

The Regular Meeting of Souderton Borough Council, held on Monday, February 6, 2017, was called to order by President Brian Goshow at 7:00 p.m. Members of Borough Council present at the regular meeting included the following:

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| President Brian K. Goshow | Councillor Richard Halbom |
| Vice President D. Jeffrey Gross | Councillor Kevin Souder |
| Councillor Ned D. Leight | Junior Councillor E. Shane Myers |
| Councillor Richard Godshall | Mayor John R. Reynolds |
| Councillor Daniel Yocum | Solicitor Robert R. Bricker |
| Councillor Daniel Houser | Borough Manager P. Michael Coll |
| Councillor Tracy Burke | Police Chief James P. Leary |

The Invocation was given by Borough Councillor Tracy Burke, followed by the Pledge of Allegiance to the Flag.

President Brian Goshow noted that the first item of business for this evening will be to resume and conclude the Conditional Use Hearing regarding property at 117 Noble Street. Testimony was taken at a special meeting held on Thursday, January 5, 2017 and the matter was discussed by Borough Council members at their Administrative Work Session held on January 16, 2017. Borough Council will formally consider a decision on this application at this time and will then move forward with the regular monthly meeting agenda.

For the record, the meeting was attended by the applicant’s attorney Francis X. Buschman, Wendy Ormsby, Director of the Souderton Charter School, Borough Solicitor Robert Bricker and Court Reporter Robert Hurley.

President Brian Goshow read the following Resolution into the record:

RESOLUTION NO. 2017-03

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL TO HUNSICKER PROPERTY MANAGEMENT, CO., LLC FOR PROPERTY AT 117 NOBLE STREET IN THE BOROUGH OF SOUDERTON TO BE USED FOR SCHOOL PURPOSES; IMPOSING CONDITIONS ON SUCH APPROVAL.

1. On January 5, 2017, the Borough Council of the Borough of Souderton, pursuant to notice, held a public hearing to consider the application of Hunsicker Property Management Co. LLC, 14 Washington Street, Conway, New Hampshire, for conditional use approval under the terms of the Souderton Borough Zoning Ordinance.
2. The property in question is located at 117 Noble Street in the Borough of Souderton, Montgomery County, Pennsylvania (the “Property”) and is owned by Univest Bank and Trust Co., 14 North Main Street, Souderton, PA. The Property is Zoned C-2 Limited Commercial-Residential.
3. Applicant is the equitable owner of the Property pursuant to an Agreement of Sale dated November 4, 2016.
4. The proposal of the Applicant is to acquire the Property and lease it to the Souderton Charter School Collaborative (“SCSC”) which operates a charter school on adjacent property known as 110/112 East Broad Street, to be used for school purposes.
5. The Property has an area of approximately 10,423 square feet and approximately 72 feet of frontage on Noble Street. There is no frontage on East Broad Street.

6. The improvements on the Property consist of a two-story building which is presently vacant but was previously used as a commercial photography studio. There is a paved parking lot with an undetermined number of spaces.

7. SCSC intends to utilize the building on the Property to provide additional space for its school operations. Specifically proposed are additional office space, a meeting room, an art center, storage space, and additional parking.

8. There are no planned expansions of the building or exterior alterations except as may be necessary to comply with fire, safety, and handicapped access requirements. No additional paving is planned.

9. SCSC currently enrolls 219 students and employs 31 full and part-time faculty and staff. No additional students will be enrolled as the result of the use of the additional property, nor are there any plans to increase faculty or staff.

10. A school is permitted as a conditional use in the C-2 Limited Commercial-Residential provided that the property has frontage on Main Street, Broad Street, Chestnut Street, or Reliance Road. The subject Property only has frontage on Noble Street. The Applicant intends to meet this requirement by combining the Property with Applicant's adjacent property which has frontage on East Broad Street.

11. The subject Property also lacks the minimum lot size of 20,000 square feet for a conditional use in the C-2 district. Here again, the applicant intends to meet this requirement by combining the Property with Applicant's adjacent property at 110/112 East Broad Street. The combined property will have an area of 27,771 square feet.

12. The Property is currently assessed as taxable for real estate tax purposes. No change is intended with respect to the taxability of the Property.

NOW, THEREFORE, in consideration of the evidence offered at the public hearing, the Borough Council of the Borough of Souderton hereby RESOLVES as follows:

1. The Application of Hunsicker Property Management Co., LLC for conditional use approval to utilize the property at 117 Noble Street in the Borough of Souderton for school purposes is hereby APPROVED.

2. The approval herein granted is SUBJECT to the following conditions, all of which shall be met prior to the issuance of a Use and Occupancy Permit by the Borough:

(a) The Applicant shall submit and obtain approval of a Land Development Plan requiring the consolidation of the Property with the adjacent property at 110/112 East Broad Street and providing for the development of the combined properties under the terms of the Souderton Borough Subdivision and Land Development Ordinance. The said Plan shall be recorded upon approval.

(b) Upon approval and recordation of the aforesaid Plan, the Applicant shall record a Deed of Consolidation consolidating the Property at 117 Noble Street with the property at 110/112 East Broad Street creating a single property for all purposes. The Deed shall specifically prohibit the future resubdivision of the combined parcel without the express approval of the Borough of Souderton under the terms of the Subdivision and Land Development Ordinance.

(c) Prior to the occupancy of the building at 117 Noble Street, Applicant or the Charter School tenant, as the case may be, shall obtain all necessary federal, state, and local permits and approvals necessary to use and occupy the Property for school purposes, including the Souderton Building Code and all other ordinances and regulations of the Borough; and all federal, state, and municipal requirements pertaining to fire, health, sanitation, safety, and handicap access.

(d) Applicant shall maintain the taxable status of the property and shall not apply for or seek exemption for the properties without first having entered into an agreement with the Borough for a payment in lieu of taxes (PILOT).

(e) The use of the building and the activities occurring therein shall conform to the testimony and other evidence presented at the conditional use hearing.

RESOLVED this 6th day of February, 2017, by the Borough Council of the Borough of Souderton.

President Brian Goshow opened the floor to the applicants to make comments on the proposed resolution. Attorney Francis Buschman confirmed that they have no further comments. President Goshow then opened the floor for public comment. There being no public comment he opened the floor to Borough Council for comment or a motion.

A motion was made by Councillor Richard Halbom, and seconded by Councillor Tracy Burke, to adopt Resolution 2017-03 granting Conditional Approval to Hunsicker Property Management, Co., LLC for property at 117 Noble Street to be used for school purposes and imposing conditions on such approval. The motion was approved by a vote of 8 yeas and 1 nay, with the dissenting vote cast by Councillor Daniel Houser.

President Brian Goshow concluded and adjourned the Conditional Use Hearing for property at 117 Noble Street at 7:16 pm. President Goshow then moved to the agenda for the regular Borough Council meeting.

Consideration was given to the minutes of the January 5, 2017 Special Meeting (Conditional Use Application), January 9, 2017 Regular Borough Council Meeting and the January 16, 2017 Work Session. A motion was made by Councillor Jeffrey Gross, seconded by Councillor Ned Leight, to approve the minutes as presented. The motion was approved.

Mayor John Reynolds presented Detective Joseph Rudner and his wife Virginia Rudner and Police Secretary Dianna Fields and her husband Donald Fields with a letter of recognition for their extraordinary contributions in planning and coordinating the "Community Night Out" event for the past several years, hosted by the Souderton police Department. Specifically the Community Night Out event hosted in August, 2016 was an unprecedented success with hundreds of police officers, fire fighters and ambulance personnel on site to interact with our citizens, along with a car show featuring more than 100 classic cars. In addition, the event generated the ability to forward a \$1,500 donation to the North Penn Goodwill Service.

Mayor John Reynolds, accompanied by Police Chief James P. Leary, presented a "Letter in Recognition for Extraordinary Conduct" to Souderton Police Officer James Throop; Souderton Police Officer Wayne Black; Telford Police Sergeant David Bechtel and Telford Police Officer Ryan Kochersperger as a commendation for an extraordinary response to a violent domestic on Washington Avenue in Souderton Borough in the early morning hours of December 31, 2016. Responding officers were informed of a violent domestic argument between a husband and wife and were further informed that the adult male was intoxicated, angry and stated he intended to confront and aggressively engage any officer he might encounter. Upon arrival, officers took action to extract the terrified wife, observing that the adult male focused a laser sight on the torso of the woman. When the woman took cover, the same laser sighted weapon was aimed directly at the chest of Souderton Police Officer James Throop, who successfully found appropriate cover. The adult male perpetrator was brandishing an AR-15 high powered rifle, later to be determined to be loaded, locked and charged with thirty rounds of ammunition. The officers managed to secure the scene, eliminating all avenues of escape. The perpetrator eventually laid down the weapon and officers effected his arrest. The incident concluded with the wife being

safe, the neighborhood was safe, the officers were safe and the perpetrator was safe. No one was killed or injured. Clearly the techniques, tactics and discipline that these officers displayed averted a catastrophe. The courage and constraint, as manifest by James Throop, Wayne Black, David Bechtel and Ryan Kochersperger served to create a safe and successful conclusion to an overwhelmingly dangerous situation.

Police Chief James Leary distributed the monthly statistical report of police department activity for the month of January. The narrative report will be presented and discussed at the February 20, 2017 work session.

The Borough Solicitor’s report for the month of January, 2017 was distributed to Borough Council. The Borough Solicitor attended the January 16, 2017 Borough Council work session and drafted the approval resolution for the Hunsicker Properties/Souderton Charter School conditional use application. The Borough Solicitor had several telephone conversations with the Borough Manager regarding the lease for the train station and the Berkeley Court development.

Borough Manager Michael Coll reported that the Zoning Hearing Board is scheduled to meet on Tuesday, February 28, 2017 to consider two applications. The first application concerns property at 59/61 Franklin Avenue, with the applicants seeking a dimensional variance to permit the conversion of the twin dwelling into a three unit multifamily dwelling. The second application concerns property at 209 Green Street, with the applicants seeking a variance to permit the conversion of a former church use to certain commercial uses. The remaining agenda items for this evening include formal consideration of an ordinance establishing the salary of the elected tax collector and formal consideration of an ordinance to increase sewer user fees by approximately ten percent effective with the February billing.

Councillor Daniel Houser noted the Souderton-Telford Main Streets “So You Think You Can Cook” event scheduled for March 8th at Generations.

Councillor Daniel Yocum distributed the monthly Historic Committee newsletter which featured the railroad and how it shaped Telford Borough.

Consideration was given to paying the bills for the month of January, 2017.

<u>GENERAL FUND</u>			
Beatrice Kaizar	\$200.00	U S Municipal Supply, Inc.	\$112.75
Bergeys, Inc.	228.68	Univest VISA	284.87
Blooming Glen Quarry	113.47	Wisners Auto Trim Shop	200.00
C & S Lawn and Landscape, Inc.	900.00	21 st Century Media	357.09
Carquest	37.83	Clemens Uniform Rental	99.31
Clemens Uniform Rental	166.06	Code Inspections, Inc.	157.50
Cope’s Garage, Inc.	2,732.02	Comcast Cable	217.20
Delta Dental	1,307.10	Cope’s Garage, Inc.	618.34
Eagles Peak Spring Water	32.55	George Allen Portable Toilets	77.00
Home Depot	62.84	Moyer Indoor/Outdoor	823.65
Midlantic Machinery	197.16	NAPA Auto Parts	28.68
Morton Salt	6,299.12	NetCarrier Telecom, Inc.	347.78
Moyer Indoor/Outdoor	575.75	PA DCED	636.00
Naceville Materials	28.63	PECO Energy	186.02
NAPA Auto Parts	91.80	Pennsylvania One Call System	45.92
North Penn Water Authority	341.70	PPL Electric Utilities	1,979.04
Postmaster, Lansdale	107.50	Shelly Enterprises-USLBM, LLC	6.72
PPL Electric Utilities	228.22	Suburban Propane	127.83
Robert W. Harley, RPR	280.00	Sudz In A Bucket	5.50
SEPTA	561.76	Univest VISA	417.68
Shelly Enterprises-USLBM, LLC	8.29	Verizon Wireless	223.44
Suburban Propane	372.96		
Triad Truck Equipment	2,496.00	Total General Fund	\$24,321.76
 <u>SEWER FUND</u>			
All Industrial Safety Products	\$137.31	Suburban Water Testing Labs	\$1,967.95

Clemens Uniform Rental	\$85.50	West Generator Services	\$1,716.98
Commonwealth Precast, Inc.	1,057.00	Youngs	11.20
David/Randall Associates, Inc.	332.22	Bergey's Electric, Inc.	2,679.80
Delta Dental	321.47	Cintas First Aid and Safety	95.75
Empire Scale Corporation	270.00	Clemens Uniform Rental	42.75
Fisher Scientific	236.13	Comcast Cable	84.90
Freedom Systems Corp	260.00	Coyne Chemical	3,171.85
Hach Company	133.49	Detlan Equipment, Inc.	221.60
Home Depot	12.49	Essex Service Corporation	1,109.68
Jesse Baro, Inc.	3,364.14	EVOQUA Water Technologies	2,060.21
L/B Water Service, Inc.	492.79	J. P. Mascaro & Sons	600.00
Lawson Products, Inc.	499.11	Jesse Baro, Inc.	1,110.02
North Penn Water Authority	96.74	NetCarrier Telecom, Inc.	149.31
Postmaster, Lansdale	107.50		
PPL Electric Utilities	21,879.15	Total Sewer Fund	\$44,307.04

SWIMMING POOL FUND

North Penn Water Authority	\$658.73	NetCarrier Telecom, Inc.	\$120.86
Recdesk, LLC	2,940.00	PECO Energy	67.85
Airgas National Carbonation	58.00	PPL Electric Utilities	493.46
Comcast Cable	207.46	Total Pool Fund	\$4,546.36

CAPITAL RESERVE FUND

Phillips & Donovan Architects	\$945.00	PPL Electric Utilities	\$7,874.00
Univest Bank & Trust Co.	1,565.97		
Univest Capital	3,155.23	Total Capital Reserve Fund	\$13,540.20

LIQUID FUELS FUND

PPL Electric Utilities	\$7,785.31
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A motion was made by Councillor Richard Godshall, seconded by Councillor Jeffrey Gross, to authorize payment of the bills for the month of January, 2017, as presented. The motion was approved.

President Brain Goshow opened the floor to the audience who may wish to address Borough Council on any topic or matter of concern.

Charl A. Wellner, 18 N Hunsberger Lane questioned the method used to advertise Sheriff Sales. She also commented on the proposed sewer rate increase, suggesting consideration of a five percent increase given the increase in the real estate tax rates by Montgomery County and the pending increase in School property taxes.

Richard D'Amico of Consign for Design on Main Street introduced the owners of Broad Street Pizza, located at 40 W. Broad Street in Souderton. The business was established in 2009 and recently added another store on Main Street in Lansdale Borough. They brought samples to share with Borough Council and audience members and highlighted their menu offerings and hours of operation.

There being no further public comment, Borough Council President moved to the business portion of the agenda.

A motion was made by Councillor Richard Godshall, and seconded by Councillor Daniel Houser, to enact Ordinance 17-733-01 establishing compensation for the elected tax collector for Souderton Borough effective January 1, 2018 through December 31, 2021. The motion was approved.

A motion was made by Councillor Daniel Yocum, and seconded by Councillor Richard Godshall, to enact Ordinance 17-734-02 establishing sanitary sewer charges for the use of the sanitary sewer system effective February 1, 2017. Councillor Kevin Souder responded to the concern raised by Charl Wellner. The proposed rate increase is estimated to provide \$120,000 of additional revenue to the sewer operating budget per year. At the request of Councillor Souder, Borough Manager Michael Coll outlined potential costs impacting the operation of the treatment plant along with pending capital improvements to

the sanitary sewer system. President Brian Goshow outlined operational efficiencies and methods to control costs that have been implemented over the past years. He also noted that Borough Auditor reports over the past several years have suggested the need to consider rate increases. There being no further comment, Borough Council approved the motion by unanimous vote.

There being no further business, the meeting was adjourned at 8:05 pm.

Respectfully Submitted,

P. Michael Coll, Secretary

WORK SESSION MINUTES AND COMMITTEE REPORTS

Public Works Work Session – February 13, 2017 (7:00pm-8:10pm)

Council Attendees: John Reynolds, Jeffrey Gross, Richard Godshall, Daniel Yocum, Daniel Houser, Tracy Burke and Richard Halbom. Junior Councillor E. Shane Myers.

Staff Attendees: Police Chief James P. Leary, Public Works Director Steven Coll and Borough Manager Michael Coll.

1. Sanitation Committee

- a. The Discharge Monitoring Report for the month of January, 2017 will be filed with no exception to permit limitations.
- b. Borough Manager Michael Coll reported that routine testing revealed elevated fecal coliform in the dewatered sludge, exceeding limits for land application. The lab results were reported to DEP and will result in a Notice of Violation. Elevated fecal coliform is a function of limited holding time in the unit sludge digesters. Longer detention under aeration is required to properly stabilize the sludge for land application. Chief Operator Sal DeSimone will institute operational revisions to maximize holding time. In the interim, the sludge will have to go to landfill at higher disposal prices until DEP authorizes the Borough to resume land application. We will consult with our engineer to respond to the violation notice.
- c. A sewer backup occurred behind the properties of 130 Main Street and 128 Main Street. Upon further investigation it was discovered that the properties and a few additional properties share a common sewer lateral running parallel with their buildings. A new gas service broke a section of the sewer lateral creating issues for the upstream properties. The Borough elected to install a new sewer main along the alley to the rear of the properties to correct and improve sewer service.

2. Highway Committee

- a. Public Works Director Steven Coll discussed public works activities during the past several weeks. Crews have now handled a total of 8 snow events this season, with only a total of 8 inches of snow. There were three separate ice events. The Borough purchased 100 tons of salt early in the season, using only half of the stock pile to date.
- b. Steve Coll circulated statistics on total brush and leaf collections for the 2016 calendar year.
- c. PennDOT informed the Borough that they have scheduled the paving of Main Street, from Harleysville Pike to Broad Street, in early summer of this

year. PennDOT is actually paving a larger section of Route 113 from Franconia Township through the Borough. In preparation for this work, Borough crews installed a section of granite curb along the Lumber Street intersection with Main Street and will be ordering granite curb to complete the intersection of West Chestnut Street and Main Street. The Highway Occupancy Permit that we obtained from PennDOT to complete the streetscape project required the milling and overlay of Main Street. Upon completion of the curb, the Borough will contract to mill Main Street and establish the finish grade of the street. PennDOT will then complete the final paving of the wearing surface as part of the planned road improvement project in early summer.

- d. Borough Manager Michael Coll discussed issues with the ginkgo trees along Main Street, East Broad Street and West Broad Street. The trees were planted by the Souderton Shade Tree Committee back in the 1980's. Since this time they have lifted sections of sidewalk, created nuisance fruit, have been severely cut by utility companies and several trees have since been removed. The Borough Manager noted that the trees are no longer providing the streetscape appearance that was intended, suggesting that it may be more appropriate to remove all of the trees. Borough Council agreed with the removal of the ginkgo trees and will evaluate a replacement street tree program. Borough forces will remove the trees and make temporary sidewalk repairs to eliminate tripping hazards.

3. Sidewalk Committee

- a. PennDOT has returned the plans for curb and sidewalk construction on County Line Road for further revision. The Borough Engineer resubmitted plans in early February to address the concerns raised by PennDOT. The Borough also received the CDBG contract agreement for curb and sidewalk construction along Montgomery Avenue. The Borough Manager instructed the Borough Engineer to proceed with design of the Montgomery Avenue project with the hope of bidding both projects at the same time. The Borough Manager noted that the utility poles along County Line Road will have to be relocated to accommodate the new curb and sidewalk. A work order has been executed with PPL and Verizon. The Borough can expect to be billed for the relocation expenses by the utility companies.

4. Recreation Committee

- a. The Borough Manager discussed some possible improvements for the Community Pool this season. The Manager suggested that improvements to install air conditioning in the concession stand to improve the efficiency of the refrigeration equipment. The large window screens will need to be replaced with glass and sliding windows. The work will further require modifications to the exhaust hood to add make up air to the unit. Estimates will be obtained.

The Borough Manager also noted that the old drop slides remain popular, but the equipment needs repair and eventual replacement. The Borough salvaged the drop slides from the old pool. Necessary repairs will be made for this season, with replacement options to be considered for future seasons. The Borough added several shade umbrellas to the pool last season and may add some additional units this season. The Borough Manager will be purchasing an automated pool vacuum for the lap pool for this season.

- b. The Borough Manager will move forward with obtaining quotes to remove trees from the Hillside Cemetery and in the Community Park. Several large oak trees have died or are in dangerous conditions. Borough forces will work to install the donated playground equipment this spring in the Community Park adjacent to or near the existing modular equipment.

- c. Borough Council suggested that the Borough sponsor the annual Clean-up Day Event on Saturday, April 22, 2017 meeting at the Community Park around 8 or 9 am.

5. Property Committee

- a. Borough Manager Michael Coll briefly reported on the status of the Train Station project. The project is now substantially complete, including work on the Freight Building. The contractor will return as weather moderates to complete exterior painting and any remaining punch list items.

Administrative Work Session- February 20, 2017 (7:00pm-9:00pm)

Council Attendees: John Reynolds, Brian Goshow, Ned Leight, Jeffrey Gross, Daniel Houser, Tracy Burke, Richard Halbom and Kevin Souder. Junior Councillor Shane Myers.

Staff Attendees: Police Chief James Leary, Borough Manager Michael Coll.

Presentation

Architect Richard Kapusta, along with his clients Michael and Zachary Moore, attended the Borough Council work session to discuss their pending application before the Zoning Hearing Board concerning property at 209 Green Street. The Moore's are considering the purchase of 209 Green Street which currently consists of a church and church offices on the first floor and three residential units on the second floor. The property was the subject of a prior Zoning Hearing to locate the church use in place of prior commercial uses. The prior applications required land development improvements creating a 25 space parking lot. The church has relocated from the building and the Moore's are considering replacing the church use with limited commercial uses as described in the Borough's C-2 Limited Commercial/Residential District. The application is scheduled to be heard by the Zoning Hearing Board on Tuesday, February 28, 2017. Borough Council members suggested that their list of potential uses were too broad and should be narrowed to more specific uses. In general, Borough Council suggested that retail should be eliminated, with a focus on office, professional office, medical uses, arts and dance studios. The applicants confirmed that they are not intending to consider any additional residential units. Borough Council elected not to take party status to this application.

1. Police Committee

- a. Police Chief Leary reviewed the narrative reports of police activities through the month of January.
- b. Chief Leary reported on a request to remove a handicapped parking space from 43 Adams Avenue, which is no longer needed. A request has been approved to add a handicapped parking space on Franklin Avenue for the Brandis family. Councillor Richard Halbom noted a request to widen the posted handicapped space on N Fourth Street. Residents are parking tight to the posted space making it nearly impossible for the intended applicant to park her car within the posted limits of the parking space.

2. Administrative Committee

- a. Borough Manager Michael Coll reported that the Pennsylvania Liquor Control Board has scheduled a hearing on Wednesday, March 8 in Plymouth Meeting to consider the economic development license for the Souderton Train Station. The Borough Manager will attend the hearing in support of the applicants. The prospective tenants met with Steve Toy at the Train Station to begin planning for the renovations to create the new restaurant. The Borough Manager will also work with the Borough Solicitor and SEPTA Real estate to

finalize the lease agreement.

- b. There has been interest expressed in the other two buildings. Most recently, Borough Council representatives have been approached about the potential to locate a brew pub within the freight building. Borough Council suggested that they submit a formal proposal for further consideration.

3. Development Committee

- a. Borough Manager discussed a pending application before the Zoning Hearing Board concerning property at 59/61 Franklin Avenue. The applicant is proposing to restore the current twin dwelling, but desires to add a third residential unit. Multifamily dwellings are permitted within the R-3 Zoning District; however, the Zoning Hearing Board will need to consider dimensional variances concerning net lot area and the maintenance of the existing front and side yard setbacks. Borough Council members expressed concern with the additional residential unit. Comments suggested that the property is too small to support the third unit. Off street parking is provided, but nearly the entire rear yard will be paved to accommodate the required parking. A recommendation was made to have Borough Council attend the hearing and take party status to the application.
- b. Borough Manager Michael Coll discussed a complaint received by the president of the Berkeley Court Phase 1 Homeowners Association concerning unfinished public improvements by developer Timothy Hendricks. A meeting has been scheduled for February 23rd to discuss the outstanding issues. The meeting will be attended by the Borough Solicitor, Borough Engineer and Steven Toy.

4. Finance Committee