to match the funds of the existing funded DCNR grant. Simone Collins has submitted a proposal to complete the application at a discounted rate of no more than \$650, noting the typical labor costs to be approximately \$2,500.

• **Central Drive Storm Sewer Replacement Project** - The Township is advancing plans to replace deteriorated stormwater lines within this neighborhood and has included modifications to increase stormwater capacity. The Township intends to seek \$1,000,000 for this grant submission. CKS Engineers have submitted a proposal to submit the grant application for \$3,300.

On a motion by Supervisor Marino, seconded by Supervisor Smith, the Board approved the consultant proposals for three grant submissions to the DCED Local Shared Account.

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

Authorize Advertisement: Amendment to EAC Council Ordinance

At its August 9th meeting, the Board approved amending the existing EAC Council Ordinance (95-07) to expand its membership from seven voting members and adding three associate members. These three non-voting positions would be invited to participate in meetings and receive all EAC meeting agendas and minutes, etc. The Solicitor drafted an ordinance for advertising.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board authorized advertising the amendment to EAC Council Ordinance.

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

There being no additional business, the meeting adjourned at 8:22 pm.

Respectfully submitted,



Colleen Ehrle
Director of Administration