

**Towamencin Township  
Board of Supervisors  
Monthly Meeting  
April 10, 2024  
7:00 PM**

**Present:**

H. Charles Wilson III, Chairman  
Laura Smith, Vice Chair  
Joyce F. Snyder, Secretary  
Kristin Warner, Treasurer  
Kofi Osei, Asst. Treasurer/Asst. Secretary

**Staff:**

David G. Kraynik, Township Manager  
Robert J. Iannozzi, Jr., Esq., Township Solicitor  
Mary Stover, Township Engineer  
Niral Modi, IT Director  
Timothy Troxel, Chief of Police

**Absent:**

Chairman Wilson called the meeting to order at 7:00 PM and led the assemblage in the Pledge of Allegiance.

**Opening Comments**

- This Board meeting is provided live via zoom for residents, who are unable to attend in person but wish to view and hear the meeting remotely. Public comments submitted by 4:30 pm on the day of the meeting will be read at the start of the meeting. For those physically present, public comment will be held at the beginning of the meeting.
- A reminder to residents when prompted for questions to come up to a microphone. Zoom does not pick up voices from the audience.
- Staff from the Montgomery County-Norristown Public Library will return on Wednesday, April 24th at 11 am to provide their next preschooler story time in the Meeting Hall.
- Changes to the agenda included: the PSDC Towamencin Shopping Center update would not be heard this evening. Also, the Retriever agreement was pulled because their legal department has not yet reviewed the agreement.
- The Township staff, Board, and Solicitor are aware of concerns regarding a proposed sober living home, known as Pross House, located at 1050 Pross Road. Staff have received many calls. Chairman Wilson acknowledged many people may be present to comment. He noted Township staff has taken affirmative steps to obtain additional information. The Township is looking at zoning ordinances, both state and federal laws, which will take time to assess. Once a determination has been made, the matter will proceed as a regular zoning code

compliance matter. The Board welcomes comments this evening; however, the Board will be unable to respond to them at this time.

### **Public Comments**

#### **Emailed Submissions:**

Resident Paul Andrews commented on the sewer sale, referencing the open houses held for residents last April, stressing no information was shared by PAWC for sewer service charges. At one of the open houses, he asked a representative to calculate his expected bill. They came up with the same calculation as he did, \$2,100. He shared he screamed at Rich, “Do you understand why people are upset about this?” at said open house. He noted Chairman Wilson recently spoke at Morgandale suggesting more people, than not, were in favor of the sale, and that people didn’t understand the benefits. Mr. Andrews reminded the Board of recent election outcomes that have occurred since the Board’s decision to sell the sewer system. He asked the Board to exit the APA so that the conversation can return to ways to make Towamencin better.

#### **In-Person Comments**

Resident Tracy Ramel noted she was the representative for Inglewood Manor offering comments on the Pross Road property. She shared residents have concerns about traffic, parking, fire safety, zoning, and occupancy. Neighbors want to ensure the Board knows their concerned and hope they find answers. As a business owner, she had to go through many steps to open a licensed day care facility in this neighborhood and wants to make sure such rules apply to all. She had heard the person in charge planned to move in on Friday.

Resident Rich Marino commented on the home on Pross Road, stating he raised a family in a similar home, adding the idea of 14 adults living in this size home is ridiculous, impractical, and unrealistic. He would appreciate the Board doing what they can to stop this.

Resident Tracy Nisbett noted the definition of family in the Towamencin code is no more than four unrelated individuals residing under one residence. She wants to ensure that is considered if this is permitted to proceed.

Resident James Collins offered he believes residents are concerned about this sort of thing in their neighborhood because it does not create stability. He urged residents to get and stay involved with local government, not just on election day. He added residents can provide their contact information to the Township’s Code department to be kept informed on this matter.

Chairman Wilson reiterated that all are concerned regarding this matter and working toward obtaining answers. He encouraged residents that wish to be kept informed on the matter, to provide their contact information to Will Brugger, Director of Planning, Zoning and Code Enforcement. He asked the Solicitor if anything could be done at this time to prevent people from moving in. Solicitor Iannozzi noted additional information is needed. Chairman Wilson emphasized that residents do not need to wait for a meeting to express their concerns. They are encouraged to do so as concerns arise.

Resident Joe Meehan asked for clarification on this at 1050 Pross Road, as it was the first time he was hearing of an issue and considers himself a very informed resident.

Resident Tom McClennan summarized his understanding of the issue, stating the home was sold to a young lady who wants to create a sober living house, also known as a halfway house, for alcohol recovery. He feels it is not a benevolent reason, but rather a business. Residents are concerned about safety, traffic, and the overall security of their residences. He also proposed concerns over associates of those that may be living in the home.

### **Approval of Minutes**

On a motion by Supervisor Warner, seconded by Supervisor Snyder, the Board approved the March 27<sup>th</sup> meeting minutes.

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

### **Zoning, Subdivision and Land Development**

#### **PSDC Update – Main Street**

Matthew McHugh, Esq., representing Philadelphia Suburban Development Corporation (“PSDC”), provided an update on the Main Street concept and a proposed zoning amendment that would include PSDC properties located within the perimeter of Sumneytown Pike, Reiff Road and Forty Foot Road. He confirmed PSDC is now in the formal review process, where comments will be offered. From there, they will present to the Planning Commission and will offer an ordinance for adoption very soon.

#### **Stormwater Operation & Maintenance Agreement: 1450 Mark Drive**

The property owners at 1450 Mark Drive own an approximately 17,147 square-foot lot within the Township’s R-175 Residential Zoning District. They propose the installation of a 16’x37’ fiberglass pool, with a concrete patio and equipment pad. The applicant plans to install a stone seepage trench 3’x 3’x20’ with at least three yard drains. The existing impervious coverage is 3,222 sq ft, that would expand to 3,853 sq ft with the improvements. Due to the proposed increased total impervious coverage, a grading permit and stormwater management controls are required. The plan and stormwater management proposal have been reviewed by the Township Engineer and Solicitor. The maintenance agreement for the stormwater facilities have been submitted for signature and recording.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved the Stormwater Operation & Maintenance Agreement.

Voting Yes: H. Charles Wilson, III, Laura Smith, Joyce F. Snyder, Kristin Warner, Kofi Osei  
Voting No: N/A

Abstaining: N/A  
Absent: N/A

**Wawa Development Update - Forty Foot Road & Sumneytown Pike**

The Wawa development project, located at 1401 Forty Foot Road, received Conditional Plan Approval from the Board of Supervisors originally in March of 2020 and again in March of 2023. The property had been in litigation for several years. Bill Dudack, Chief Operating Officer, and Ryane DePaul, Project Manager for Verrichia Towamencin Sumneytown Pike LLC, were present to provide an update on the project.

Supervisor Smith asked them to build the best-looking Wawa they could make. Chairman Wilson asked Mr. Dudack to confirm no architectural changes have been made to what was previously approved. Mr. Dudack confirmed no changed have been made.

**Consider Approval - Stormwater O&M Agreement for 711 Salem Way**

The property owners at 711 Salem Way own an approximately 24,299 square-foot lot within the Township's R-125 Residential Zoning District. They propose the installation of a 13'x26' inground pool, with additional 793 sq ft of paver patio and equipment pad. The applicant plans to install an 8'x29' stone seepage bed. The existing impervious coverage is about 4,896 sq ft and the proposed impervious is 5,689 sq ft. Due to the proposed increased total impervious coverage, a grading permit and stormwater management controls are required. The plan and stormwater management proposal have been reviewed by the Township Engineer and Solicitor. The maintenance agreement for the stormwater facilities has been submitted for signature and recording.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board approved the Stormwater Operation & Maintenance Agreement.

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

**Authorize Advertising Zoning Amendment (ZA-2023-03) for LI District**

The applicant is requesting to amend the zoning ordinance to permit, as a Conditional Use, the use of an "E9 - Place of Worship" within an existing building in the Limited Industrial (LI) zoning district. An E-9 use is currently not permitted in the LI district. The amendment would include adding language which only permits the reuse of an existing building and no exterior alterations, within the LI district. The Planning Commission has recommended that the Board consider and approve this language. Bill Dion, Esq. for Detweiler Road Holding Company was present to review the proposed text amendment and future use of 2060 Detwiler Road.

Supervisor Osei commented he loved the idea of using existing office space especially with the market coming back and thanked the representatives for coming out.

On a motion by Supervisor Osei, seconded by Supervisor Smith, the Board approved advertising the ordinance.

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

**Old Business** - None

**New Business**

**Consider Proposal Municipal Roof Replacement Project Construction Management & Inspection Services**

At the Board's March 20<sup>th</sup> meeting, they awarded a contract to Hulton Contracting, Inc. for the Municipal Complex Roof Replacement Project for the bid price of \$91,163.70. The project is expected to begin later this spring. The scope of work included roof replacements, removal and replacement of the existing wood siding, replacement of decorative barn doors, repair/replace existing fascia and miscellaneous roofing improvements at the noted buildings, with additional add-ons. For a project of this scope, construction management and inspection services are best practice. The Township received two proposals for construction management and inspection services for the project. Submissions were received from:

- CKS Engineers for \$18,000
- Keystone Municipal Services, Inc. for \$3,280

Township staff recommends approving the lower proposal from Keystone Municipal Services.

On a motion by Supervisor Snyder, seconded by Supervisor Warner, the Board approved the proposal from Keystone Municipal Services.

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

Supervisor Osei asked if anyone knew why there was such a disparity between the two bids. Chairman Wilson offered Keystone may be seeking additional work, adding they are a reputable firm. Township Manager Dave Kraynik added Keystone still have staff on site which may have helped keep the price down.

**COVID-19 ARPA Capital Projects Fund Multi-Purpose Community Facilities Program - Review & Authorization**

At the February 28 meeting, the Board approved a proposal for the Township Engineer to prepare a grant application to the COVID-19 ARPA Capital Projects Fund Multi-Purpose Community

Facilities Program for various improvements to the municipal complex. The Township Engineer has been working on the grant application materials with a funding request of \$1,163,000, and April 20 submission date. Eligible projects include improvements to municipal buildings that are open to the public and can enable work, education and health monitoring when needed.

Township Manager Dave Kraynik and Township Engineer Mary Stover presented the various municipal complex improvements included and outlined within the grant submission. Improvements included: an emergency generator, HVAC improvements for the police building, lighting along the entrance drive and walkway to the complex for pedestrian safety, replacement of a retaining wall and stairs that accesses the municipal building from the rear parking area, new carpet and roller shades for the meeting hall, and restoration of two wagons to be displayed onsite for historic reference.

Supervisor Snyder asked if this grant could be used to complete the necessary roof repairs. The Township Manager agreed it could, but the timeline for return of the grant was unknown, and the roof repairs are needed now.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved the COVID-19 ARPA Capital Projects Fund Multi-Purpose Community Facilities Program submission.

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

**Resolution 24-11: Sale of Police Vehicle to Souderton Borough**

The Souderton Borough Police Department had expressed an interest in purchasing a Towamencin Township Police Department vehicle, specifically a 2014 Dodge Charger, a command vehicle with AWD and a 5.7L V8 Hemi with approximately 36,000 miles. Finance staff researched Municibid results for low-mileage 2013-2015 Dodge Chargers sold by other municipalities over the past year, where the average sale price was \$8,500. The sale price for this vehicle is also \$8,500.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved Resolution 24-11: Sale of Police Vehicle to Souderton Borough.

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

**Acceptance of Donation – Police Department**

The Police Department recently received a donation from the Clemens Family Corporation in the amount of \$5,000. The Board must consider acceptance of these gifts in accordance with the Township's donation policy.

On a motion by Supervisor Snyder, seconded by Supervisor Osei, the Board approved acceptance of the police donation.

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

### **Volunteer Committee Appointment**

A resident has submitted an application expressing interest in serving on a Township volunteer committee. The Board considered the volunteer committee appointment of Stacy Spizziri to the Veterans Advisory Committee for a term expiring December 31, 2026.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved the Volunteer Committee Appointment.

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

### **Additional Business**

Supervisor Osei provided a summary of the challenges to the 2023 election relating to his seat, and the recent Court of Common Pleas, and Commonwealth Court rulings that affirmed his win. Consequently, he shared he will stay in his seat as Supervisor. He emphasized the reason this election was drawn out was because it was close. He is hopeful people continue to feel comfortable coming out to meetings and is confident there are issues they can work together on.

Supervisor Snyder motioned to direct staff to prepare a flag policy, noting she is aware of a current petition circulating for the same, but she does not want that to prevent the Township from governing and coming up with a policy of what flags should or should not be flown. Chairman Wilson asked Solicitor Iannozzi if the Board was able to do so. Solicitor Iannozzi stated it was ultimately a Board decision, but he recommended they allow the petition process to conclude, adding if the Board was to take action to undercut that, it would fly in the face of the spirit in which the Home Rule Charter was enacted.

Supervisor Snyder expressed concerns that one extension was already granted, and should petitioners be successful in obtaining the required number of signatures, then we have an ordinance, but until that time, she would like to direct staff to prepare a policy not ordinance. Mr. Iannozzi followed up with the petition underway, whether you have a policy in place or not, there is nothing that precludes the Board from displaying a certain flag by a simple vote. Mr. Iannozzi added it is possible that there will be something prepared for consideration by the Board before the policy is drafted and brought before the Board. Mr. Iannozzi offered an update on the status of the petition filed.

Supervisor Osei disagreed with the spirit of the charter characterization with the proposed amendments that would potentially prevent the Board from acting on policy, without collection the resident signatures. He clarified the intent of the charter – noting if the Board is not listening to residents voiced concerns, the petition was intended to be a last resort. He is ok with the first petition amendment, but if there are continuous amendment requests then he would be ok with the Board acting on related policy.

Chairman Wilson asked for the timeline of the petition results. The Township Manager reviewed the process and shared the filing timeframe.

Supervisor Osei motioned to authorize staff to prepare an ordinance to terminate the sewer sale APA.

Supervisor Osei commented that it is wild that the Solicitor thinks that the spirit of the charter is to enable a heckler's veto but has not suggested that the Township get out of the sewer sale. Supervisor Osei cited Lackawanna County is suing PAWC regarding failed DEP reporting, and by law, through the sewage facilities act, the Township would remain responsible for determining where the sewer treatment goes in the Township. He stated there is no getting away from these regulations, if residents come to the Township regarding rate hikes, they must act. Therefore, he suggests the Board terminate the sewer sale.

Solicitor Iannozzi questioned Supervisor Osei's interpretation that this petition initiative is essentially a heckler's veto. Supervisor Osei confirmed and offered his rationale.

On a motion by Supervisor Osei, seconded by Supervisor Snyder, the motion failed by a 3:2 vote.

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

There being no additional business, the meeting was adjourned at 8:05 pm.

Respectfully submitted,



Colleen Ehrle  
Director of Administration