

**Towamencin Township
Board of Supervisors
Monthly Meeting
May 8, 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

Chairman Wilson called the meeting to order at 7:01 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.
- Changes were made to the agenda: items 6.1 Public Hearing: 2060 Detweiler Road - Zoning Text Amendment and 6.2 Ordinance 24-04: Zoning Ordinance Amendment, E-9 Place of Worship Use were removed because the Montgomery County Planning Commission has submitted a review letter with comments that staff must study and review before proceeding. Therefore, those items will be on a future agenda.

Public Comments

Emailed Submission:

Matthew Weising noted as a resident of Franconia for over 25 years, he is very disappointed in the decision made regarding the shopping center at Allentown and Forty Foot Road. He feels the Township is inviting the wrong element to the area. He claimed Towamencin wanted to be more like Franconia with open areas and small business, taking care of the residents and keeping the town the way it is. He claimed Towamencin has failed by giving in to big box stores and pressure from large corporations.

Pross Road Sober House Update

Solicitor Iannozzi noted the Sober Living House on Pross Road implicates the Fair Housing Act and Americans with Disabilities Act, and compliance issues and requirements that the Township must address. Therefore, he recommended the Board of Supervisors engage special counsel to assist with ensuring that the Township complies with Federal Law. Counsel being considered is Christian Moffit, of Fox Rothschild, who represents clients in similar matters. Mr. Iannozzi added that the Township has propounded detailed questions upon the operator relative to the residents, intake, operations, rules, and regulations. In addition, a meeting was held with the property owner and their legal counsel to discuss the matter. The operator is proposing a six-bedroom home, which is being reviewed from a building code compliance standpoint. He felt the meeting was informative, pleasant and thus far everyone is operating with a cooperative spirit. He reiterated the Township appreciates the import this is to residents and though it is an unpopular use, that in and of itself does not require the Township to terminate the operation of a sober home. The Township will ensure that all parties are compliant with the laws. Mr. Iannozzi cautioned the public in their discourse that they are mindful and have respect for one another during comments.

In-Person Comments

Resident Valerie Hannigan commented on the Pross Road Sober House stating the objective is zoning, occupancy and opening a business in a residential area. She confirmed Reimel Daycare currently operates in the neighborhood and questioned why the sober living operators have not been forced to meet the same requirements of the daycare. She questioned if cash is being exchanged for strangers to occupy a dwelling under one roof constitutes the family law act. She provided an example of what the living quarters might look like based on the current number of rooms being converted. She stressed it is too small an area to provide the peaceful environment intended. She asked how women from various backgrounds, addictions, and personalities can cohabitate in this size home. She stated this is not a home, it's an institution. She feels that the number of occupants is not fair to the women or the residents that must deal with it.

Resident Tina Gallagher thanked whoever started the "no mow" initiative for Township land. She noted her past concerns about the Fischer's Park concept plan that was being considered by the Open Space and Parks Advisory Committee. While understanding a plan is needed to decide, she questioned why the Board liaison did not inform the committee the plan would not get approved before wasting thousands of dollars. She asked how residents can provide input if they don't know what is happening. She noted OSPAC minutes needed to be updated to the website. She shared the northern undeveloped section of Fischer's has 168 bird species, suggesting the

Township speak with groups such as Natural Lands, a non-profit organization, and feels more people should be involved in the decision-making process of Township public land.

Resident Joe Silverman offered comments on quarterly sewer billing, finding it costly to send out four separate bills, suggesting one envelope consisting of four tear-off coupons for residents to return, so postage would be on the customer not the Township. He further commented on the concept of metering water consumption for sewer billing, and fairness when comparing a property with multiple residents versus a single resident in a small home.

Resident Gisela Koch questioned the difference between a work session and a regular monthly Board meeting, and if the Township should be posting the agenda for each meeting on the door twenty-four hours in advance. Chairman Wilson stated there is no longer a difference between the two meeting names. At one point, the Board would discuss various agenda items at a work session, which would then make it to the regular monthly action meeting. Chairman Wilson asked the Township Manager if the agenda was getting posted to the door. The Township Manager was unsure but would verify and make any required changes.

Approval of Minutes

On a motion by Supervisor Smith, seconded by Supervisor Osei, the Board approved the April 24th 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

Consider Approval of Certificate of Completion #2 – 534 Wambold Road Phase 2

The associated land development located at 531 Wambold Road included demolishing existing buildings and driveways to construct seven new self-storage buildings. The preliminary and final land development resolutions were approved on July 28, 2021. The Township Engineer confirmed that all public/site improvements proposed for development have been satisfactorily completed by the project developer. A recommended final escrow release in the amount of \$8,415 has been prepared.

Chairman Wilson asked the Township Engineer when the final inspection was completed. Township Engineer Mary Stover confirmed within the last few months.

On a motion by Supervisor Warner, seconded by Supervisor Snyder, the Board approved the escrow release for Certificate of Completion #2 – 534 Wambold Road Phase 2.

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

CFC Towamencin Properties, Inc. Subdivision Approval (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. At the last meeting, questions were raised regarding deferring or waiving the curbing, sidewalks, and road-widening requirements for the associated subdivision.

The Township Engineer provided an update regarding associated cost estimates for improvements for sidewalk, curbing, and other code requirements. If all land development improvements were considered, property owners could expect escrow cost ranging between \$34,800 and \$45,000.

Chairman Wilson noted that since the last meeting, it has been confirmed that if waivers are granted, they do not stay with the land. Rather if the properties are sold, the developer would be required to install sidewalks. The Township Solicitor concurred.

Supervisor Osei noted he is in favor of a waiver because the property owners are doing something the Township wants, which is to preserve trees. Therefore, he does not feel the property owners should be taxed for something the Township favors. However, looking to the future, he suggested the Board propose the right of first offer to all property owners who may wish to sell. He feels there is the potential to reduce traffic in this area if they close Tomlinson to Fretz Road.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board authorized a waiver for CFC Towamencin Properties, Inc. Subdivision Approval (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

On a motion by Chairman Wilson, seconded by Supervisor Smith, the Board authorized staff to prepare preliminary/final land development resolution for CFC Towamencin Properties, Inc. Subdivision Approval (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

Consider Authorizing Preparation of Ordinance - Quarterly Sewer Billing

The Finance Committee and Finance Director investigated transitioning from annual to quarterly billing. Finance staff believe the required change will not be difficult to implement. They recommend upgrading the Township's current online payment platform in 2024 to accommodate the proposed 2025 sewer billing change. A new payment platform would benefit residents in numerous ways which are not feasible with the current platform, including an opt-in paperless billing option, billing reminders, auto-pay, history, and mobile access. The proposed new platform would also accommodate tax payments and add non-tax and non-sewer online payments.

On a motion by Supervisor Osei, seconded by Supervisor Smith, the Board authorized drafting an ordinance to implement quarterly sewer billing.

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

Supervisor Snyder commented that offering online payments is a benefit to the Township because it will reduce mailing costs. Chairman Wilson suggested that staff review Resident Joe Silverman's suggestion of mailing four invoices together. The Township Manager agreed to direct staff to perform that review.

Consider Morgandale Meter Reading & Infiltration/Inflow Proposal

In 2014, the Township took ownership of 9,254 LF of 8" sanitary sewer main and 35 manholes within the Morgandale Condominium Association (MCA) property, per an agreement. The Township rehabilitated their sewer mains between 2014 and 2016. MCA continues to own approximately 25,000 LF of 6" collector lines and 4" laterals/building sewers to the 560 homes and clubhouse. To date, MCA has very minimally rehabilitated their sewer lines per the agreement. Towamencin had relocated their portable flow meters to areas within MCA to assist the Association in identifying isolated areas of concern to begin their investigation. At the request of Township staff, a proposal was provided by Gilmore & Associates, Inc. for engineering and design services associated for a Sewer Flow Metering Project for the service area tributary of MCA. Upon installation of the sewer flow meters, data will be used to establish base and allowable peaks flows at MCA. The project includes the design and engineering of two (2) ultrasonic flow meters with Parshall flumes in a metering chamber to record the flow tributary from MCA. The scope of work includes:

- Topographic and invert survey of the existing sewer mains around the metering sites
- Project Design including plans and project manual
- Opinion of Probably Cost for Construction
- Excess Flow Rate Study

The submitted proposal by Gilmore & Associates, Inc. is for a lump sum fee of \$30,000, with an Excess Flow Rate Study cost of \$20,000. TJ Figaniak, of Gilmore & Associates, was present to answer questions.

Chairman Wilson asked if building meter pits was necessary, adding similar work was performed for the Kriebel Road Interceptor, and he did not recall the same requirements. Mr. Figaniak explained if the intent is to use metering data for billing purposes, these meters guarantee 99.9% accuracy and will establish an average base flow to compare average daily flows to peaking factors. Mr. Figaniak reiterated the accuracy of the Parshall Flumes.

Chairman Wilson referenced metered pits on Valley Forge Road, believing they were never used. Mr. Figaniak agreed to revisit the Valley Forge Road project to determine if there is anything from that project that may be salvaged. Mr. Figaniak clarified the costs -\$30,000 is for engineering and the \$20,000 would cover costs for the required rate study to determine how to charge the inflow and infiltration (I & I) once the permanent meters have been installed. Chairman Wilson asked if they were at the point of treating the two items separately. Mr. Figaniak responded they were not.

Supervisor Osei questioned if the lines are within MCA, why is the Township responsible for this project. Chairman Wilson clarified that by agreement, the Township has taken responsibility and that dedication of these lines to the Township should have occurred when the project was complete but were not.

Supervisor Osei asked if there was a lateral ordinance for I&I. Mr. Figaniak said there is but noted that this I&I issue is specific to the Morgandale Association. Mr. Figaniak continued that there has been various conversations over the years between the Township and MCA, asking them to address their I&I issues as established under the 2014 agreement. MCA is of the opinion they have addressed their requirements, adding MCA performed their I&I televising during dry weather, which does not accurately show the deficiencies in their system. He explained taking this action is an opportunity to get MCA to acknowledge and accept responsibility for issues within their system and have them fix it.

Chairman Wilson asked if there are differences between peaking factors at MCA compared with the rest of the Township. Mr. Figaniak responded yes, at times MCA is twenty times the average daily flow in the Township, elsewhere in the Township is six to eight, establishing an overview of the problem. Mr. Figaniak reiterated this gets MCA to correct the issues in their lines. Chairman Wilson asked Mr. Figaniak to give an example of what the peaking factors were before and are now, then asked his opinion on the best option. Mr. Figaniak stated if the intent is to use the collected data for billing, his recommendation would be to install permanent accurate meters, noting the portal meters lose their accuracy.

Supervisor Warner noted that it sounded like if the Board does not proceed now, it will have to do be done later and at a higher cost.

On a motion by Supervisor Snyder, seconded by Supervisor Warner, the Board authorized the MCA Meter Reading & Infiltration/Inflow Proposal.

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

Resolution 24-12: Sale of Mower

According §1504 to the Second-Class Township Code, the Board of Supervisors must authorize the disposal of personal property. Anything with a fair market value of \$2,000 or more needs to be advertised and sold at auction. This resolution authorizes the sale on Municibid of a Ferris IS3200Z Series mower, Model # 5901571, previously used by the Public Works Department.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board authorized resolution 24-12.

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

Resolution 24-13: Sale of Police Vehicles

According §1504 to the Second-Class Township Code, the Board of Supervisors must authorize the disposal of personal property. Anything with a Fair Market Value of \$2,000 or more needs to be advertised and sold at auction. This resolution authorizes the sale for two 2016 Ford Explorers on Municibid, which were previously used by the Police Department.

- 2016 Ford Explorer, VIN# 1FM5K8AR5GGD05390
- 2016 Ford Explorer, VIN# 1FM5K8AR9GGD05389

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board authorized resolution 24-13.

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 Special Outside Counsel – Fair Housing Act

The 1050 Pross Road Sober House implicates the Fair Housing Act and Americans with Disabilities Act. The Township Solicitor recommends engaging Christian Moffit, of Fox Rothschild, as special outside legal counsel, to ensure compliance with the Township’s statutory and regulatory obligations with such federal laws when dealing with concerns related to the 1050 Pross Road Sober House. Mr. Moffit regularly represents clients on Fair Housing Act and Americans with Disabilities Act compliance and associated legal proceedings under these statutes in jurisdictions throughout the country.

Supervisor Osei noted he is in favor, adding this is a delicate situation with significant risk if it is not handled properly.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board authorized the Special Counsel engagement of Christian Moffit for the Sober House/Fair Housing Act matter.

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 motioned to authorize staff to prepare an ordinance to terminate the sewer sale, and added the idea of obtaining money immediately from the sewer sale does not make sense based on the Township's current financial outlook provided by the Finance Director. Based on that information, he believes the Township does not have an urgent financial need for the 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 7:45 pm.

Respectfully submitted,



Colleen Ehrle
Director of Administration