

**Towamencin Township
Board of Supervisors
Monthly Meeting
August 24, 2016
7:30 PM**

Present:

H. Charles Wilson III, Chairman
Laura Smith, Vice Chairman
James P. Sinz, Secretary/Asst. Treasurer
David Mosesso

Staff:

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

Absent:

Daniel M. Littley, Jr., Treasurer/Asst. Secretary

Chairman Wilson called the meeting to order at 7:34 PM and led the assemblage in the Pledge of Allegiance.

Commendation - Recognition of Service for Sarah DiSantis

The Township recognized the service of Sarah DiSantis. Sarah has served as the Executive Director of the Morgan Log House historical site within Towamencin Township from 2006 to 2016. During her tenure, the Morgan Log House transitioned through a period of substantial growth and change, which has enhanced the historical setting and visitor experience to the site resulting in a 20 percent increase in memberships.

As a result of Sarah's commitment and leadership, the Morgan Log House realized a 206 percent increase in the number of volunteers, a 112 percent increase in programming and a 15 percent reduction in budget expenditures. Sarah routinely liaised with the Township, while working closely with the community, to further enhance the development of this beautiful resource, including: the completion of 11 Eagle Scout projects, an expanded interpretation of the Morgan Log House story, historical reenactments and a significant growth in fundraising, including the successful "Tavern Night." Chairman Wilson read Ms. DiSantis's commendation aloud.

Opening Comments

The Board met in Executive session prior to the meeting to discuss matters of litigation, real estate and personnel.

Chairman Wilson announced the Morgan Log House will host their annual Tavern Night on Friday, September 16, 2016, from 6 pm to 9 pm.

Public Comments

None

Approval of Minutes - July 27, 2016

Supervisor Mosesso repeated his position that something more can be done to improve the minutes. He indicated that he would be open to suggestions for compromise, such as possibly recording the minutes so that this information would be available to staff.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved the July 27th minutes.

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

Voting No:

Abstaining: David Mosesso

Absent: Daniel M. Littlely, Jr.

Zoning, Subdivision and Land Development

Ordinance 16-13 – Clothing/Materials Donation Bin

This issue was originally discussed at the Board’s May 25th meeting, during which the Board provided comments and asked that a draft amendment be prepared and brought back to the Board for further discussion. Based on the Board’s direction at the July 13th meeting, the draft ordinance was edited, indicating the collection bins would require a permit and they would be allowed as an accessory to the following uses as defined by the Towamencin Township Zoning Code: E-9 Place of Worship, E-12 School and C-18 Shopping Center.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved Ordinance 16-13, Clothing/Materials Donation Bin.

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

Voting No:

Abstaining:

Absent: Daniel M. Littlely, Jr.

Old Business

None

New Business

Warrant List

The warrant list was presented for approval.

On a motion by Supervisor Sinz, seconded by Supervisor Smith, the Board approved the warrant list in the amount of \$781,579.75.

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

Voting No:

Abstaining:

Absent: Daniel M. Littlely, Jr.

Approval of Conciliation Agreement – EEOC and Towamencin Township

This agreement is between Towamencin Township and the Equal Employment Opportunity Commission resolving a claim filed by a prior Township employee. It does not constitute an admission by the Township of any violation of any statutes administered by the EEOC. It emphasizes that the Township will comply with requirements of the Americans with Disability Act.

Supervisor Sinz stated that he found the agreement disgusting and had objections to the federal laws that provide or dictate for such settlements. He added he would be voting for the agreement under protest. Supervisor Mosesso agreed with Supervisor Sinz's comments and said he was inclined to vote against it.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved the Conciliation Agreement between the EEOC and Towamencin Township.

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

Voting No:

Abstaining:

Absent: Daniel M. Littlely, Jr.

Approval of Settlement Agreement and Release

This agreement is between Towamencin Township and a prior Township employee to settle a claim filed with the EEOC. It provides for the payment of \$30,000 for lost wages and non-economic damages. The funds are being paid by the Township's insurance carrier, the Delaware Valley Insurance Trust. The agreement also releases and discharges any and all claims against the Township and its officials. The Township does not admit any violation of any statute, law or regulation regarding this matter.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved the settlement agreement and release of the \$30,000 payment for lost wages and non-economic damages to a prior Township employee.

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

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Acceptance of Montco 2040 Grant: Kriebel Connector Trail

On March 3, 2016, the Montgomery County Commissioners announced a new grant program for municipalities as part of the implementation of the county's comprehensive plan, "*Montco 2040: A Shared Vision*." The Montco 2040 Implementation Grant Program is intended to assist municipalities in making targeted physical improvements that achieve real progress toward the goals of the plan. A total of \$1 million is allocated for 2016, with annual allocations expected over the next five years. Towamencin Township has been awarded a \$100,000 grant for funding towards the Kriebel Road Connector Trail project.

On a motion by Supervisor Smith, seconded by Supervisor Mosesso, the Board accepted the Montco 2040 Grant, which will be used toward the Kriebel Road Connector Trail Project.

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

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Resolution 16-37: Planning Module Package – 2420 Kerr Road

Municipalities are required to develop and implement comprehensive official plans that provide for future sewage disposal needs of the community. This official plan is sometimes called the "base" plan or the "Act 537 plan." When a new project is proposed, municipalities are required to revise their official plan (unless the project is exempt from planning) through a "Planning Module" that is approved by resolution and submitted to DEP.

This particular planning module is for a proposed Small Flow Treatment Facilities (SFTF). An SFTF is an individual or community sewerage system designed to adequately treat sewage flows not greater than 2,000 gallons per day (gpd) for final disposal using a stream discharge or other disposal method approved by DEP.

Supervisor Mosesso asked Township Manager Robert Ford if the Township had protection in place for allowing such a facility. Mr. Ford responded that the next agenda item references the maintenance agreement. The prepared agreement, between the property owner and Towamencin Township, establishes the property owner's responsibility for operating and maintaining the system.

Resident Elizabeth Harner expressed concerns about pollution coming from upstream, along the Towamencin Creek, and wanted to know how this proposed system may affect the stream with its future discharge. The property owner's engineer, Stephen P. Tabakelis from All County & Associates, Inc., was present to answer questions and provided an overview of the system. He explained that the SFTF recirculates, filters and cleans the effluent before discharging into the stream. He added the system meets all state and DEP standards.

Supervisor Mosesso inquired about the functionality of this system. Mr. Tabakelis provided details of the small flow treatment facility's design and function.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board adopted Resolution 16-37, approving the amendment to the Township's 537 Plan and to forward the planning module package for 2420 Kerr Road to DEP.

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

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Operations & Maintenance Agreement for SFTF – 2420 Kerr Road

Small Flow Treatment Facility ("SFTF") systems require long-term operation and maintenance to keep them working correctly and to prevent pollution or public health hazards caused by discharge of inadequately treated sewage effluent. Should these systems fail due to lack of adequate operation or maintenance, DEP holds both the property owner and the municipal government responsible to either repair or replace the improperly functioning system. A maintenance agreement between the property owner and Towamencin Township has been prepared, which establishes the property owner's responsibility for operating and maintaining the system that includes an escrow that would be forfeited to the Township upon notice of continuing noncompliance of the system with the operation, maintenance and monitoring standards contained in DEP's *Guidelines for Design, Installation and Operation of Small Flow Sewage Treatment Facilities*.

On a motion by Supervisor Mosesso, seconded by Supervisor Smith, the Board approved the operations and maintenance agreement for the SFTF located at 2420 Kerr Road.

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

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Request for Overnight Travel for Police Training - September 27-29

The Police Department is seeking approval for overnight travel associated with the training of an officer to attend the Pennsylvania State Police 2016 Traffic Crash Reconstructionist Seminar in State College Pennsylvania from September 27th through September 29th. The expense for this training is accounted for within the 2016 approved budget and will be in accordance with the Township's Travel Reimbursement Policy.

On a motion by Supervisor Sinz, seconded by Supervisor Smith, the Board approved the request for overnight travel for police training from September 27th through September 29th.

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

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Grant Application - CFA PA Small Water and Sewer Program

A new funding program has been announced from the Commonwealth Financing Authority entitled "Pennsylvania Small Water and Sewer Program." The program will be open for one round of funding and has \$22 million available statewide. Projects must have a total project cost of not less than \$30,000 and not more than \$500,000 and involve the construction, improvement, expansion, repair or rehabilitation of a water supply or sanitary sewer system, which is owned and maintained by a municipality or municipal authority. A 15 percent cash match of the total project cost is required. The Township Sanitary Sewer Engineer has provided a proposal to prepare a grant application for repairs to sewer collector lines within the Kriebel Road Interceptor area. Applications are being accepted through October 31, 2016.

The Township's sanitary sewer consultant, TJ Figaniak, engineer from Gilmore and Associates, Inc., provided an overview of the scope of repair work for the program. He estimated the program to cost \$250,000, with a Township match of \$37,500. Supervisor Smith asked Mr. Figaniak what the timeline was for announcing the grants. Mr. Figaniak said a date had not been announced yet, but that he would follow up.

Supervisor Mosesso asked if the work would include any repairs or replacements to parts of the interceptor with obstructing flows. Mr. Figaniak explained the program would be focusing on repairs to the Towamencin-maintained portions of the lines, which would alleviate high flows going into the interceptor itself, but not to the actual interceptor. Mr. Ford added the Kriebel Road Interceptor is the responsibility of the Towamencin Municipal Authority and that the Authority is working on a separate project for the needed interceptor repairs, including some of the work Supervisor Mosesso referenced.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board authorized the Township Sanitary Sewer Engineer to prepare grant application for the Commonwealth Financing Authority - PA Small Water and Sewer Program.

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

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Discussion of Proposed Ordinance: Township Emergency Services Cost Reimbursement

The Towamencin Volunteer Fire Company is requesting that the Board consider an ordinance that would allow the fire company to recover, from insurance companies, the reasonable cost of firefighting materials, equipment and hazardous abatement materials arising from environmental incidents, firefighting incidents, safety and rescue incidents and vehicular accidents.

Kendra Dewey, President of the Towamencin Volunteer Fire Company, summarized the background for the ordinance request. She explained that having the ordinance adopted enables the fire company to potentially recover an additional five to ten percent of recoverable losses

through third-party billing services collected through insurance companies, who may otherwise deny such payments without an ordinance in place.

Supervisor Mosesso asked for more background on the existing policy. Ms. Dewey described the current loss process in place. Supervisor Smith asked for confirmation that a homeowner would never receive a bill from the fire company. Ms. Dewey confirmed that homeowners would not be billed. Supervisor Mosesso added it is important that residents are made aware of this ordinance (if adopted) via notifications on the Township's various media outlets.

Resident Jennifer Platt expressed concerns of a potential premium increase to her homeowner's insurance policy from the resulting the ordinance. She said she knew her policy excluded the coverage described by Ms. Dewey. Ms. Dewey clarified that this ordinance and the third-party billing aspect of a homeowner's insurance policy would have no effect on individual homeowner rates, but rather that multiple claims would likely cause rates to go up.

Township Solicitor Jack Dooley explained that municipality volunteer fire companies are not permitted to bill a homeowner directly for services where a fire tax is levied. In reviewing the draft ordinance, he added it does not provide the fire company with any new ability to do so.

On a motion by Supervisor Sinz, seconded by Supervisor Smith, the Board approved advertising the proposed ordinance and to schedule adoption at a future meeting.

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

Voting No:

Abstaining:

Absent: Daniel M. Littlely, Jr.

Resolution 16-38: EDU Allocation for 1660 Wagon Wheel Lane

Towamencin Township has established a policy whereby sewer EDU connection credits released by PADEP will be allocated by the Township to those land development projects and properties that have demonstrated that planning, engineering and funding have advanced to the stage where construction is imminent within six months or to properties that need to be connected to the public sewer system in order to eliminate a public health hazard. This resolution will approve the allocation of one (1) EDU for a single-family dwelling at 1660 Wagon Wheel Lane, which will flow through the Kriebel Road Interceptor to the Towamencin Municipal Authority treatment plant as represented in the Township's Connection Management Plan.

On a motion by Supervisor Sinz, seconded by Supervisor Smith, the Board approved Resolution 16-38, the EDU allocation for 1660 Wagon Wheel Lane.

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

Voting No:

Abstaining:

Absent: Daniel M. Littlely, Jr.

Resolution 16-39: EDU Allocation for 1670 Wagon Wheel Lane

Towamencin Township has established a policy whereby sewer EDU connection credits released by PADEP will be allocated by the Township to those land development projects and properties that have demonstrated that planning, engineering and funding have advanced to the stage where construction is imminent within six (6), months or to properties that need to be connected to the public sewer system in order to eliminate a public health hazard. This resolution will approve the allocation of one (1) EDU for a single-family dwelling at 1670 Wagon Wheel Lane that will flow through the Kriebel Road Interceptor to the Towamencin Municipal Authority treatment plant as represented in the Township’s Connection Management Plan.

On a motion by Supervisor Sinz, seconded by Supervisor Smith, the Board approved Resolution 16-39, the EDU allocation for 1670 Wagon Wheel Lane.

Voting Yes: H. Charles Wilson, III, Laura Smith, James P. Sinz, David Mosesso
Voting No:
Abstaining:
Absent: Daniel M. Littlely, Jr.

Resolution 16-40: Transfer of Funds to TTIA

This issue pertains to a property acquisition associated with the Forty Foot Road widening project started in 2004. Based on a revised appraisal of 1273 Forty Foot Road, completed by the Towamencin Township’s Infrastructure Authority’s appraiser in July 2016, an adjusted estimated just compensation (EJC) of \$108,000 was established. After deducting the previously provided EJC of \$55,000.00 from the adjusted amount, an additional \$53,000.00 plus delay damages of \$38,180.24 is owed to the condemnees. In order to provide necessary funds to cover the referenced obligations of the TTIA, until PennDOT provides reimbursement and to expedite the payment due to the condemnees, additional funds need to be transferred from the Township to TTIA.

Mr. Mosesso asked for clarification that 90 percent of this expense would be reimbursed to the Township through the PennDOT General Reimbursement Agreement. Chairman Wilson confirmed that the Township would be reimbursed.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved the transfer from the Township’s Traffic Impact Fund to TTIA in the amount of \$53,000.00.

Voting Yes: H. Charles Wilson, III, Laura Smith, James P. Sinz, David Mosesso
Voting No:
Abstaining:
Absent: Daniel M. Littlely, Jr.

Authorization to Sign Easement and Dedication Documents – 1554 Welsh Road

An application has been made to connect an existing single-family dwelling to the public sanitary sewer system. The connection would be made from the rear of the property by installing a 6 inch sewer line through Township-owned open space adjacent to the Grist Mill development

to connect to the existing line within a 20 foot wide sewer easement in an abandoned paper street. The owners need to secure an easement from the Township for the proposed pipe routing and are offering to dedicate this new sewer line to the Township. Drafts of the easement and dedication documents have been reviewed by the Township Solicitor and Sanitary Engineer and were been found to be in order. However, the finalized formal agreement and exhibits have not been prepared. As there is some urgency for the property owner, the Board is asked to authorize the execution of the documents contingent upon the final review and approval of the Township Solicitor.

Supervisor Mosesso inquired if it was possible to piggy back this sewer line work to provide possible bathroom facilities at the Grist Mill Park. TJ Figaniak replied that due to the location of the line, it can only handle a few more properties, but he would look into it. Mr. Ford explained that this existing sewer line is not actually that close to the Grist Mill Field, but rather the Grist Mill Subdivision and noted the specific location on a slide for clarification.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board authorized the execution of easement and dedication documents for the connection of an existing single-family dwelling to the public sanitary sewer system at 1554 Welsh Road.

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

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Consideration of Appointment to Committee

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved the appointment of David Brewer to the Zoning Hearing Board as an alternate member, with a term expiring on December 31, 2016.

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

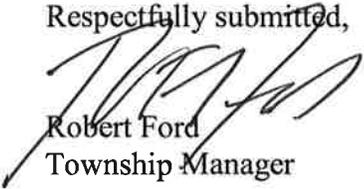
Voting No:

Abstaining:

Absent:

There being no additional business, the meeting adjourned at 8:31 PM.

Respectfully submitted,


Robert Ford
Township Manager