

**Towamencin Township
Board of Supervisors
Monthly Meeting
September 11, 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 7:01 pm and led the assemblage in the Pledge of Allegiance.

Chairman Wilson began the meeting with a moment of silence to remember 9/11.

Opening Comments

- This meeting is provided live via Zoom for residents unable to attend in person but wish to view and hear the meeting remotely. Public comments submitted by 4:30 pm this afternoon will be read at the start of the meeting, followed by in-person comments. Reminder: when prompted, to use a microphone, as Zoom does not pick up voices from the audience.
- The Towamencin Fire Company's Ladies Auxiliary is hosting Mommy Mart on Saturday, September 21, from 9 am to 1 pm. Admission to this event is \$1. Vendor spaces are available, and registration is open. Visit TVFC's Facebook page for more details.
- Join us on September 21, for Tavern Night, at the Morgan Log House. This is a joint event hosted by the Township and Morgan Log House. You must be 21 years or older to attend. For more information and to purchase tickets, visit our Facebook events page or the Morgan Log House website.
- Staff from the Montgomery County-Norristown Public Library will return on Wednesday, September 25th at 11 am to provide their next story time for preschoolers in the Meeting Hall's classroom.

Emailed Public Comments:

Resident Paul Andrews thanked and congratulated Supervisors Osei and Snyder, and all involved with the Towamencin NOPE group, who raised awareness of the dangers of privatization the past 3 years. He acknowledged their efforts got the Home Rule Charter passed and will prevent future attempts to steal the water systems. While most of the Supervisors refused to listen, eventually these efforts paid off when the PUC changed its rules, forcing our Board and PAWC to terminate the sale. He reminded voters that their work is not done. Act 12 must be repealed, and encouraged electing legislators in Harrisburg that will listen. He continued residents must be vigilant - making sure this terminated APA does not return with another buyer. He emphasized electing Supervisors who listen to resident concerns. He highlighted more residents are more aware and involved and looks forward to making the Township better together.

In-Person Comments

Resident Richard Costlow commented that money was the main reason that Towamencin citizens mobilized on either side of the sewer sale. Considering this, he feels it is incumbent of the Supervisors to go overboard in explaining their decision. He felt the first sewer sale statement was vague and needs to improve. He then inquired about the associated contracts with PFM noting the language if the transaction did not close, they waive all phase 2 and 3 fees. He asked if that portion of the contract will be upheld, or was it modified due to the regulatory decision. He asks that the Supervisors investigate this and explain these details.

Resident James Collins stated it was a happy day. He noted that through the struggle of this process, something amazing happened - people from both sides of the aisle came together to discuss what was happening and got involved. He feels the more people involved in the community the better it will be. He continued we are all Towamencin citizens, and it is our responsibility to make the community better.

Resident Tina Gallagher thanked Supervisors Osei and Snyder for their unwavering support to the community. They agreed there was more harm that would result from the sewer sale. She added, shame on Supervisors Wilson, Smith and Warner for thinking there was no harm to people. This harm to residents is what drove her to get involved. She felt lied to, and the thought of harming the community and spending taxpayer money on the sale did not sit well with her. She will not forget how she felt through this process and suspects many others won't either.

Resident Christian Fusco disagreed with a previous comment about the divisive nature of the sale. He feels there were passionate discussions that resulted and the community at large felt it was a bad idea. He noted without the leadership of Kofi Osei, the sale gets done in the dark and residents would be stuck with a giant bill. He found it remarkable that the termination was happening on 9/11; noting on 9/11 we say never forget. On September 12, Americans came together and we weren't worried about who's a Republican or Democrat. He emphasized the collaborative community efforts and thanked Kofi Osei and Jenn Foster for keeping this in the courts, and Joyce for being the only Supervisor voice for the people of the community and all of the NOPE volunteers who knocked on doors and had thousands of conversations; you all made this happen. He concluded today is a good day and he was proud to be a Towamencin resident.

Resident Cheryl Portwood commented there was a decision made to open Fischer's Park to day camps, with approximately 40-60 children attending from around the region. She wanted to know

how that went and would the Township do it again. Chairman Wilson responded it was one group from the YMCA and was his understanding that it went well, but they did not reach their projected numbers. The Township Manager noted there were no issues reported other than a clogged sewer pipe, and a lot of positive feedback.

Resident Joe Silverman referenced an article from the Wall Street Journal on a utility ruling noting the PUC decision to slash scandalous rate hikes. He read excerpts from the article and claimed this is an example of what can happen when citizens work together – saying no to these sales and corporations.

Resident John Dulcey stated in February he requested streetlight installation on Susan Drive. While the work has been completed, only one light was added to a pole. He claimed the purpose was to offer lighting for those crossing from Susan Drive to Morgandale. He noted the speeding issue at this area. He took issue with the placement of the lights, because one was not added to the crossing intersection. He spoke with Will Brugger, Director of Planning, Zoning and Code Enforcement, who directed him to submit a letter to the Supervisors. He is requesting that a light be placed at the intersection along with a crosswalk. He hopes the Board will consider his request.

Chairman Wilson responded he agrees with the lighting request, and added it will be discussed at the next Public Works Meeting. Supervisor Osei asked if our Traffic Calming Policy was available on the website. Township Manager David Kraynik noted he believes it is but would confirm. Chairman Wilson responded this will also be discussed at the Public Works meeting.

Resident James Collins thanked everyone involved in the opposition of the sewer sale for their efforts. He hopes this is the beginning of all working together to improve the community.

Approval of Minutes

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved the August 28th 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

Chairman Wilson noted that item 6.5 will be removed from the agenda because the applicant has submitted modifications. The matter will be moved to a future agenda.

Zoning, Subdivision and Land Development

ZHB 2024-03: 1360 Valley Forge Road

The applicant wishes to convert the vacant Right Aid store, located at 1360 Valley Forge Road, into a Goddard School. The applicant is requesting a variance from the parking requirements referenced in Section 153-502.D.3.a.4, in order to provide a reduction in the required number of parking spaces for the proposed day care center. The applicant has requested the Board submit a letter supporting the parking requirement request.

Kate Harper, Esq., representing the applicant, stated they are asking for support from the Zoning Hearing Board because the current parking requirements exceed what is physically available when using the existing building and parking lot for a new daycare. She noted if they don't receive the parking relief, the plan cannot proceed. She noted the Planning Commission supports their request and asked for the Board's support.

On a motion by Supervisor Smith, seconded by Supervisor Snyder, the Board authorized the Solicitor to submit a position letter to the Zoning Hearing Board.

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 Osei noted the Township's current parking requirements repeatedly come up with development proposals, and feels the Board should consider reducing the current parking requirements. Supervisor Smith agreed. Chairman Wilson noted the requirement exists because child daycare facilities host events, and that attendance creates parking limitations. Ms. Harper responded as part of the requirements, the applicant is agreeable to adding special conditions to address those sorts of situations.

Supervisor Smith asked if the applicant had spoken with the neighboring church for parking use. Ms. Harper, noted they had, but they were unable to work out details prior to their submission.

ZHB 2024-04: 940 Keeler Road

The applicant wishes to construct a front porch to the residence. The proposed porch would encroach into the required front yard setback. The applicant is requesting a variance from Section 153-403.C, front yard setback regulations, and 153-502.H(10)(b), projections into required yards, in order to construct the front porch. It was the consensus of the Board not to send the Solicitor to the Zoning Hearing Board meeting.

ZHB 2024-05: 894 Carriage Way

The applicant wishes to construct an inground pool in the side yard. The applicant is requesting a variance from Section 153-403.C, side yard setback regulations, and 153-502.H, swimming pool regulations, in order to construct the inground pool in the proposed location. The applicant is present to answer questions. It was the consensus of the Board not to send the Solicitor to the Zoning Hearing Board meeting.

Consider Approval of Pilar Agreement: 1433 Morris Road

The Township has prepared a Waiver of Damages Agreement that would allow the owners of 1433 Morris Road to install a 6-foot-high privacy fence within a sanitary sewer easement.

On a motion by Supervisor Smith, seconded by Supervisor Warner, the Board approved the Pilar Agreement for 1433 Morris Road.

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 Green Lane Soccer Field Lease with Towamencin Municipal Authority

This lease will allow for the construction and property use for two future soccer fields at Green Lane Park, located at 1984 Green Lane Road. The proposed location is owned by the Towamencin Municipal Authority, parcel # 53-00-03472-00-3. Under the lease, the Township shall use the leased property for the exclusive purpose of installing and utilizing two soccer fields: field A (200 FT x 300 FT) and field B (165 FT x 120 FT). The lease term is 20 years from the date of the agreement. No rent is to be paid under this lease. The timeline for anticipated field construction is spring 2025.

Supervisor Osei asked if all of Green Lane Park was the Authority's property. Chairman Wilson confirmed it was.

Resident Cheryl Portwood asked if there would be an opportunity for public comment before action is taken. Chairman Wilson clarified the action being taken this evening is to approve the lease with the Municipal Authority only. He further explained the Board has not received any construction plans or documents, and that a future meeting where detailed plans are presented would be the appropriate time for public comment. Chairman Wilson stated the Solicitor can confirm the Township's right to the property. Ms. Portwood asked once the property is leased what will be done with it, specifically what would Green Lane Park look like. Chairman Wilson noted the Township does not have a design yet.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved the lease agreement.

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 Retrievr Agreement

Retrievr is a countywide program that provides collection services, specifically at-home, door-side pickups of apparel and electronics for a reasonable fee. The agreement calls for co-branded advertising and educational materials to engage residents on the Retrievr Program. The Township shall use reasonable efforts to promote community engagement with the Retrievr Program - a

minimum of three times per year through existing communication channels, including, the Township website and other social media currently used by the Township.

This agreement would allow for profit sharing with Towamencin as a partner municipality. During the term of the agreement, the Township shall be entitled to receive 10% of net revenue from Retrievr collections in Towamencin. Retrievr would list the municipality as a partner on their website and provide yearly summaries of collection.

Chairman Wilson noted a presentation was made some time ago, and it took a while for Retrievr to respond to the Solicitor's comments on the proposed agreement.

On a motion by Supervisor Warner, seconded by Supervisor Smith, the Board approved the Retriever agreement.

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

Towamencin Municipal Sewer System - Consider Motion Authorizing Township Legal Counsel to Take All Needed Action to Terminate the PAWC Asset Purchase Agreement (including facilitating the signing of the associated mutual release and termination agreement; withdrawal of the associated PUC Application; and repeal of Sewer Sale Authorizing Ordinances 22-04 and 23-03)

As referenced at the last meeting, the Pennsylvania Public Utility Commission recently issued an order setting a formula that effectively determines what it deems to be a reasonable purchase price for utility acquisitions of municipal water and wastewater systems. Under the existing Asset Purchase Agreement, the purchase price Pennsylvania American Water must pay the Township is far higher than the PUC's purchase price standard under its new formula. While the PAWC's application to purchase our system was conditionally accepted by the PUC, given the new review framework, it is very unlikely the PUC would ultimately approve the sale of Towamencin's system to Pennsylvania American Water as currently structured.

The action before the Board is to consider a motion authorizing Township legal counsel to take all needed action to terminate the PAWC Asset Purchase Agreement, that would include facilitating the signing of the associated mutual release and termination agreement; withdrawal of the associated PUC Application; and repeal the sewer sale authorizing Ordinances 22-04 and 23-03.

Solicitor Iannozzi explained the prepared document speaks to: the background, what led the parties to consent to termination, the basis of termination is in accord with the termination consent provision of the APA and is conditioned solely on the PUC's approval of the withdraw application, the parties indemnify and release the other party, there will be no amounts owed, and no claims for damages or in breach at the signature of the document. He noted the Towamencin Municipal Authority had signed the document on Monday evening.

Resident Rich Costlow stated he had trouble understanding and asked if the document would be made available for all to review. Chairman Wilson noted it will be posted as soon as it is executed by all parties. Mr. Costlow noted this issue divided the Township and asked for the Board's consideration to offer more information than less.

Resident Jenn Foster asked if this action repeals the ordinance, or if a second vote is required to cancel everything. Solicitor Iannozzi confirmed this action authorizes advertisement of the repealing ordinance and it will be on the next meeting agenda for consideration.

Resident Cheryl Portwood asked where this leaves PFM, is it taken care of or will a payout be required. Chairman Wilson confirmed no additional payment is required and the matter is settled; they will not receive any further payments.

Supervisor Osei asked what the agreement with Dilworth Paxson is, and what payment option was taken. Chairman Wilson noted the Township took the deferred option, but there is some conflicting language that needs to be worked out.

On a motion by Supervisor Osei, seconded by Supervisor Smith, the Board approved the motion to authorize legal counsel to take action to terminate the PAWC Asset Purchase Agreement, including signing the associated mutual release and termination agreement, withdrawing the associated PUC application and repeal the sewer sale authorizing Ordinances 22-04 and 23-03.

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 Osei noted he is supportive of this action. He responded to Mr. Costlow stating the Authority already voted to terminate the sale, and American Water had issued a press release about terminating the sale. In his opinion, the Township is in a worse position to change its mind.

Additional Business

Supervisor Osei thanked his colleagues for voting to terminate the sewer sale, stating his thanks was genuine, having asked for this for over 3 years. He then quoted excerpts from the PUC's implementation order emphasizing any changes made to the existing 1329 process would only apply to 1329 applications filed after the entry date of the order, thereby questioning why this was referenced in the statement to terminate the sale.

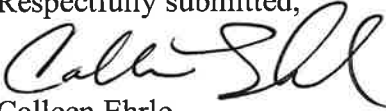
He stated the awareness that NextEra was the preferred bidder was not known to the public and to at least one Supervisor until the last minute. He claimed Chairman Wilson and the baseball coach negotiated in secret to sell to American Water and that Chairman Wilson lied when explaining why the Township is now terminating the sewer sale. He hopes the public remembers how committed Supervisors Wilson, Smith, and Warner were to the sewer sale. He reminded the audience that the N in NOPE stood for neighbors, recognizing the efforts extended beyond him and thanked Supervisor Snyder for being the only Supervisor who consistently voted against the sale, other communities in PA who have fought and continue to fight to stop these takeovers and

rate requests, and the Towamencin residents who never gave up on this collective effort. He hopes everyone continues to be involved and attend these meetings.

Chairman Wilson responded to Supervisor Osei's comment noting that he and Rich Marino never had negotiations with PA American Water regarding changing the contract from NextEra to PA American. He noted there was no discussion and this had been stated previously. He is glad this has been brought to a satisfactory conclusion for all, without having to pay any additional money to PA American and PFM. He thanked staff, the Solicitor and Special Counsel for putting everything together.

There being no additional business, the meeting was adjourned at 7:51 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Colleen Ehrle". The signature is fluid and cursive, with the first name "Colleen" written in a larger, more prominent script than the last name "Ehrle".

Colleen Ehrle
Director of Administration