

**Towamencin Township  
Board of Supervisors  
Monthly Meeting  
July 24, 2024  
7:00 PM**

**Present:**

H. Charles Wilson III, Chairman  
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  
Daniel Jusko, Police Detective

**Absent:**

Laura Smith, Vice Chair

Chairman Wilson called the meeting to order at 7:01 PM and led the assemblage in the Pledge of Allegiance.

**Opening Comments**

- This Board meeting is provided live via Zoom for residents unable to attend in person but wish to view and hear the meeting remotely. Public comments submitted by 4:30 pm this afternoon will be read at the start of the meeting. Public comment will be held at the beginning of the meeting for those present. Reminder: when prompted for questions, please come up to a microphone as Zoom does not pick up voices from the audience.
- Our 5<sup>th</sup> summer concert will be held August 1<sup>st</sup> featuring Philadelphia Funk Authority. Concession sales begin at 6 pm and the concert starts at 7 pm.
- On August 16, stop by for a concert by Lolly Hopwood, followed by the Movie Kung Fu Panda 4. The fun begins at 6:30 pm. These events are free.
- Applications for the 1<sup>st</sup> annual Citizen's Police Academy are being accepted through August 23 (or until 15 applicants are selected). Submission links are available on the Police webpage and Facebook page. Applications may be submitted in person or electronically.
- A message from our Tax Collector: North Penn School Tax bills have been issued. Payments may be made in person or via drop-box and must be received on or before August 31<sup>st</sup>. Payments can be made at 1804 Robin Drive, Hatfield. Hours are M-F daily, 10 am to 5 pm.

**Emailed Public Comments:**

Resident Jeff Baer commented he was disgusted and appalled to hear the vile hate-speech quoted by Supervisor Osei at the last Supervisors meeting from an online source, finding the language and sentiments expressed by the unnamed authors utterly offensive. He stated that Supervisor Osei being the target of such hateful remarks, presumably from within our community, is shameful, disturbing, and disappointing, but found it curious why these posts needed to be discussed in this forum, and questioned what good would come from it. He found it troubling Supervisor Osei's attempt to lay responsibility for the offensive comments at the feet of his fellow supervisors, when none of them authored, condoned, or knew of the posts. He applauded Supervisor Smith for calling Supervisor Osei out on his attempt to drag her too into the fray. He feels Mr. Osei's continued hate-filled denigration of past Supervisor Marino serves no useful purpose. He stressed the need for leaders who seek unity rather than division.

Resident Joe Rumsey commented when reviewing the flag ordinance ahead of the meeting, he found no need for it, feeling it makes the Township look insular, xenophobic and the possibility of being sued over 1<sup>st</sup> amendment concerns. He continued if someone wants to raise a flag over Township property, the supervisors should look at it on a case-by-case basis. His second comment requested that another Supervisor (other than Snyder and Osei) vote to stop the sewer sale. He cannot believe the majority of the Board still thinks the sale is a good idea.

### **In-Person Comments**

Resident Jenn Foster asked why the majority Board and Solicitor enjoy doing things that will get the Township sued. She urged the Board to vote against and not advertise the proposed flag ordinance. Having seen the draft ordinance, she shared her concerns, and felt it was worse than what the petitioners requested. She feels there is no need for the ordinance when the Board has the power to deny any request they do not agree with, adding it will impact more than just the Township Administration Building; it impacts all Township property. She referenced a related ruling for Springfield Township. She criticized the Solicitor's services and felt the Board should be honest in their rationale for the ordinance. She concluded she is tired coming to meetings asking the Board not to do things that will get the Township sued. She again asked that the Board vote against advertising the ordinance and threatened to contact the ACLU if passed.

Solicitor Iannozzi responded that the First Amendment restricts governmental regulation of public speech, it does not regulate governmental speech. He stated the ordinance is specifically tailored to the Township speaking on its own behalf of display and depiction on Township property. The Supreme Court has set forth precedence for the express purpose to ensure the utilization of a flagpole does not become a public forum. The government will speak on its own behalf and will limit its own speech, it does not prevent what people do on their own property or if they are having a picnic at Fischer's Park.

Ms. Foster continued the way the ordinance currently reads is that no one is permitted to display anything on Township property, other than what has been laid out by the Township.

Solicitor Iannozzi directed her attention to section 55-05, citing it speaks to the issue raised. He added the conversation tonight is to address possible revisions to the ordinance before it is authorized for advertising.

Resident Rory Kelley commented he took issue with the flag ordinance situation; and feels there is performative politics on both sides. He disagrees with the Solicitor's explanation and feels the

ordinance does not read as suggested. He continued that if this ordinance stays as is, it can restrict what others do, and in his opinion that's what the petitioners, who originally introduced an ordinance, want it to do. He referenced communication from a right-to-know request, and felt the Solicitor stopped reviewing surrounding municipalities' flag policies after a petition was filed via the Home Rule Charter. Mr. Kelley noted his concerns that while the filed petition failed, that now the Township is proposing an ordinance that reflects what the Trust Petitioners proposed.

Solicitor Iannozzi responded once the petition had failed, he resumed his analysis of Second-Class Township policies, adding what he was trying to communicate was when a group irrespective of the initiative, undertakes to avail itself under the HRC petition process, it is his recommendation to not undercut the HRC process, which is what led to this series of events.

Mr. Kelley responded if that is the intent then he has a lot less concern with the ordinance, and hopefully the Board will amend it, and not authorize its advertising tonight.

Solicitor Iannozzi clarified that the ordinance is designed to limit the Township's speech on Township property. Mr. Kelley asked if the Township is going to enforce the US Flag Code, then referenced a flag in the Meeting Hall that would need to be removed as it has pins that deface it. He added if the Township is going to focus on doing what's best regarding flying the American flag, then the rules should be applied across the board, not just in response to a petition.

Resident Gisela Koch commented based on the information provided, she cannot imagine the Township would choose to put any flag other than the Township or US flag, which had her question why an ordinance is needed when the only people who can display a flag are elected officials.

Solicitor Iannozzi reiterated the intent of the ordinance - it is designed to establish or draw a line of demarcation, as the Township's forum is not a public forum, and the only flags that may be flown are those set forth in the ordinance.

Resident Vanessa Gaynor commented she appreciates the explanation but does not feel that an ordinance is necessary. She preferred to hear from the elected Supervisors why they feel it is necessary, not the Solicitor. She thanked Township staff for providing her with the updated draft. She referenced the updated changes, emphasizing why the draft language needs to be revised. She also asked that a flag definition be provided. Switching subjects, Ms. Gaynor requested the budget work sessions be televised and recorded on Zoom and asked if someone could answer her request.

Township Manager Mr. Kraynik responded he received Ms. Gaynor's email that afternoon, noting it is both his and the staff's intention to broadcast those meetings. He noted the only thing that would prevent it is staff restraints, as only two employees are familiar with the technology.

Chairman Wilson asked that Mr. Kraynik place the request on a future Board of Supervisors agenda. Mr. Kraynik noted that is his intention.

Supervisor Osei responded to Ms. Gaynor and Mr. Kelley, stating he voted against having the Solicitor draft the flag ordinance and during that discussion, he did not push for any other flags if that was the majority opinion of the Board. He asked not to be mischaracterized as the full Board.

Resident Joe Silverman commented on downward streetlighting, sharing related reading material to the supervisors, and recited excerpts from the article provided.

Resident Bruce Bailey requested the Township reconsider the traffic speed on Forty Foot Road, from 45 mph to 30 mph. He does not know who regulates the speed for this road but asked the

Township to take the initiative to reduce the speed. Lastly, for public comments, he objects to real-time responses and debate during this period, stressing it is for citizens to share their concerns.

Resident Rebecca Curlett shared she did not feel a flag ordinance is needed, and the proposed draft is not clear and needs work. She feels the ordinance leaves the Township wide open for a lawsuit and is tired of having to pay for people to defend us in lawsuits for actions of the Board.

Resident Christian Fusco shared he is a School Board Director and offered insight on the flag policy. He shared the School District has raised various flags over the years, with no issues. He hears the concerns raised for reasons it may be needed, but the Board has the jurisdiction whether to raise a flag or not. He feels the action seems as though it is intended to tie the hands of future boards, and it is restricting the people's speech. He asked the Board to consider the impact of this ordinance, stressing the current draft seems flawed and hurtful.

Supervisor Osei responded to Mr. Bailey's public comment expressing multiple residents have complained that the Supervisors don't respond enough, and he feels when addressed specifically, he would like to respond immediately. Mr. Bailey responded that he agrees a quick response is warranted but tonight's flag dialogue was not the appropriate place and time.

Supervisor Osei responded to Mr. Baer's public comment, adding no court has found that the County Election Board counted ballots incorrectly, so he feels Mr. Marino did not take the County Election Board to task.

### **Approval of Minutes**

On a motion by Supervisor Osei, seconded by Supervisor Warner, the Board approved the July 10<sup>th</sup> meeting minutes.

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

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

#### **Conditional Use Hearing: Detwiler Holding LLC, Place of Worship Use (#CU 2024-01)**

The Board of Supervisors approved a zoning amendment on June 26<sup>th</sup> to permit, as a Conditional Use, an E-9 Place of Worship use within the Limited Industrial Zoning District. The applicant is proposing to convert 18,683 SF of the building space within an office building at 2060 Detwiler Road. The existing office building consists of 132,213 SF of office space. The proposed Use E-9 would occupy 18,683 SF with a chapel occupying approximately 7,450 SF and administrative offices occupying approximately 11,233 SF.

Solicitor Iannozzi conducted the hearing, presenting the associated hearing exhibits. William Dion Esq. was present representing the applicant. A court reporter was present to make a complete and formal record of the hearing.

**Consider Approval of Pillar Agreement for 1506 Staley Circle**

Township staff prepared a Waiver of Damages Agreement that would allow the owners of 1506 Staley Circle to install a fence within a sanitary sewer easement.

On a motion by Supervisor Snyder, seconded by Supervisor Warner, the Board approved the Pillar Agreement: 1506 Staley Circle.

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

**Old Business**

**Grist Mill Park Improvements Phase 1 Final Review**

At the Board's March 27<sup>th</sup> meeting, two plans were presented for Grist Mill Park improvements Phase 1, which included: a pavilion, an inclusive playground, a basketball court, handicapped parking, cornhole courts, game tables and a perimeter trail. The full plan was estimated to cost \$586,000, with a modified plan presented to keep within the budgetary constraints of \$500,000. At this meeting, residents shared concerns that this park should include appropriate fencing to protect children prone to eloping. Fencing was not included in either plan. The Open Space and Parks Advisory Committee further reviewed the two plans, recommending the Board move forward with all elements of the larger plan prepared by Simone Collins and include fence installation at the park. To date, the Township has been awarded a \$250,000 state grant, with a pending additional state grant submission for \$250,000.

Peter Simone presented the updated final plan and playground elements. He shared the estimated project cost as \$613,000 and bid methodology and overall project timeline.

Supervisor Warner asked if it would be cheaper to do both basketball courts at the same time. Mr. Simone responded possibly, emphasizing the expressed playground priority features. He noted the Township is not taking a big hit based on the proposed plans.

Chairman Wilson asked the Mr. Kraynik if at a prior Finance Committee Meeting it was determined that if the Township receives the second grant, all proposed plan items would be addressed, under the higher plan cost. Mr. Kraynik recalled if the Township did not receive the second grant, the Board would need to approve the additional costs.

Mr. Simone added the project is being bid with proposed add alternatives as a worst-case scenario to accommodate and ensure the full wish list for the park is covered. Mr. Kraynik asked how many alternatives were projected. Mr. Simone responded three or four.

On a motion by Supervisor Warner, seconded by Supervisor Osei, the Board approved a bid release for Grist Mill Park Improvements Phase 1.

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

### **New Business**

### **Warrant List**

The July Warrant list in the amount of \$1,133,887.63 was presented for approval. On a motion by Supervisor Snyder, seconded by Supervisor Warner, the Board approved the warrant list in the amount of \$1,133,887.63.

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

### **Public Works Report**

The Public Works Committee meets monthly to scope projects and identify efficiencies related to Township infrastructure, properties, and equipment. The Committee met on July 18<sup>th</sup>. Mr. Kraynik provided the Committee's report, summarizing the following topics:

- Weikel Road Project
- Central Drive Storm Sewer Repairs
- 2024 Road Paving & ADA Ramp Project
- Landscape Signage at the Turnpike Interchange
- Repairs to Pedestrian Bridge over Forty Foot Road
- Green Lane Park Soccer Fields
- Welsh/Orvilla Road Intersection Improvement Project
- Forty Foot Road/Newbury Way/PSDC Traffic Signal
- Comprehensive Plan
- MS4 Permit Requirements
- Township Pool – 2024 Season
- Butch Clemens Park Pickleball Courts Concept Plan
- Streetlight at Susan Drive and Keeler Road
- Tennis Lukens Cemetery Veterans Committee Maintenance Request
- 309 Connector Project
- Valley View Park in Cul-de-Sac
- Fischer's Park Restrooms
- Signage to Township entrances

### **Finance Committee Report**

The Township Finance Committee meets monthly to monitor economic indicators and the pulse of the Township's revenues and expenditures. They also address various requests and concerns that may arise. The Committee met on July 24<sup>th</sup>. Supervisor Warner provided the Committee's report, summarizing the following topics:

- June 2024 Financials
- Capital Budget Update
- Online Payment Transition Update
- Police Negotiations
- Status of Finance Director Search

### **Consider Authorization to Advertise Flag Display Ordinance**

The Board previously discussed whether a Township Flag policy should be implemented. At the June 12<sup>th</sup> meeting, a majority of the Board authorized Solicitor Iannozzi to draft a flag ordinance to restrict the flags to governmental flags.

Chairman Wilson suggested the Solicitor update the ordinance to address concerns raised by the residents during public comment, and have it placed on a future agenda.

Supervisor Osei motioned to indefinitely table the construction of the ordinance, noting he has a disagreement with how the ordinance was constructed.

Chairman Wilson motioned to return the ordinance to the Solicitor to ensure it complies and addresses the concerns raised by residents.

Supervisor Warner seconded Chairman Wilson's motion and Supervisors Snyder seconded Supervisor Osei's motion, commencing further discussion on the ordinance.

Chairman Wilson acknowledged the Board's deadlock vote, then asked Solicitor Iannozzi if the updated draft version of the ordinance was posted to the website. Mr. Iannozzi responded it had been circulated, but not been posted to the website.

Chairman Wilson requested that the Township Manager see that the draft ordinance be posted to the website. Mr. Kraynik noted that would require direction from the Board. Solicitor Iannozzi recommended tabling the motion for now, due to the current Board's configuration on the issue. Chairman Wilson supported that the motion be tabled at this time.

Supervisor Osei asked that both motions be voted on before moving to comment and discussion.

Chairman Wilson motioned to withdraw his previous motion and table the ordinance vote until the Solicitor can address the concerns raised by the residents.

On a motion by Chairman Wilson, seconded by Supervisor Warner, the motion failed by a 2:2 vote.

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

Supervisor Osei corrected the record regarding a statement made at a previous meeting, where he misremembered his conversation with an Upper Gwynedd Commissioner concerning flag poles. Mr. Osei shared he would like to make a disagreement he had with Supervisor Snyder public. He disagrees with her apologizing for her request to discuss flags as having multiple flags poles would be cost prohibitive. He was open to the idea of having multiple poles. Therefore, in his opinion, her apology implies he should apologize, and he does not apologize for opinions. He continued, revising an opinion due to new information is a good trait as a public official. He felt the discussion was good - the Board cited their opinions, community shared input, and the Board acted.

Supervisor Osei noted the Board should not enact, advertise or revise an ordinance at the discretion given to the Solicitor at a previous meeting. He stated this is the Township's speech, and stressed there is no need to vote which flags the Township will fly, citing other communication examples that were not voted on. Conceptually, he feels this ordinance is unnecessary, as ordinances evoke police power, and the Board is going to call code enforcement on themselves as a government. While not against flying them, he noted the POW/MIA is the symbol of a 501(c)(3), and questioned if the Township was sure another group could not find the exclusion of their flags discriminatory. He referenced a flag concern in Springfield Township which was sued for a 1A violation. He continued the Township makes their property available to the public and therefore must allow freedom of expression on its property. He continued the Township cannot guarantee a revised draft protects the Township from limiting non-government speech, and a definitive answer would need to come from a courtroom. He feels the Township should not pass ordinances that do nothing and run the risk of litigation.

Supervisor Osei suggested if a flag policy is necessary, it should read the Township can restrict the scope to flag poles the Township owns, and controls, follow all laws and executive orders, and does not bind the Township to entertain proposals from the public. He added if the Board feels it necessary to express their opinion as a Board it should be through a resolution not an ordinance. Supervisor Osei criticized the Solicitor's process and suggestion to propose an ordinance in this context, as he feels it could challenge the first amendment.

Supervisor Osei criticized the petitioning group's motives, while claiming their actions were meant to be inclusive, a news article reported the intention was to exclude the LGBTQ flag, and reports of fears of bullying, to account for their shortfall of over 1000 signatures. He feels this petitioning group has more access to the Solicitor than he as an elected official, which is exclusionary. He concluded by passing this ordinance, substantially similar to the petitioners' ordinance intent, the Board is messaging you must be a specific minority group to get this Board's attention.

Supervisor Osei concluded during the previous discussion, all supervisors agreed they wanted the Township to be viewed as inclusive, but not with another flag. The general consensus from the public is they are ok with only flying the flags listed in the ordinance. He suggested indefinitely tabling the construction of the ordinance to avoid the possibility of litigation.



Supervisor Osei motioned to indefinitely table the construction of a flag ordinance, it was seconded by Supervisor Snyder, the motion failed by a 2:2 vote.

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

**Consider Proposal to Update Sewer Tapping Fee Calculations**

At the request of the Board, the Township’s Sewer Engineer consultant, Gilmore & Associates, Inc., will complete an update of the Township’s sewer facility tapping fee calculation using the January 2020 tapping fee study as a basis for the update. Gilmore & Associates propose to complete the tapping fee update for a not to exceed fee of \$4,000 and will complete the update within 60 days from authorization. Chairman Wilson clarified this is the tapping fee paid by new development and does not impact existing sewer service or rates.

On a motion by Supervisor Warner, seconded by Supervisor Snyder, the Board approved the proposal to update the sewer tapping fee calculations.

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

Supervisor Osei commented he is not against increasing tapping fees or impact fees but considered this a tax on development with the Township’s low development. He wants to ensure the Board is careful when conducting this study. Chairman Wilson noted this is done every five years, particularly to keep pace with inflation, and is a necessary to guarantee funds for capital projects, which keeps the system in good shape.

**Consider Approving Capital Purchase Request – Police Building Carpet**

Three quotes were obtained to replace flooring to a section of the Police Building. Of the three quotes, Wright Flooring was the only to offer pricing under the COSTARS state contract and offered the lowest base price. It is recommended that the Board award this project to Wright Flooring for the base price, along with the two alternates for a total of \$21,172.

On a motion by Supervisor Osei, seconded by Supervisor Warner, the Board approved the capital Purchase Request for Police Building Carpet.

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

**2024 Heating Oil Bid Agreement – Montgomery County Consortium**

The Montgomery County Consortium sought a bid for heating oil suppliers. One bid was received by Wilson of Wallingford, Inc. for \$3.995 per gallon. All documents have been reviewed and are in order. Each participating municipality is responsible for fully executing their own contract.

On a motion by Supervisor Snyder, seconded by Supervisor Osei, the Board approved the 2024 Heating Oil Bid Agreement with Wilson of Wallingford, Inc.

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

**Consider Tree Maintenance Proposal for Tennis Lukens Cemetery**

At the July 10 meeting, the Veterans Committee presented maintenance needs and proposed improvements at the Tennis Lukens Cemetery. The requested maintenance included routine landscaping and removing dead limbs from and evaluating a large oak tree in the cemetery. A proposal was sought by the Public Works Director that included pruning several large mature oak trees. The proposal received was from N.P. Moyer Tree Service Inc. in the amount of \$5,200. The Public Works Committee is recommending the approval of this proposal.

On a motion by Supervisor Snyder, seconded by Supervisor Warner, the Board approved the N.P. Moyer Tree Service Inc. for work at the Tennis Lukens Cemetery.

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

**Authorize Finance Director Recruiting Proposal**

With the resignation of the Township's Finance Director and the challenges met during the recent employment search, the Township sought a recruiting proposal from the Judge Group, Inc., a firm known for successfully matching recruiting needs across the private and public sectors. The proposed engagement includes a \$5,000 fee to initiate the recruiting program. This fee may be credited against the total cost of the search assignment if a qualified candidate is identified by Judge Group and appointed by the Board.

On a motion by Supervisor Warner, seconded by Supervisor Snyder, the Board approved the Finance Director Recruiting Proposal.

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

**Approve Resolution 24-21: Termination of Committees - Strategic Planning and Technology Assessment & Innovation**

The Board has determined that the purpose of the Strategic Planning and Technology Assessment & Innovation Committees have either been fulfilled and/or is no longer needed as initially envisioned. Solicitor Iannozzi has drafted a resolution that will terminate both Committees.

On a motion by Supervisor Snyder, seconded by Supervisor Osei, the Board approved Resolution 24-21, Termination of Committees.

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

**Consider Cancelling August 14<sup>th</sup> Board of Supervisors Meeting**

Due to a lack of agenda items, the Board should consider whether to cancel the August 14<sup>th</sup> meeting.

On a motion by Supervisor Warner, seconded by Supervisor Snyder, the Board approved cancelling the August 14<sup>th</sup>, Board of Supervisors Meeting.

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

**Additional Business**

Supervisor Osei brought up Mr. Bailey's traffic safety comment. He has noticed Towamencin's police department, along with others, increasing their enforcement efforts and thanked them. He reiterated this is a partial solution, that speed is important and requested the community continue to lobby to make roads within the Township safer.

There being no additional business, the meeting was adjourned at 8:45 pm.

Respectfully submitted,



Colleen Ehrle  
Director of Administration