

**Towamencin Township  
Board of Supervisors  
Work Session  
September 13, 2023  
7:00 PM**

**Present:**

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

**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 7:01 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.
- On Friday night, October 13<sup>th</sup> at 6 pm, we will be celebrating the Halloween season early with a movie-in-the-park and a pet parade. Addams Family 2 will be the feature movie. This is a free event and popcorn will be available.
- Election Day is November 7. The Township Code prohibits displaying signs no earlier than 30 days prior to Election Day and signs shall be removed within five days after the election. Placement of signs require the approval of the property owner. No political signs are allowed on township property and will be removed by the Public Works Department. Signs removed from township property will be stored behind the Township's Administration Building until just after the election. Owners of those signs may come collect them.

**Emailed Public Comments**

Resident Lynn Sweet-Reimel described the Supervisors disregarding the community's concerns. She implored the Board's attention and intervention to engage in further discussions to collaboratively devise viable solutions to end the sewer sale and stop wasting taxpayer money. She shared her concern of the 24% tax increase for 2023, and its impact on residents.

Resident Gus Fox shared the community's concern about the perceived misuse of our community's funds. We have noticed a pattern of expenditures that do not align with the community's best interests or priorities. He requested the Board stop wasting residents' money to fund your special counsel for the sewer sale, and to prioritize expenditures that directly benefit the community and contribute to our collective well-being and development.

Resident Valerie Skripek requested the Board show respect to its constituents, who have told you in many ways that no information that you recirculate or regurgitate is going to change our minds and our will to fight this horribly wrong and harmful decision. Sending more propaganda on the taxpayers' dime is adding insult to injury.

Resident Craig Goldsmith requested the Supervisors not approve more money to sell a sewer system that residents disapproved of via two elections. Either vote to abandon the sale or let it play out in court.

Resident Drew Daubert wrote from the point of view of a supposed future Chairman Wilson, who regrets his decision to sell the sewer system, with hypothesized ramifications.

Resident Michael Miller requested detailed information supporting the need to spend taxpayer dollars on additional sewer sale communications. He asked Chairman Wilson for specific clarification relating to the sewer sale questions referenced to precipitate additional communications. While emphasizing the clear resistance against the sale, supported by two elections. He recommended terminating the sale so the community can move on to more productive matters.

Resident Patty Schaffer requested the Board stop wasting tax dollars with more propaganda about the sewer sale. We voted for the home rule charter and hoped you would honor the residents wishes and stop the sale.

Resident Scott Francik requested the Board to stop spending unnecessary taxpayer money to send out pro-sewer sale communications. The Board refuses to acknowledge the majority of the public opinion on the sewer sale as noted by voting for the Government Study Commission, as well as, enacted a Home Charter to try and stop the sale of our private system to a public entity.

Resident Gretchyn Bailey requested the Board stop wasting taxpayer dollars on funding sewer sale initiatives, adding her disapproval at continuing down this path. Democracy means representation, and you are representing your own interests, not those of Towamencin residents.

Resident Robert Alexander commented he has cancer and great insurance but can only go for a 2nd opinion unless he wants to spend my own money. Why do you want to spend additional unnecessary funds on communications when the voters have already voiced their wishes with the Home Rule Charter and pending litigation. Why are you trying to suffocate us by shoving this sale down our throats?

Resident Paul Andrews described his disapproval of Chairman Wilson's action - waiting until after public comment to announce a renewed plan to continue misinforming the public about the costs to ratepayers of the sewer sale - then berating members of the audience who objected,

including his wife. He presumed any communications would mirror the May handout, promising homeowners (not apartment or condo residents or residents of other townships connected to the system) a \$130 reduction in property taxes, failing to mention the average sewer bill under PA American will be \$1600, a thousand dollars more per year than the Towamencin sewer rate for next year, and before PA American makes any improvements and raises rates further. Mr. Andrews suggested the timing of the proposed mailings as electioneering for Supervisor's Marino's Supervisor seat and should not be paid for with taxpayer funds.

Resident Joe Rumsey requested Supervisors Wilson, Marino, Warner, and Smith to call off the sewer sale. The people have been saying no to this bad idea for a long time now. There is no need to waste anymore taxpayer money trying to fight the Home Rule Charter. We can find another way to fund TYA activities and build pickleball courts.

Resident Mary Jean Moroz asked Chairman Wilson, why he does not care about residents? It really is heartbreaking realizing 4 of our 5 Supervisors don't care about the Towamencin residents. The residents voted for the Home Rule Charter because we do not want to sell the sewer system. Why are you going against our wishes? Please do not waste any of the Township's money and send out mailings to convince us selling the system is a good idea.

### **In-Person Comments**

Skippack Resident Marcia Ehrhart shared she was happy to see the bocce courts in Fischer's Park were being rehabilitated but noted the lack of shade on sunny and hot days. She suggested shade structures that can be found in Franconia and Hatfield Townships.

Resident Bruce Bailey requested that the Board not to spend tax dollars on the proposed mailing along with a halt on discretionary spending.

Resident Kofi Osei shared he wanted to make sure the story of the Board's communications is communicated correctly. He referenced his requests for informational mailers early in the monetization exploration process. He's observed the Board getting real chatty about the sewer sale ahead of elections. He requested no new communications on the sewer sale until the pending lawsuit is resolved.

Resident Jenn Foster reminded residents of Chairman Wilson's words that there is no money for stormwater management, comprehensive plan, repairs to bocce courts, or for the salt shed. She asked the Board what they have done with the 24% tax increase and urged them to stop wasting residents' money on communication efforts that may assist Supervisor Marino's election bid.

Resident Joanne Andrews asked for clarification about the timing of political signs on private property. She thanked the Public Works Department for their work addressing the potholes on her road resulting from the recent stormwater project and described a lousy grass seeding job from the project. She noted her opposition to the proposed mailers, requesting the Board not to waste residents' money.

Resident Loraine Fields commented the Board needs to stop wasting residents tax dollars by trying to convince them the sale will benefit them. She requested plans for future proceeds to stop, as it is premature.

Resident James Collins shared his opposition to any future mailing related to information to residents about the sewer sale. He stated this mailer is politics and propaganda, adding the Board does not care about residents.

Resident Tina Gallagher questioned the premise of spending more money on mailers to residents about the sewer system now, noting both sides have made their case. She stressed the public demanded communications early on, but emphasized the timing of a mailing now is suspect and should not be intended to advance a political candidate or party.

Resident Carol Blum commented it is time for the Board to stop the sewer sale and any new mailers, that it is just wasteful spending.

Resident Vanessa Gaynor referenced a conflict-of-interest with special counsel firm Dilworth Paxson, who stand to make more money if the sale goes through. She questioned the timing of the proposed mailings as tied to the election. She said residents understand that the community has needs and requires funding, but those needs should not be used to justify the sewer sale.

Resident Joseph Silverman referenced the lighting requirements from the Township's Land Use Manual, then demonstrated a 2700 Kelvin lighting example as a reasonable lighting threshold for light fixtures. He recommends no more than 3000 Kelvin for Township lighting fixtures.

Resident Gisela Koch stated she has not heard the questions the Board is being asked related to the sewer sale. She asked what else do you need to hear from the community to stop the nonsense?

Resident Richard Costlow shared a breakdown of election results from May's Home Rule Charter Vote with a difference of about 500 votes. He emphasized that approximately 60% of residents did not vote at all in the last election, providing the rationale that a mailing may be warranted for this resident group. He posed a question - what would be the cost to the Township if we terminate the agreement unilaterally?

Resident Martin Cohen criticized the Board's collective communications efforts relating to the sewer sale as being sales pitches and promotion rather than a balanced information analysis. He challenged the history of truthfulness from prior communication, adding there would be no penalties for terminating the agreement.

Jenn Foster thanked staff for adding the ordinance - being considered later in the agenda - to the website and was proud such measures have resulted from the Home Rule Charter.

Vanessa Gaynor responded to the financial penalty reference of \$10 million, noting it is not referenced within the contract.

Solicitor Iannozzi responded that the "tens of millions" reference spoke to the possibility of potential damages resulting from litigation for a material breach and would not be referenced in a contract. He continued if the Township unilaterally breached the agreement - PA American could seek a series of damages, with those damages upward to including the cost of the sale. He noted that the reference in the FAQ was a worst-case scenario projection.

Kofi Osei emphasized the purchaser at the time of the FAQ was NextEra. He noted the residents urged the Board to wait on voting on the reassignment until the Home Rule Charter vote, adding the Supervisors decided to continue with the contract change.

James Collins questioned why the Board would sign another contract where the Township could be liable for tens of millions of dollars.

Chairman Wilson responded NextEra did not relinquish their contract until the reassignment was signed. There was never a situation where the Township could cut bait. Kofi Osei questioned Mr. Wilson's statement. Solicitor Iannozzi commended the audience's attention to Section 14 of the APA, with respect to termination language.

Gisela Koch commented the Township should not have entered into the contract to begin with.

Joanne Andrews echoed the Board should never have entered the agreement. She does not want the Board managing Township funds citing negligence for not planning for repairs and raising rates or taxes over the last 10-15 years. If mailings are to go out, she requested there be a side-by-side comparison illustrating a scenario with the Township using debt borrowing to fund Township infrastructure as an alternative to the windfall and debt clearing from sale proceeds.

Martin Cohen questioned how Willistown Township got out of their contract with not repercussions, suggesting Towamencin could do the same.

Resident Kathy Crane referenced being a commissioner at another municipality where they sold their sewer plant for a low selling price and feared that may happen in Towamencin.

Bruce Bailey noted it sounds like fiduciary irresponsibility in signing the APA and urged cuts in discretionary spending for the Township.

Joe Silverman referenced a Reporter article from March 16, 2004 documenting the concern of hazardous nuisance street lights in Towamencin.

Tina Gallagher emphasized public money is sacred, sharing her experience as an educator.

### **Approval of Minutes**

On a motion by Supervisor Warner, seconded by Supervisor Marino, the Board approved the August 23, 2023 minutes.

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

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

#### **Public Hearing: Amendment to Towamencin Village Design Manual**

At the July 26, 2023 meeting, the Board authorized advertising the prepared ordinance amendment to Towamencin Village Design Manual. The design manual updates correspond with site amenity requirements for lighting and bench specifications within the Village Overlay District. Lighting standards now require LED fixtures and may include additional fixture choices depending on the fixture's location noted on the property's site map. In addition, a comparable bench model has been included with the previous bench standard no longer available. The Township and Montgomery County's Planning Commissions have recommended the proposed amendments.

Township Solicitor Robert Iannozzi, Jr. presented the associated hearing exhibits. Township Engineer Mary Stover outlined the amendments proposed within the design manual. A court reporter was present to make a complete and formal record of the hearing.

**Ordinance 23-05: Amendment to Towamencin Village Design Manual**

Adoption of this ordinance would amend the Township’s Village Design Manual as presented in the proceeding public hearing.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board adopted Ordinance 23-05, Amendment to Towamencin Village Design Manual.

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

**Waiver of Damages - 1575 Bromley Way Fence Installation/Permit**

The Township has prepared a Waiver of Damages Agreement that would allow the owners of 1575 Bromley Way to install a fence within a Township sanitary sewer easement.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved the waiver of damages agreement for 1575 Bromley Way.

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

**Old Business**

None

**New Business**

**MS4/Storm Water Projects Report**

The Township Engineer Mary Stover reviewed a summary of targeted MS4 (Municipal Separate Storm Sewer System) Projects within the Township to consider in conjunction with the current MS4 permit with corresponding cost estimates, as well as, a breakdown of projects and costs the Township would be responsible for as a multi-municipal partner with neighboring municipalities within the Skippack Creek Watershed - Hatfield, Worcester, Skippack and Lower Providence Townships. These projects need to be authorized and budgeted appropriately to complete within the permit’s expiration of November 30, 2027. In addition, a summary of prioritized stormwater projects has been identified in the Grist Mill neighborhood in consideration of the upcoming

budget season. The Township needs to advance a plan to tackle this aging infrastructure throughout the Township. Ms. Stover outlined the PADEP requirements as part of the Township's permit.

- Required to install Best Management Practices (BMPs) that will reduce the sediment load to Skippack Creek by 10% and total phosphorus by 5%.
- Township joined with Hatfield Township, Worcester Township, Skippack Township and Lower Providence Township to prepare a watershed-wide plan to meet these requirements.
- Permit was issued in November 2022 and the 5 Townships are required to have the BMPs completed prior to November 30, 2027.
- The costs for the projects are shared between the municipalities and are weighted relative to the contributing drainage area and benefit.

Primary and alternative projects were outlined with sediment reduction quantities and associated cost estimates, along with the breakdown per municipality. The cost estimate for Towamencin's percentage of the primary project list is \$2,294,961.24. The presentation is available on the Township's website.

An overview of the storm sewer system replacement in the Grist Mill neighborhood was also reviewed with an overall cost estimate to be \$2,853,787.50.

Supervisor Snyder asked how the Township measures the phosphorus and sediment load to make sure the Township how the appropriate reductions. Ms. Stover responded that the method used is provided by DEP. An audience member asked that the presentation be made available on the Township's website.

Chairman Wilson noted none of the expenditures referenced in the presentation are currently budgeted but are being considered in the upcoming budgets for 2024 and 2025.

Resident Rich Costlow asked about the prioritization of the MS4 projects in the context of cost effectiveness. Ms. Stover explained how the current project list has been paired down to reflect projects that would be most cost effective. Resident Joe Silverman referenced other areas in the Township that needed corrugated piping replacement.

Chairman Wilson suggested having quarterly updates on these projects.

### **Storm Sewer Repair/Rehabilitation Project Change Order**

B.P. Paterson, Inc, the contractor responsible for the Storm Sewer Repair/Rehabilitation Project - affecting Valley View Way, Orchard Lane, Kriebel Road and Eagle Way - submitted a change order for the following required work outside the contract, with a cost of \$12,333.82:

- Removed 20 linear feet of 24" HDPE pipe and reinstall pipe at changed grade to avoid unforeseen electric service conflict at 2022 Valley View Way.
- Discovered three (3) additional electrical conduits on Orchard Lane where only one (1) was shown on plan, had to hand-dig around all utilities.

- Relocated an existing 4" sanitary sewer lateral to resolve conflict with proposed 36" storm sewer on Orchard Lane.
- Contractor was required to fabricate special order grate for 0-H Type Inlet Box on Kriebel Road. Inlet could not be prefabricated; box was built in field.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board approved the change order submitted by B.P. Paterson, Inc.

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

**Approval of Expenditures for Sewer Sale Communications**

At the August 23rd meeting, Chairman Wilson referenced the Township would increase communication efforts to inform residents of the current status of the sewer sale and the benefits resulting from the transaction. In addition to electronic communications, there were plans to coordinate direct mailings to Township residents. Chairman Wilson noted that while there are approximately over Township 7000 residences, only 1800 receive the Township's email communications, emphasizing the need for direct mailings. Chairman Wilson added that when he is out in the community, he continues to receive basic questions relating to the sale. Supervisor Marino added that residents' awareness of the sale runs the gamut.

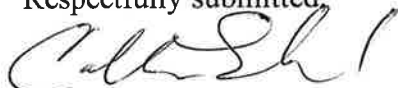
Supervisor Marino acknowledged the public comments made previously and did not want there to be an appearance of tax dollars being used to advance his election. He suggested deferring any future sewer sale communications mailing until after the election. Chairman Wilson said he disagreed, believing communications on a status update was still needed.

On a motion by Supervisor Smith, seconded by Supervisor Marino, the Board declined any new expenditures for sewer sale communications at this time.

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

There being no additional business, the meeting adjourned at 8:37 pm.

Respectfully submitted,



Colleen Ehrle  
 Director of Administration