

**Towamencin Township  
Board of Supervisors  
Monthly Meeting  
June 28, 2023  
7:00 PM**

**Present:**

H. Charles Wilson III, Chairman  
Richard Marino, Vice Chairman  
Laura Smith, Secretary  
Kristin Warner, Treasurer  
Joyce F. Snyder, Asst. Treasurer/Asst. Secretary

**Staff:**

David G. Kraynik, Township Manager  
Robert J. Iannozzi, Jr., Esq., Township Solicitor  
Mary Stover, Township Engineer  
Niral Modi, IT Staff

**Present Remotely:**

Colleen Ehrle, Director of Administration

Chairman Wilson called the meeting to order at 7:03 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.
- Tomorrow night, June 29<sup>th</sup>, experience the ultimate tribute band AM Radio Tribute Band, who play hits from the 60's and early 70's. The concert starts at 7 pm, with concessions starting at 6 pm featuring Scratch Kitchen. This event is free at Fischer's Park.
- If you have not paid your sewer or Township tax bills this year, be sure to do so by June 30 to avoid assessed late fees. If you have questions about your bill, contact the Township at 215-368-5357. We accept payments in person until 4:30 pm daily; after-hours, please use the payment drop-box outside, in front of the Administration Building.

**Public Comments** - Emailed abbreviated submissions:

Resident Bruce Bailey shared he was at the Grand Canyon, enjoying the national park, with the public owning the park. While not a utility, nor a necessity, as is the sewer authority, both are

owned by the citizens that enjoy the benefits and should not be relinquished from citizen's control.

Resident Ray Gilbert asked the Board to terminate the sale of the sewer as permitted in the contract in response to the voice of the citizens of Towamencin and our Home Rule Charter.

Resident Judy Cunningham encouraged the supervisors to move forward with the initial steps in securing funding for connectivity improvements, expressing she was impressed with the presenting plans at a recent meeting. Connectivity improves the quality of life and health for our residents and this is a perfect opportunity to get money at a low cost.

Resident Valerie Skripek hoped at least two more Supervisors would decide to stand with Towamencin voters and cancel the sale of the sewer system. With several off ramps, you could have made this process less acrimonious but, regrettably, you defied the will of your constituents with callous disregard. Do the right thing and cancel the sale.

Resident Pamela Quatraro: with days away from our Home Rule Charter taking effect, yet the residents have not heard our elected representatives make their official statement, they understand the majority of us have rejected the proposed sale. We don't want it, and have gone to great lengths to fight for our right to keep our waste water managed right here.

Resident Rebecca Curlett: I am a Towamencin resident. I would like to again repeat that home rule passed - the Charter will become effective Saturday. I want to encourage this board and/or PA American Water to terminate the contract so we can move on. Please involve the ratepayers/taxpayers in future decisions like this.

Resident Michael Miller: Act 12 enriches large corporations and their shareholders, while harming ratepayers like myself. However, four of our supervisors still attempt to sell our sewer system. I have no interest having a portion of my sewer payment go toward the salaries of PA American Water executives, paying dividends to their shareholders, or repairs and upgrades of systems other than Towamencin's. To supervisors Wilson, Marino, Smith and Warner, terminate the sale of our sewer system; and to the representatives of PA American Water, who listen to these public comments, terminate the sale of our sewer system.

Resident Mark Moroz asked if the supervisors reviewed the new Infrastructure Act to determine if any funding would be available for our sewer system? The letter from the resident of Exeter raised many concerns about privatizing the sewer system. The sewer rates will rise far past inflation and will negatively impact many of our residents.

Resident Paul Andrews: for 2 years now, this Board has not been listening to residents. We told you then that we didn't want our community owned system sold to a for-profit company who would charge us exorbitant rates forever. That HRC goes into effect July 1st. Stop wasting all of our time, terminate the sale. Or, PA American Water can terminate it.

Resident Anne Rostosky: I am a long-term resident of Towamencin (35 years). I believe the Board of Supervisors need to listen to the residents and abide by the Home Rule Charter - stopping the sewer sale to a private, profit-driven company. It is clear the sale does not benefit residents. Here is a last chance to keep your noses clean and stop the sewer sale.

Resident Judy Neidhardt: I am firmly against the sale of Towamencin's sewer system to PA American Water. Either party can terminate the sale and I expect you to honor the vote by your constituency to end the sale. Free money (\$104 million) is never free, and you are in complete

disregard for residents who will be forced to pay outrageous and for some, unaffordable prices that will benefit only shareholders and allow the company access to fund future acquisitions. You were elected to represent the citizens of Towamencin, not PAWC.

Resident Bryan Gaynor: In recent months, most of the Board have expressed explicitly or through body language that you're tired of hearing from citizens about the sewer sale. Home Rule becomes law this weekend. Unfortunately, July 1 also might signal an imminent legal battle which this Board has had full power to prevent. I believe the Towamencin community will collectively learn from this experience. We've learned about and reclaimed our power in local politics. I continue to hope that you've observed what impacts your decisions, however well-meaning you believe them to be, have on your community and your legacy.

Resident James Friedrichs: We should not sell the sewer system. If you do, you will be inviting a fraud investigation and possibly jail time.

### In-Person Comments

Resident Kofi Osei addressed PA American Water representatives noting this is currently a story of Township residents disagreeing with their local elected officials and that they would not like it to transition to PA American Water is stealing public property against the will of residents, and hoped to see a termination letter. He critiqued the pro-sale Supervisors' approach to politics and emphasized the political opportunity he has been given. He warned if the Board does not put forth a termination letter, he will make this a national story.

Resident Jenn Foster referenced comments made by Chairman Wilson at the Board's June 14<sup>th</sup> meeting relating to meetings conducted between PA American Water and condominium association managers, stating the scenario is not a silver lining for associations that will be responsible for coordinating the sewer meter installations. She asked if the Township will fully fund the meter installations for a third of the Township residencies. She described lies to the public about future rate-freezes. She urged the Board to terminate the agreement with PAWC.

Resident Martin Cohen questioned that the future owner of the sewer system would raise rates by 300% at its first opportunity. He blamed Act 12's passing in 2016 for the current state of affairs in Towamencin, which incentivized municipal utility sales for large sale prices and few checks, calling for its repeal.

Resident Geraldine DiLisi described the breakdown of Home Rule Charter governance within the Country, State and County, emphasizing its community mindedness, contrasted it with the concerns in Towamencin Township and the Board's position to continue with the sewer sale. She pleaded that the Board to honor the vote for the Home Rule Charter.

Resident Tina Gallagher read a thank you letter from the Shepherd's Shelf food pantry for the donations provided by several Township residents in attendance that help support local families. She then noted the Township website had a few outstanding transparency items that needed to be updated per the Charter, in Article V.

Resident Andrew Phipps described his experience as a PennDOT operator witnessing the tanker truck explosion under I-95 creating the road to collapse yet reopening in 12 days. He contrasted the subsequent coordination efforts from several government agencies in service to those locally and drivers abroad, who use or live near this major artery. He encouraged that the Board work similarly for the best interests of the community, not only those who vote in step with you.

Resident Vanessa Gaynor stated her intent to dispel some counter talking points including: the sale is not good for Township families, disputing the Board acted with transparency through the process and did not fully evaluate impacts for residents living in condominium associations or rental communities, and that HRC cannot void the Asset Purchase Agreement. She added there is no guarantee that PA America Water will file lawsuit. She stated the Board still has the opportunity to terminate the sale; but soon they will not have the right to sell.

Resident David Daikeler stated he wrote his State Senator and received a response noting Act 12 is likely to be repealed. He questioned why the Board is not willing to consider this decision to be a mistake, adding residents can't help but think the Board has another agenda at play.

Resident Joanne Andrews noted that despite the four Supervisors believing they are making the right decision, it is not theirs anymore with the adoption of the HRC. She encouraged one Supervisor to make a motion to terminate the sewer sale, with the remaining supporting the motion. She pleaded that the Board stop wasting residents' time, warning them of their legacy.

Resident Joe Silverman quoted Frederick Douglass, "eternal vigilance is the price of liberty." He asked what the ulterior motive was behind the sale, as it defies all good sense. He read campaign material from May 2001, where candidate Wilson campaigned to show respect for residents at public meetings and in the decision-making process.

Resident Lorena Fields noted her condominium association manager was glad to take a meeting with PA American Water to better understand the sewer sale's impact. PAW representatives noted Towamencin will pick up the bill for all the needed individual metering. She urged the Supervisors to do the right the thing for your constituents and terminate the sale.

Resident James Collins challenged the Board's words earlier in the evaluation process that they would "explore the process with open minds." The purchase price has consequences, and residents will bare it. He emphasized the Supervisors have a way out by following the Charter.

Resident Lisa Patriarca condemned the Supervisors' decisions to sell the sewer and questioned their integrity, clandestine discussions, and behavior she referred to as duplicitous.

Resident Gisela Koch asked the Board if there was something unknown to the residents with respect to the Township's finances, that the purchase price would remedy.

Jenn Foster implored to Supervisors Warner, Marino and Smith to consider the overall impact on residents and reconsider by making a motion to terminate the agreement.

Kofi Osei referenced the language in the FAQ Update and the Township's official statement by its legal team have differing tones, suspecting they were written by different people.

James Collins asked the Board to reconsider and consider the impacts to the Township, residents and themselves, emphasizing the rates will be untenable, as PAW will recoup the purchase price. He added the Board will not be proud of this decision.

Joe Silverman defined ulterior motive as something hidden or concealed.

Tina Gallagher asked the Township Solicitor to clarify/answer if the Township does not have the ability to terminate the contract or if they do not care to terminate the contract, expressing the ambiguity with this lack of clarity.

Chairman Wilson responded to Ms. Foster that the Township received a report back from PA American Water about their meetings with the respective management for each of the three

condominium associations that are not individually metered. He noted all three associations have the ability to have meters installed. He added that he and Supervisor Marino want to help with the installation funding, but the whole Board would have to make that decision. Mr. Wilson noted it would be cheaper if the condominium associations coordinated the work due to the requirements on the Township, such as prevailing wage. An estimate of \$1 million was referenced if the Township was to fund the meter installation and if it was decided on, the proceeds would go toward funding the metering.

### **Approval of Minutes**

On a motion by Supervisor Marino, seconded by Supervisor Warner, the Board approved the June 14, 2023 minutes.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

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

None

### **Old Business**

None

### **New Business**

### **Warrant List**

The June warrant list was presented for approval. Chairman Wilson noted the top costs for the Township as reflected in the June warrant list.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved the warrant list in the amount of \$1,215,977.21.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. 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 June 15th. 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 – Awarded to Harris Blacktopping, Inc.
- 2023 ADA Ramp Replacement Project – Awarded to LB Enterprises
- Old Forty/Rittenhouse Roads Intersection - Update
- Kerr Road Analysis Update
- Forty Foot Road Pedestrian Bridge – remediation work update
- Towamencin Swimming Pool Repairs Update
- Green Lane Park Soccer Field – CKS provided proposal for grading plans
- Drinnon Park Improvements – resident meeting being coordinated
- Welsh/Orvilla Intersection Project Update
- Route 309 Connector/Sunneystown Pike Improvements – proposed slip ramp/left turn lane
- Forty Foot Road/Newbury Way/PSDC Traffic Signal – grant extension till November 2024
- Traffic Signal at Allentown Road & Derstine/Fretz Roads - McMahon performed analysis.
- Fischer's Park – CKS to provide a conceptual plan to facilitate the proposed improvements (additional parking, a pavilion, potential pickle ball courts).
- Electric Vehicle Charging Stations – staff to draft ordinance amendment.
- Grant Opportunities - staff, consultants to continue seeking potential grant opportunities.
- MS4 Permit Requirements – management committee met June 5 to start planning
- Comprehensive Plan – 2 consulting firms to present to Planning Commission and Supervisors
- TYA Projects
- Towamencin Avenue Street Lights

### **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 may arise. The Committee met on June 21<sup>st</sup>. Supervisor Warner read the report, with the following discussion items:

- Veterans Memorial Park – funding discussion for budget planning
- Township 2023 May Financial Review
- 2023 Audit Update
- Update on TTIA Dissolution
- OPEB Trust
- Preliminary Discussion on Process to Allocate Sale Proceeds
- Capital and Comprehensive Plan funding updates

- Close Inactive North Penn Tactical Response Team (NPTRT) Univest Account

*Supervisor Smith left the meeting room.*

The Township has a bank account holding the residual balance of \$5,700 from the Township's Administration of the NPTRT, which ended several years ago. NPTRT was a regional entity consisting of several municipalities that became a part of the Montgomery County SWAT – Central Region team. The Police Department confirmed that it no longer owns any remaining assets directly attributed to NPTRT. The Committee recommends that the Board of Supervisors authorize the closure of the NPTRT Univest bank account and transfer the balance to the successor organization (Montgomery County SWAT).

On a motion by Supervisor Marino, seconded by Supervisor Snyder, the Board authorized closing the NPTRT bank account and to transfer the funds as noted.

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

- **Processing Center – Closeout of Finances and Cash Reserves**

In 2022, the Board of Supervisors authorized the transfer of the Police Processing Center and its assets and cash reserve to Lansdale. The transfer of cash assets was delayed due to Township staff turnover and the anticipation of final expenses associated with the Center in late 2022. Finance reviewed final Processing Center financials and found the final cash reserve of the center to be in the amount of \$58,948. Staff will prepare this payment to Lansdale Borough on behalf of the Processing Center for the July warrant. The Committee recommends the Board authorize staff to close the Processing Center PLGIT account.

*Supervisor Smith returned as the vote was ending.*

On a motion by Supervisor Warner, seconded by Supervisor Snyder, the Board authorized staff to close the Processing Center PLGIT account and transfer the funds to Lansdale Borough.

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

### **Award Construction Contract – Salt Storage Building & Public Works Building Improvements**

Construction bids for the salt storage building and Public Works building improvements were received on June 6, 2023 and came in higher than expected, with material costs significantly higher than anticipated. The low bidder for general construction was Twining Construction Company Inc. for \$1,226,332.68, including an alternate of \$52,673.30 for general construction associated with alternations to the existing Public Works Building. The low bidder for electrical construction was

A. N. Lynch Co., Inc. for \$59,995.00, including an alternate of \$7,700.00 for electrical construction associated with alterations to the existing Public Works Building.

To reduce the overall project costs, it is recommended that the proposed alternate for paving cost of \$153,800.77 would not be awarded as our Public Works staff can perform this work after construction. It is also recommended that the alternate for future electrical conduit would not be awarded for a cost savings of \$18,600.00. After removing the referenced alternates, the low bid for general and electrical construction costs, with the noted alternates, totals \$1,346,700.98.

Joseph Phillips, Principal, and Jim M. Linske, Project Manager, from Phillips and Donovan Architects, LLC reviewed the project scope, site plans, breakdown of the bids received, the recommendation and construction timeline.

Supervisor Marino asked Mr. Phillips and Mr. Linske if they were satisfied with the bids received. Mr. Phillips and Mr. Linske responded that while higher than anticipated, they found the bids to be competitive. Supervisor Marino noted there was an unanticipated cost associated with the underground stormwater retention system construction and asked if they had that cost. Mr. Phillips said it was approximately \$400,000.

With the concern of the project's overall price tag, the Board discussed possible alternatives to the underground stormwater retention system. Township Engineer Mary Stover said she research options to construct an above ground basin, but it would likely require NPDES permitting. The Board questioned if the building design was more than what the use called for. The Board further discussed: the quantity of salt stored per season, salt use over the last few years, quantifying how much salt could be stored at the current Public Works facility, possibly leasing space from PA American Water if the sewer sale goes through, and re-orienting the building.

The consensus of the Board was to review options for the associated stormwater requirements, possibly incorporating above ground basins and having the Public Works Committee review at their next meeting. The Board asked for the bidding contractors to confirm a timeframe to honor their pricing. Mr. Phillips and Mr. Linske said they would verify a date with the two bidders.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board directed the Public Works Committee to review forthcoming options and make a recommendation to the Board.

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

#### **Resolution 23-14: TTIA Asset and Liability Transfer and Termination**

On November 9, 2022, the Board voted to authorize the Township Solicitor to facilitate the transfer of the Towamencin Township Infrastructure Authority's (TTIA) Assets and Liabilities to the Township, then facilitate the termination of the TTIA in accordance with the Municipality Authorities Act of 1945, as amended. On November 21, 2022, TTIA, at a duly advertised special



meeting, adopted a Resolution 22-01 agreeing to the transfer/termination and authorizing TTIA's Chairman or Vice Chairman and Solicitor to take all necessary actions to effect it. On December 14, 2022, the Board adopted Ordinance 22-07 agreeing to the assignment and assumption of outstanding debt originally issued by the TTIA. On June 15, 2023, in furtherance of the TTIA Transfer/Termination Resolution, the TTIA submitted a certificate to the Township requesting termination setting forth the TTIA's Assets and Liabilities be transferred to the Township with executed TTIA property deeds transferring ownership to the Township.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board Resolution 23-14, TTIA Asset and Liability Transfer and Termination.

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

**Resolution 23-15: Approval of Act 537 Plan**

The purpose of the Act 537 Plan is to obtain planning approval from the Pennsylvania Department of Environmental Protection (PADEP) for the acquisition of the Towamencin Township's sewage facilities by Pennsylvania American Water Company (PAWC), which is a regulated public utility under the authority of the Pennsylvania Public Utility Commission. The sewage facilities include collection/conveyance sewers, three pump stations and their associated force mains and a wastewater treatment plant (WWTP), which is located at 2225 Kriebel Road in Towamencin Township. The sewage facilities serve Towamencin Township, and small areas of Upper Gwynedd Township, Worcester Township, Lower Salford Township, Hatfield Township, Franconia Township and Lansdale Borough. Towamencin Township entered into an agreement with PAWC that details the conditions and responsibilities of each party relative to the acquisition. This plan is intended to solely address the change in ownership as noted above.

On a motion by Supervisor Marino, seconded by Supervisor Smith, the Board approved Resolution 23-15, Approval of Act 537 Plan.

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

**Authorize Transportation Alternatives Set-Aside Grant Application Submission**

The Township's planning consultant Simone Collins completed an evaluation of an application for the PennDOT TASA grant program that includes three primary sections of connectivity improvements. Each is a key component of the overall Township Connectivity Master Plan that is nearing completion. The three components include: the Bustard Road Corridor, Anders Road to Kriebel Road connections to the Kriebel Road Trail, and Sumneytown Pike – North Penn High School Connectivity Improvements. The total grant request totals \$1,455,620.00.

Peter Simone, of Simone Collins, reviewed three priority improvement components included in the proposed grant submission outlining the existing concerns with the proposed solutions, showing various depictions, and the estimated costs for each connectivity component.

Chairman Wilson noted that discussions have been revived between Upper Gwynedd, Montgomery County and Towamencin to improve the intersection of Valley Forge Road and Sumneytown Pike. The old plan included widening of Sumneytown Pike up to North Montco Tech Career Center. He asked how Mr. Simone would address another project that took in some of the parameters of this project. Mr. Simone responded that they could design around another project if the parameters or project scope was identified.

Supervisor Snyder shared her knowledge having children who went to the North Montco Tech Career Center (NMTCC) noting students will cut across Sumneytown Pike from Bridle Path, heading to the tech school, and that it is unlikely that will follow the designated sidewalk depicted along Sumneytown Pike to NMTCC's entrance. Mr. Simone acknowledged the perspective, but adding the sidewalk would not just be for students, but residents looking for a safe crossing.

Supervisor Marino asked if design costs were included in the grant total. Mr. Simone responded they were not and the design costs would approximately 325,000, that becomes the Township costs. A resident asked what would happen if a property owner were not agreeable to a property easement. Mr. Simone noted it could kill a project. He then described the proposed timeline if the grant was awarded, which had project construction targeted in 2027.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board authorized the submitting an application to the Transportation Alternatives Set-Aside Grant.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

#### **Authorize Grant Preparation Services - Transportation Alternatives Set-Aside Grant**

Simone Collins has presented a proposal to prepare the referenced grant submission as described for a total cost of \$7,750.00.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved Simone Collins's proposal for grant preparation services for \$7,750.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

**Authorize Equipment Rental – Green Lane Park Fill Placement (Future Soccer Field)**

Developer WB Homes has significant fill material from a local development in the Mainland area and has offered it to the Township free of charge. This material would benefit the development of the future soccer field at Green Lane Park. To move, place and store the material as required, our Public Works Department will need to rent a low ground pressure bulldozer for approximately one week at a cost of \$3,959.06.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved the noted rental equipment cost of \$3,959.06.

Voting Yes: H. Charles Wilson, III, Richard Marino, Laura Smith, Kristin Warner, Joyce F. Snyder

Voting No: N/A

Abstaining: N/A

Absent: N/A

**Volunteer Committee Appointments**

The Board continues to interview potential candidates to fill committee vacancies. No appointments would be made at the meeting as additional meetings needed to be scheduled.

**Additional Business**

Supervisor Smith cautioned residents to lock their vehicles and not to leave items of value in their car as there have been reports of local theft of personal belongings from vehicles. She shared a personal account of items taken from her vehicle.

Supervisor Snyder made a motion for staff to prepare a resolution to terminate the Township's Asset Purchase Agreement with PA American Water. With no second, the motion failed.

There being no additional business, the meeting adjourned at 9:13 pm.

Respectfully submitted,



Colleen Ehrle

Director of Administration