

**Towamencin Township
Board of Supervisors
Monthly Meeting
October 28, 2015
7:30 PM**

Present:

H. Charles Wilson III, Chairman
Laura Smith, Vice Chairman
James Sinz, Secretary/Asst. Treasurer
Daniel M. Littley, Jr., Treasurer/Asst. Secretary
David Mosesso

Staff:

Robert A. Ford, Township Manager
Jack Dooley, Esq., Township Solicitor
Tom Zarko, Township Engineer
Paul T. Dickinson, Chief of Police
Maureen Doyle, Finance Director
Colleen Ehrle, Assistant to the Township Manager

Chairman Wilson called the meeting to order at 7:37 PM and led the assemblage in the Pledge of Allegiance.

Awards and Recognition

Recognition of Honorable Service – Firefighter Robert Stratton and Paramedic Nicole Smith

On September 30, 2015 Firefighter/Safety Officer Robert Stratton of the Towamencin Volunteer Fire Company and Paramedic Nicole Smith of Harleysville Area EMS received the National Liberty Museum Award of Valor for actions that saved a life.

Firefighter Stratton and Paramedic Smith were recognized for their roles in saving the life of Sequiel Serrano during an extreme vehicle rescue on the Pennsylvania Turnpike on May 27, 2014. As the first responders on the scene, Bob applied a tourniquet to the patient's leg that was entangled in the wreckage and bleeding profusely. Paramedic Smith then began advanced life support measures in the cab with the patient, while Bob began to prepare for the difficult extrication. These actions allowed Mr. Serrano to remain alive long enough to have rescue crews, and a surgeon, free him from the wreckage.

On a motion by Supervisor Littley, seconded by Supervisor Sinz, the Board approved the commendation of Firefighter Robert Stratton and Paramedic Nicole Smith for their life saving actions on May 27, 2014.

Voting Yes: H. Charles Wilson, III, James P. Sinz, David Mosesso, Daniel M. Littley, Laura Smith

Voting No: N/A

Abstaining: N/A
Absent: N/A

Conveyance of Donated Funds by Eagle Scout Candidate Hayden MacKay

Township resident Hayden MacKay refurbished Tennis Lukens historical cemetery for his Eagle Scout project this past June. The cemetery on Allentown road, which had been abandoned, is now owned by Towamencin Township and has several Revolutionary war soldiers buried there. The project included putting up some new fence rails to replace the old ones, filling in some animal holes, putting new gravel over the driveway, reestablishing the flower bed in front of the sign, and picking up some of the general debris in the cemetery. There were excess funds remaining after the project was completed that Scout MacKay wishes to donate to the Township.

On a motion by Supervisor Smith, seconded by Supervisor Littley, the Board accepted Hayden MacKay's donation on behalf of the Township.

Voting Yes: H. Charles Wilson, III, James P. Sinz, David Mosesso, Daniel M. Littley, Laura Smith
Voting No: N/A
Abstaining: N/A
Absent: N/A

Opening Comments

Chairman Wilson announced the Board met in Executive Session prior to the meeting to review matters of personnel, potential litigation and real estate negotiations.

Public Comments

None

Approval of Minutes

On a motion by Supervisor Smith, seconded by Supervisor Littley, the meeting minutes of September 23, 2015 were approved.

Supervisor Mosesso abstained, stating his opinion that the minutes should be electronically recorded and transcribed.

Voting Yes: H. Charles Wilson, III, Laura Smith, James P. Sinz, and Daniel M. Littley, Jr.
Voting No: N/A
Abstaining: David Mosesso
Absent: N/A

On a motion by Supervisor Littley, seconded by Supervisor Sinz, the meeting minutes of October 14, 2015 were approved.

Supervisor Mosesso abstained, stating his opinion that the minutes should be electronically recorded and transcribed.

Voting Yes: H. Charles Wilson, III, Laura Smith, James P. Sinz, and Daniel M. Littley, Jr.
Voting No: N/A
Abstaining: David Mosesso
Absent: N/A

Zoning, Subdivision & Land Development

Public Hearing: Proposed Zoning Ordinance Amendment; Required Setbacks along Abutting Public Utility Uses within LI Zoning District

An area of the Township off Wambold Road was rezoned from Residential to Limited Industrial (“LI”) use within the last six years following PennDOT’s condemnation of dwellings required for the Wambold Road / Route 309 Connector project. Immediately behind and adjacent to one property is a 300 foot wide PECO right-of-way. The PECO right-of-way is zoned “LI” along every other part of Wambold Road with the exception of the piece immediately behind this property. This results in a significantly larger required setback per the zoning code. The applicant has proposed a zoning text amendment to address this issue.

Township Solicitor, Jack Dooley, opened the hearing and introduced Carl N. Weiner, attorney for Wambold Realty LP, in conjunction with addresses 531, 551 and 571 Wambold Road. Wambold Realty LP is requesting the zoning text amendment. Attorney Weiner introduced Patrick J. Stewart as his expert for the hearing. Mr. Stewart’s professional background is licensed landscape architect and land planner.

A court reporter was present to make a complete and formal record of the hearing.

Ordinance 15-15: Required Setbacks along Abutting Public Utility Uses within LI Zoning District

Adoption of this ordinance would amend the Zoning Code to reflect the issues presented in the preceding hearing.

On a motion by Supervisor Littley, seconded by Supervisor Sinz, the Board adopted Ordinance 15-15, Required Setbacks along Abutting Public Utility Uses within LI Zoning District.

Voting Yes: H. Charles Wilson, III, James P. Sinz, David Mosesso, Daniel M. Littley, Laura Smith
Voting No: N/A
Abstaining: N/A
Absent: N/A

Request to Extend Temporary Sign Permit – Korman Suites

Korman Communities acquired the apartment complex located on Towamencin Avenue earlier this year and came before the Board in May indicating that they intend to change the identification signs that were placed by the previous owner. In the interim, they were seeking approval to place temporary signs. As the facility was approved and constructed under the auspices of the Village Overlay District, the Land Use Design Manual provides the Board the discretion to approve any signage which they believe acts to "further the purpose and intent of the Overlay District." The Board subsequently approved a resolution authorizing the conditional placement of temporary signs by Korman Communities at the Bridgeview Apartments complex for a sixty (60) day period. This period ended on September 1, 2015 and the company is requesting an extension until December 31, 2015.

Paul Defruscio, Vice President, Asset for Korman Communities, presented his request to the Board with exhibits of the current temporary signs.

The Board had questions as to the inclusion of temporary banners that were not a part of the original sign package presented in May. These temporary banners should have been removed months ago. Mr. Defruscio agreed he would take the temporary banners down.

Supervisor Littley had concerns about Korman Communities missed deadlines and time management with the sign permits and for those reasons would vote against the extension request.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved the request to extend the temporary sign permit for Korman Suites until December 31, 2015.

Voting Yes: H. Charles Wilson, III, James P. Sinz, Laura Smith

Voting No: Daniel M. Littley, David Mosesso

Abstaining: N/A

Absent: N/A

Towamencin Shopping Center Redevelopment Update

The Philadelphia Suburban Development Corporation acquired the Towamencin Village Shopping Center facility, located on Allentown and Forty Foot Roads, in June. The complex has experienced increasing vacancies over the past several years, due to a downturn in the economy. Mark Nicoletti, PSDC Vice President, presented an update on concepts and his vision for the revitalization of this shopping center.

Mr. Nicoletti began by identifying three challenges that face the present shopping center: limited access off of Forty Foot Road, not enough critical mass to attract patrons (too small) and the retail classification as a third-tier market, which deters some retailers from considering such locations.

He explained the need for an anchor in this location to attract patronage. Possible anchors being considered are a movie theater and fitness center. PSDC is currently in talks with the Movie

Tavern for this location. Mr. Nicoletti said they planned to add additional restaurants to this center as well, possibly a P.J. Whelihan's and a sandwich/pizza spot. A grocery store would not be added as the area has several supermarkets in the proximity of the shopping center.

Mr. Nicolletti plans to keep most of the shopping center intact. The Store and the Spice Kitchen will remain a part of the center.

He then explained his intentions to unify and open up the space between the shopping center and the adjacent business campus at SKF; PSDC is the owner of the SKF office space. This would increase the square footage from approximately two separate 125,000 square-foot lots to a combined 250,000 to 300,000 sq. ft. area. He described a parking system where patrons of the proposed movie theater could use the open parking lot of SKF on nights and weekends. He would also like to create a universal condominium association between the retail space and the office campus.

In developing the center, Mr. Nicoletti plans to add an additional traffic signal on Forty Foot Road across from the existing Newbury Development driveway to improve access into the SKF/shopping center. However, he noted that PennDot has indicated that they would require the elimination of the narrowing of Forty Foot Road by the Christopher Dock School in exchange for allowing the additional traffic signal. Some other challenges Mr. Nicoletti foresees are zoning issues and consolidating the various condominium documents.

Mr. Joe Silverman, resident of 1325 Reiff Road, had concerns that adding an additional traffic light on Forty Foot Road would add to backups and large trucks would cause more pollution with their stop and starts along the road way. Mr. Nicoletti said the light would be synchronized with the other lights and shouldn't create the issues Mr. Silverman posed.

Mr. Nicoletti feels this is an exciting opportunity and is eager to work together with the Township on his proposed plans.

Supervisor Wilson asked Mr. Nicoletti what kind of financial support would be required from the Township in order to move forward. Mr. Nicoletti mentioned a current Multimodal Transportation program grant opportunity through PennDOT that could provide funds towards the estimated \$1.5 million to \$2 million needed to widen the Forty Foot Road chokepoint. Grant applications are due sometime in December and would require a \$600,000 local match.

Mr. Nicoletti stated that PSDC would be willing to provide the required \$600,000 match for the grant as an upfront payment of any future Traffic Impact Fees that they would incur through the redevelopment of the shopping center or any other development PSDC undertakes within the Township.

Supervisor Littley explained it has been the Township's policy that 85% of any collected traffic impact fees go towards the payment of existing debt resulting from the traffic improvements along Forty Foot Road completed several years ago. Supervisor Littley also noted that Forty Foot Road is a state highway and that the State should be held accountable for the finances of state roads.

The Board commented that they were excited about the redevelopment of the shopping center as envisioned and presented by Mr. Nicoletti. However, it was the consensus of the Board not to commit Township funds towards the grant match and that state officials should be contacted regarding funding for the Forty Foot Road widening.

Towamencin Town Square Stage II Development Update

Mr. Nicoletti explained that PSDC owns land at the corner of Forty Foot Road and Towamencin Avenue, that received preliminary land development approval in 2009. It included a proposed three story 41,850 sq. ft. Retail/Office Building. He advised that he has been in discussions with representatives from the Wegman Company regarding this property as a potential site for their senior care facility, which had been proposed for the other side of Forty Foot Road, near the pedestrian bridge. It was noted that the site near the pedestrian bridge presented some zoning issues that precluded Wegmans from constructing a facility, per their requirements. Mr. Nicoletti inferred that this new location may be better suited.

The Board indicated that this seemed like a good option and would be agreeable to learning more about this proposal if it moves further along.

OLD BUSINESS

Proposal for Intersection Study: Kriebel Road & Sumneytown Pike

At the September 23rd Board meeting, Supervisor Mosesso suggested the Board consider a traffic study at the intersection of Kriebel Road and Sumneytown Pike, due to a recent accident at this location during the morning rush hour in which injuries were sustained. He asked the Board to consider the addition of a traffic light in this location. The remaining Board members did not agree that a light at this location would be a good idea, as it may add to additional traffic gridlock. However, the Board did direct staff to obtain a proposal to study the intersection from the Traffic Engineer, McMahan Associates. This proposal has been received and was provided to the Board. The proposed study would consist of an evaluation of traffic counts at the intersection, between 7 am and 7 pm.

Supervisor Wilson did not see the purpose in approving the traffic study if the Township cannot act on it. Supervisor Mosesso explained he wasn't solely requesting a traffic light at the intersection, but possibly signs, timed left-hand turns or other ideas. He just wanted to improve the intersection.

Supervisor Smith said she didn't think it was a prudent way to spend the township's money. She can make the left-hand turns (onto Sumneytown Pike) seamlessly. Supervisor Littlely added should the traffic study be pursued, he did not recommend it be conducted until 2016, when all the local detours are cleared up, so the data would be more accurate.

Mr. Carl Schwenk, 1710 Wagon Wheel, added that the intersection is very dangerous and believed that something needs to be done. He questioned why a yellow center line could not be added to Kriebel Road to help keep drivers on the right side of the road, when navigating turns at the intersection. Mr. Schwenk said he called someone at the Township building to see if this was

possible and they told him it was. Police Chief Dickinson said he believed that PennDot had previously determined Kriebel Road was too narrow to add a line, per Mr. Schwenk's suggestion. Chief Dickinson asserted that PennDot determines what the minimum width of a road must be for such lines, not the Township.

On a motion by Supervisor Mosesso, seconded by Supervisor Sinz, the Board declined to move forward with the traffic study proposal for the intersection of Kriebel Road and Sumneytown Pike.

Voting Yes: David Mosesso, James P. Sinz
Voting No: H. Charles Wilson, III, , Laura Smith Daniel M. Littley
Abstaining: N/A
Absent: N/A

NEW BUSINESS

Warrant List

The warrant list was presented for approval. When the vote was taken, Supervisor Mosesso voted to abstain from voting on this item, stating his reason was he did not approve the 2015 budget. Supervisor Littley said he had objections with Supervisor Mosesso's abstaining from voting on this item each month and would like to ask the Board to authorize posing the legality of Mosesso's voting actions with the State Ethics Board. Further, he recommended that the Board authorize the Township Solicitor to determine if Supervisor Mosesso can abstain from voting. The argument was made by Supervisor Littley that Supervisor Mosesso is approving expenditures, but then abstains from approving payment of those expenditures when the bills come in to the Township. Supervisor Littley believes that Supervisor Mosesso has a fiduciary responsibility to then authorize the payment of the monthly bills and should be required to vote "yes" or "no", not abstain, unless he has a conflict of interest with a particular payable.

Supervisor Mosesso asked Solicitor Dooley if there was a problem with his voting to abstain from voting on the warrant list. Solicitor Dooley explained he would need to research, but that he understood an abstention indicates a conflict of interest regarding the actual payables within the warrant list, not for the reasons provided by Mosesso, of his not approving the budget.

Supervisors Smith and Wilson agreed with the sentiment and explained to Supervisor Mosesso, if one authorizes expenditures, they should then authorize the corresponding payment.

At the end of the discussion, Supervisor Mosesso changed his vote from "abstaining" to "no."

On a motion by Supervisor Smith, seconded by Supervisor Littley, the Board approved the Warrant List in the amount of \$1,397,334.96.

Voting Yes: H. Charles Wilson III, Laura Smith, James P. Sinz, and Daniel M. Littley, Jr.
Voting No: David Mosesso
Abstaining: N/A
Absent: N/A

Municipal Separate Storm Sewer Systems (“MS4”) Update

The stormwater related requirements of the Federal Clean Water Act are administered under the Pennsylvania Department of Environmental Protection’s MS4 Program. The Township has participated in this program since 2003. Significant changes in program regulations were implemented by the PADEP in 2012. Since that time, municipalities have been working to develop strategy plans to address the changes in the regulations.

Township Engineer, Tom Zarko, presented a brief update on the development of the Township’s TMDL Strategy Plan progress. He explained the Township has been working together with the Montgomery County Stormwater Coalition and Skippack Creek Watershed Committee over the last few months to develop a uniform approach to the PA DEP’s Notice of Intent Comments.

Township representatives have attended progress meetings with the Skippack Creek Watershed Committee to discuss a regional, watershed-wide cooperation to address the Skippack Creek TMDL*. *Per the EPA, *TMDL (Total Maximum Daily Load) is a calculation of the maximum amount of a pollutant that a waterbody can receive and still safely meet water quality standards.*

The progress update included: completing the revised parsing analysis, researching potential projects to achieve sediment reduction requirements and developing updated Sediment Reduction Requirements for the Township.

The Township plans on presenting the final draft of the Proposed TMDL Strategy at a future Board meeting, with an advertised public hearing for comment, tentatively scheduled for December 9, 2015. The Township will submit their proposed TMDL Strategy and response to PA DEP NOI comments by the end of December.

Supervisor Mosesso left the meeting at 9:51 pm without comment.

Authorization to Proceed with Professional Appraisals for Acquisition of Rights of Way - Forty Foot Road

PennDOT is currently accepting applications for the Multimodal Transportation Fund through December 18, 2015. The Township is preparing a grant application through this program in order to design and construct a slight widening of Forty Foot Road near its intersection with Tomlinson and Heebner Roads. Forty Foot Road has two lanes of travel in both directions from Sumneytown Pike to the Hatfield Pointe Shopping Center with the exception of this short section resulting in a “choke point” that causes traffic conflicts. As part of the grant application, the Township will need to appraise two properties where small strips of land will need to be acquired in order to construct this widening.

On a motion by Supervisor Smith, seconded by Supervisor Littley, the Board authorized staff to get appraisals for the two properties.

Voting Yes: H. Charles Wilson III, Laura Smith, James P. Sinz, and Daniel M. Littley, Jr.
Voting No: N/A
Abstaining: N/A

Absent: David Mosesso

Park Permit Fee - Waiver Request (TPBA – 5K)

The Towamencin Police Benevolent Association is hosting a 5K “Nightshift Run” on Saturday, November 14th, starting at Bustard Park and ending at Mainland Golf Course. The Association completed and submitted the required facilities registration form and is requesting that the Township waive the \$30 rental fee.

On a motion by Supervisor Sinz, seconded by Supervisor Littley, the Board approved waiving the \$30 rental permit fee for this event.

Voting Yes: H. Charles Wilson III, Laura Smith, James P. Sinz, and Daniel M. Littley, Jr.

Voting No: N/A

Abstaining: N/A

Absent: David Mosesso

Resolution 15-44: Funding for Roadway Improvements

The Board is asked to approve payment and the transfer of funds to the Towamencin Township Infrastructure Authority as authorized in the approved 2015 Budget. This is for the quarterly debt payment to the First National Bank & Trust of Newtown in the amount of \$53,602.77 that will be paid by TTIA on November 1, 2015.

On a motion by Supervisor Littley, seconded by Supervisor Sinz, the Board approved the payment and the transfer of funds to the Towamencin Township Infrastructure Authority in the amount of \$53,602.77.

Voting Yes: H. Charles Wilson III, Laura Smith, James P. Sinz, and Daniel M. Littley, Jr.

Voting No: N/A

Abstaining: N/A

Absent: David Mosesso

There being no additional business, the meeting adjourned at 9:54 PM.

Respectfully submitted,



Robert A. Ford
Township Manager

