

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

Present:

H. Charles Wilson III, Chairman
Laura Smith, Vice Chair
Joyce F. Snyder, Secretary
Kristin Warner, Treasurer
Kofi Osei, Asst. Treasurer/Asst. Secretary

Staff:

David G. Kraynik, Township Manager
Robert J. Iannozzi, Jr., Esq., Township Solicitor
Mary Stover, Township Engineer
Niral Modi, IT Director
Timothy Troxel, Chief of Police

Absent:

Chairman Wilson called the meeting to order at 7:00 PM and led the assemblage in the Pledge of Allegiance.

Opening Comments

- This Board meeting is provided live via zoom for residents, who are unable to attend in person but wish to view and hear the meeting remotely. Public comments submitted by 4:30 pm on the day of the meeting will be read at the start of the meeting. For those physically present, public comment will be held at the beginning of the meeting.
- A reminder to residents when prompted for questions to come up to a microphone. Zoom does not pick up voices from the audience.
- Reminder that our annual Towamencin Day will be held on May 11th, from 12-4pm, at Fischer's Park. This is a great event for the whole family and residents of all ages.

Public Comments

Emailed Submissions:

None

In-Person Comments

Resident Bruce Bailey commented that Fischer's Park held great events this month. He was educated on invasive plant species. He asked that the park be kept well-funded and not allow any additional paving. He offered comments on the development process of Veterans Park, he feels it will be a great park like Fischer's, and the committee should remain focused on planning and additional grant funding for the project.

Resident Catherine Cikanovich commented on the proposed sober living house at 1050 Pross Road. She expressed that her own family is no stranger to addictions, however she has concerns regarding resident behaviors, and does not wish to expose her children to the constant flow of transient people, and not knowing who is coming and going in this home. Her family chose their home because of the neighborhood stability. She stated there are no sidewalks, therefore children ride their bikes and scooters in the street, and those unfamiliar with the neighborhood would not know that which could create a safety issue. She feels the number of people proposed for this size home is stifling, there are reasons why residential homes are zoned accordingly. She recognizes the current addiction epidemic and the need for sober living, however, feels better alternatives should be considered, such as houses that are already zoned for large group living. She asked what the Boards current position is on the proposed use.

Solicitor Iannozi stated current property use implicates the Fair Housing Act and ADA requirements, and by virtue of that the Township readily acknowledges that this may be an unpopular use, but that in of itself does not warrant the Township ignoring its requirements under federal law. To that end additional information is needed, but concerns are being heard and acknowledged. The goal is to ensure that this property can be utilized as any other single-family dwelling, regardless of sober living, and that they are held to the same accountability as any other family in the development. Federal housing mandates an occupancy review to determine if any are handicapped as determined by the act. The Township has requested information from the operators, which will be reviewed. He cautioned individuals not to have contempt until the Township has had time to investigate and determine whether reasonable accommodations must be provided.

Resident Valerie Hannigan commented on Pross Road, and added she too is no stranger to family addiction. She also referenced she has had a personal conversation with the new property owner, who confirmed they will be placing 14 women in the home, with 6 living in the family room. She has seen the set up and does not grasp how 14 women from different addiction backgrounds are going to be able to cohabitate, communicate and get along in this space. The owner has stated they will not reduce the volume. Ms. Hannigan has strong concerns for the neighbors and feels this is a cash grab for the owner and it will not benefit the neighborhood or the women seeking help with their addiction.

Resident Todd Omohundro commented on Pross Road. He understands the world of addiction, which includes manipulation, struggles, and people on the edge, and he feels bringing that to Pross Road is very upsetting. He stated he respects the federal laws referenced. He feels some of these women will try to improve their lives, and some won't; they could still purchase drugs from Philadelphia and the possibility of that entering our neighborhood is what we don't want.

He feels drug persons are not far removed from major criminal organizations and cited a recent news story to that effect.

Resident Tom McClennen commented on Pross Road, asking if the neighborhood is zoned residential and they have created a business, are they or are they not allowed. He stated it is a business operating out of a house, and asked where the Township stands on that.

Solicitor Iannozzi offered that if the federal housing law is implicated, they may be a protected class and certain considerations must be afforded. He shared the framework that this matter will have to be addressed under. He added that the matter will be discussed between himself, and the property owner's attorney and he plans to hold a meeting next week. He plans to provide an update at the next meeting. He referenced that he would communicate any new information obtained with the community group spokesperson.

Approval of Minutes

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board approved the April 10th meeting minutes.

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

Zoning, Subdivision and Land Development

PSDC Update – Towamencin Village Shopping Center

Philadelphia Suburban Development Corporation ("PSDC") John Perutto, Vice President provided a development update on the Towamencin Village Shopping Center, located at Allentown and Forty Foot Roads.

Supervisor Snyder asked when they anticipated breaking ground on the Target. Mr. Perutto stated he could not provide an answer at this time.

Supervisor Osei asked if they have obtained another tenant for the SKF location. Mr. Perutto said marketing has been strong and they have fielded interest in the building, it's a matter of what fits well in the current footprint, with modifications.

Supervisor Warner asked if anyone has visited the SKS property. Mr. Perutto confirmed tours have been held.

Supervisor Warner asked what was holding up Target from signing their lease agreement. Mr. Perutto said there were minor things to work through but PSDC is confident they will get it done.

Chairman Wilson asked if there was an issue at the Chipotle site, as it appeared work was halted. Mr. Perutto stated not that he was aware of, and stated as of today the plan is that it will be completed by the end of the summer.

Resident Joe Silverman asked what happened to the old Sears shopping center, it was once vibrant, and it no longer is. Mr. Perutto stated when PSDC purchased it in 2015 it was dead. He agreed it was vibrant, and he hates to use COVID as an excuse, but that and financing caused a major blow. He stated PSDC is doing everything possible to bring it back. Supervisor Smith noted when Genuardi's left the shopping center died. Supervisor Warner stated she feels if Target comes, the shopping center will receive more action. Mr. Perutto followed up with both Target and Whole Foods have an element in the retail world that entices other retailers to follow, which will drive foot and vehicle traffic.

Resident Gisela Koch asked if there is a timeline for Target to resolve these issues. Mr. Perutto stated a term sheet is signed and they are working through the lease process.

Resident Jenn Foster asked if there was anything contingent with the Whole Foods lease that says they can walk away from their lease if Target's lease is not obtained. Mr. Perutto confirmed there is not.

CFC Towamencin Properties, Inc. Subdivision Plan (SLD 835)

The proposed subdivision consists of four (4) existing parcels located on the easterly side of Reinert Road near the intersection with Cardinal Way in the "R-175 - Residential" Zoning District. The applicant is proposing to subdivide parcel 53-00-07200-00-1 and add the resulting parcels to the three existing residential properties with frontage on Reinert Road. As a result of the subdivision, the number of parcels will be reduced from four to three parcels. There is an existing sanitary sewer easement that will remain. All existing residential properties currently are served by public sewers. Two properties are connected to public water and one property has a private well. Scott Camburn of Urwiler & Walter, Inc. John Delp of CFC Towamencin Properties, and property owners Mr. Warner (parcel B) and Mr. Woelkers (parcel C), presented their plans and waiver requests, as well as addressed comments outlined by the Township Engineer.

Supervisor Snyder is open to a deferral but does not wish to waive it.

Supervisor Osei commented on the planning commission's recommendation to not waive specifically regarding sidewalks and asked if an alternative was available rather than a deferral. Chairman Wilson clarified a deferral allows the Township to enforce it later.

Supervisor Warner confirmed there was no relation between herself and the property owner of the same name. She further commented she does not feel sidewalks are required to front these 4 properties unless there is an intent for development later. She added that, when she is out walking her dog on similar roads without sidewalks, she simply moves over into grass.

Supervisor Snyder reiterated she does not wish to defer sidewalks because the Township is working toward connectivity, allowing people to walk to various sites throughout the Township.

Supervisor Warner agreed she also is for sidewalk connectivity, but in this case, she does not feel they should be required.

Supervisor Smith commented that she is in favor of a deferral, because taking it off the table permanently removes the option, and a deferral does not hurt or cost anything. In 30-40 years, there may be a need for sidewalks, and having the deferral preserves a responsibility.

Solicitor Iannozzi clarified the difference between a deferral and waiver, and that a deferral requires an escrow.

Supervisor Wilson is in favor of a waiver because it is a quiet, somewhat rural area and feels there is no need for a sidewalk.

Supervisor Smith stated to make a conscious and informed decision and to vote accordingly, she would need to know the required deferral escrow cost. Mary Stover, Township Engineer stated she could not provide a number at this time but offered an estimate of \$5,000 per property owner.

Supervisor Snyder asked the Township Engineer to clarify that the total deferral escrow would be \$15,000. Ms. Stover confirmed that was correct, but cautioned it was an estimate.

Supervisor Osei commented he has spoken with the property owners, regarding lot line changes.

Resident Nate Woelkers commented that the purpose behind the lot line change is to prevent development. They are trying to prevent more traffic on Reinert Road. If they are required to put sidewalks in, trees and landscaping will be lost as well as a portion of driveway. He feels it doesn't make sense for the current property owners to have to worry about what might happen. If a developer comes along and wants to purchase all the properties and build, and at that time sidewalks are required they should put them in.

Resident David McCreary commented he lives in the neighborhood near Reinert Road and wanted to commend the owners for trying to preserve the property, and he supports that. He is in favor of connectivity, however currently Reinert Road is safe for foot traffic as opposed to other roads such as Allentown and Fretz Roads.

Supervisor Smith reiterated the decision at hand is to determine whether a waiver or deferral should be insisted; the deferral would simply protect the right to enforce installation later.

Resident David McCreary asked if there was an option to defer without the escrow.

Solicitor Iannozzi cautioned that due to the conversation, the Board may want to table the vote until additional information has been made available, allowing them to make an informed decision.

On a motion by Supervisor Smith, seconded by Supervisor Warner, pending additional information, the Board deferred the vote for CFC Towamencin Properties, Inc. Subdivision Plan (SLD 835).

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

Old Business - None

New Business

Grist Mill Park Improvements Phase 1 Final Design Review, Authorization for Engineering and Bidding

At the Board's March 27th meeting, two plans were presented for Grist Mill Park improvements Phase 1, which would include: a pavilion, an inclusive playground, a basketball court, handicapped parking, corn hole courts, game tables and a perimeter trail. The full plan had an estimated price tag of \$586,000, with a modified plan presented to keep within the budgetary constraints of approximately \$500,000. At this meeting, residents shared concerns that this park should include appropriate fencing to protect children prone to eloping. Fencing was not included in either plan. The Board recommended that the Open Space and Parks Advisory Committee further discuss the two plans, and the fencing concern raised at their April meeting and provide a recommendation for the Board's consideration this evening. To date, the Township has been awarded a \$250,000 grant by PA Department of Conservation and Natural Resources, with a pending DCED grant submission for \$250,000.

Joseph Meehan, Open Space and Parks Advisory Committee Chair, reviewed the Committee's recommendation and rationale to the Board. OSPAC is recommending that a fence be included, and the Board move forward with all the elements included in the larger plan by Simone Collins. Once the engineering plans have been obtained, the cost may be reviewed through Co-Stars and at that time adjustments can be made.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board authorized the Engineering and Bidding for the Grist Mill Park Improvement Plan Phase 1 final design.

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

Warrant List

The April Warrant list in the amount of \$2,242,926.68 was presented for approval. On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board approved the warrant list in the amount of \$2,242,926.68.

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

Public Works Report

The Public Works Committee meets monthly to scope projects and identify efficiencies related to Township infrastructure, properties, and equipment. The Committee met April 18th. Supervisor Smith provided the Committee's report summarizing the following topics:

- Weikel Road Project
- Central Drive Storm Sewer Repairs
- 2024 Road Paving & ADA Ramp Project
- Landscape Signage at the Turnpike Interchange
- Repairs to Pedestrian Bridge over Forty Foot Road
- Green Lane Park Soccer Fields
- Welsh/Orvilla Road Intersection Improvement Project
- Forty Foot Road/Newbury Way/PSDC Traffic Signal
- Pedestrian Crossing at Fischer's Park
- Grant Opportunities
- Comprehensive Plan
- MS4 Permit Requirements
- TYA Projects
- Long Tenn Storm Sewer Maintenance Plan
- Old Forty Foot Road/Rittenhouse Road PennDOT Safety Improvements
- Township Pool - 2024 Season
- Request for Streetlights at Detweiler Road, Quarry Road and Forty Foot Road
- Butch Clemens Park Pickleball Courts Concept Plan Proposal
- Stop Sign Request: Green Lane Road and Liberty Bell Circle
- 2023 Storm Sewer Project - 1540 Kriebel Road
- Structural Evaluation – Ladies Room in the Meeting Hall
- Hot Coal Bins – Fischer's Park
- CDL-A-License – Public Works Staff

Finance Committee Report

The Township Finance Committee meets monthly to monitor economic indicators and the pulse of the Township's revenues and expenditures. They also address various requests and concerns that may arise. The Committee met on April 18th. Supervisor Warner provided the Committee's report summarizing the following topics:

- March 2024 Financials
- Township 2023 Audit

- Long-Range Financial Forecasting
- Capital Budget Update
- Grist Mill Park project funding
- Quarterly Billing for Sewer Fees
- Consumption based sewer fees
- Sewer rates for customer outside Towamencin (direct verses contracted)

Supervisor Osei asked if the Township voted to sell the sewer system without the current information provided by the Finance Director, stating the Township did not have a Finance Director when the sewer sale vote took place. Chairman Wilson noted that factors are constantly changing regarding finances and grants, noting it has been 3-4 years since the vote.

The Township Manager asked the Chairman if the Board wanted to act on the Committee's recommendation to direct the Solicitor to prepare an ordinance regarding increasing the sewer billing to quarterly. Chairman Wilson responded it should be placed on the next agenda.

Authorization to Advertise Weikel Road Improvement Project

The Weikel Road Project includes road widening, drainage improvements and sidewalk installations. Over the last year, the Township Engineer and Township Manager met with all affected property owners to review the overall project and direct property impacts. Documentation for right-of-way acquisition and signed construction easements have been completed. Construction documents have been finalized and the project is now ready to be advertised to bid. In 2023, the Township was awarded a \$200,000 grant for the project through the County's MONCTO 2040 Grant Program. The balance of the project will be funded by the Township's COVID-19 ARPA fund balance. The overall project is estimated to cost approximately \$790,751.00.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved the authorization to advertise bidding for the Weikel Road Improvement Project.

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

Consider Engineering Proposal - Skippack Creek Interceptor Phase 2 Replacement Project

The Township's Sewer Engineer submitted a proposal to provide professional services for the engineering, design and permitting of the Phase 2 Skippack Creek Interceptor (SCI) Replacement Project. Work included in Phase 2 includes replacing approximately 1,200 linear feet of existing 18 inches diameter asbestos cement pipe, from manhole 500 where the Interceptor crosses under the PA Turnpike to where it crosses Wambold Road and an un-named tributary of the Skippack Creek at manhole 503.1. The scope of work includes:

- Topographic and invert survey of the existing sewer line and surrounding site,

- Preparation, submission, and acquisition of a PADOT Highway Occupancy Permit and a Utility Stream Crossing Permit,
- Project Design - including plans and project manual,
- Coordination in acquiring temporary construction agreements.

The submitted proposal by Gilmore & Associates, Inc. is for a lump sum fee of \$50,000. TJ Figaniak, of Gilmore & Associates, reviewed the proposed scope of work.

On a motion by Supervisor Osei, seconded by Supervisor Smith, the Board approved the engineering proposal for Skippack Creek Interceptor Phase 2 Replacement Project.

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

Consider Engineering Proposal -Audit Sewer Accounts

At the request of Township staff, a proposal to assist the Township in completing an audit of EDU's allocated to each non-residential property was submitted by Gilmore & Associates, Inc., the Township's Sewer Engineer consultant. The audit will include a review of Township and Towamencin Municipal Authority (TMA) files and documents to determine the number of EDU's purchased for each non-residential property within the service area. Additionally, the existing water usage will be compared to the purchased capacity for each non-residential property. The proposal to complete the audit is for an approximate fee of \$14,000, delivering the audit within approximately three months after authorization.

TJ Figaniak, of Gilmore & Associates, offered additional comments regarding EDUs.

On a motion by Supervisor Snyder, seconded by Supervisor Warner, the Board approved the engineering proposal to Audit Sewer Accounts.

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

Consider Structural Evaluation Proposal - Meeting Hall Ladies Bathroom

In ladies' room of the Meeting Hall, there is a crack running through the floor and up the wall and the concern was brought to Supervisor Osei's attention. Staff researched and found that a structural engineer was retained in 2017 to review the same concern. In their report, it notes "there is no visible evidence of current or progressive structural defects". There is evidence of repairs made to the bathroom flooring. Given the fact that seven years have passed, the Township Engineer reached out to the same structural engineer to reevaluate the cracks and provide an updated report. Cirilli Associates, Inc. provided a cost estimate of \$2,500 for the site visit, updated evaluation, and report.

On a motion by Supervisor Smith, seconded by Supervisor Osei, the Board approved the proposal for structural evaluation of the meeting hall ladies bathroom.

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

Additional Business

Supervisor Osei read a lengthy prepared statement relating to the following topics:

- Home Rule Charter initiative process
- The Solicitor's commentary on the process
- Petitioner rights under the Home Rule Charter
- Supervisor Snyder's recently proposed flag motion
- Rights and actions of the group of petitioners regarding the recent flag motion
- Comments on his recent Board of Supervisors win
- Supervisors hiding behind the Solicitor when under fire from the public
- Supervisors' options for handling of the current flag motion, petition, and their right to create resolutions regarding their position on matters, such as a flag policy
- The responsibility of elected officials to be able to take heat for unpopular decisions
- His satisfaction in making unpleasant comments towards 3 of the Supervisors

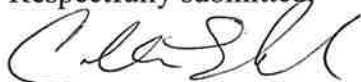
Supervisor Osei motioned to authorize staff to prepare an ordinance to terminate the sewer sale.

On a motion by Supervisor Osei, seconded by Supervisor Snyder, the motion failed by a 3:2 vote.

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

There being no additional business, the meeting was adjourned at 8:44 pm.

Respectfully submitted,



Colleen Ehrle
Director of Administration