

Regular Meeting

February 6, 2023

The Regular Meeting of Souderton Borough Council, held on the above date, was called to order by Council President Tracy W. Burke at 7:00 p.m. President Burke reminded the members and audience that the Borough Council meeting is being recorded and will be posted to the Borough web site.

Borough Councillor Courtnee Wampole provided the Invocation, which was followed by the Pledge of Allegiance to the Flag.

Borough Secretary P. Michael Coll conducted a Roll Call with the following members of Borough Council and staff present:

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| President Tracy W. Burke | Mayor Daniel L. Yocum |
| Councillor Daryl W. Littlefield | Junior Councillor Elijah S. Steglik |
| Councillor Julie A. Munden | Junior Councillor Estrela T. Sadiboko |
| Councillor Donna M. Rogers | |
| Councillor Matthew R. Sholly | Borough Manager P. Michael Coll |
| Councillor Richard M. Walczak | Solicitor Charlotte Hunsberger |
| Councillor Courtnee Wampole | Police Chief Brian Newhall |

Absent from the meeting were Borough Councillors Matthew DiNenna and Edward Huber.

Consideration was given to the minutes of the January 9, 2023 Regular Borough Council Meeting and the January 16, 2023 Borough Council Work Session.

A motion was made by Councillor Daryl Littlefield, and seconded by Councillor Courtnee Wampole, to approve the minutes of the January 9, 2023 Regular Borough Council Meeting as presented. The motion was approved.

A motion was made by Councillor Daryl Littlefield, and seconded by Councillor Richard Walczak, to approve the minutes of the January 16, 2023 Borough Council Work Session Meeting as presented. The motion was approved.

Mayor Daniel Yocum read from a prepared statement concerning the decision of Souderton Borough Council to reduce the Library Tax rate and increase the Fire Tax rate, equalizing both tax rates at 0.30 mills. There has been an unfortunate misrepresentation in the media and social media platforms of a planned effort to defund the Indian Valley Public Library. Souderton Borough continues to support the Indian Valley Public Library with a projected contribution of \$87,000 in 2023. Souderton Borough Council considered growing needs in both fire and potential EMS costs in this financial decision that was thoroughly and openly discussed during the fall Borough Council meetings. Souderton

Borough Council devoted considerable time and effort to develop a tough 2023 Budget, which supports the Indian Valley Public Library, addresses additional support to our fire service and maintains increased expenses to provide other municipal services. His comments were met with a standing ovation from the audience.

Police Chief Brian Newhall summarized police department activities. Chief Newhall has submitted documents to close out a DCED grant. The department is working to address some juvenile issues in the Community Park. Chief Newhall further reported that a recent fatality is under investigation, confirming that this was a single vehicle accident and was not a hit and run as some rumors suggest.

The Borough Solicitor's report for the month of January, 2023 was submitted to Borough Council. The Borough Solicitor completed and advertised the Zoning Ordinance amendment regulating small wireless facilities for formal consideration. The Solicitor met with Realtor Joseph Schwartz and Borough Manager Michael Coll to review amendments to the proposed property listing agreement and further review the process for marketing the Cherry Lane property and receiving sealed bids for the sale of the property. The Solicitor reviewed the Conditional Use application of School Lane Development with the Borough Manager.

Public Works Director Steven Coll was not in attendance, but his monthly report was circulated to members of Borough Council.

Borough Manager Michael Coll noted that the Souderton Planning Commission met last week on Wednesday, February 1, 2023. The next Borough Council work session will be held on February 20, 2023. The Borough Offices will be closed on February 20, 2023 for the Presidents Day Holiday, but staff will return for the work session. Borough Council will conduct a Conditional Use hearing on Monday, February 27, 2023 beginning at 7:00 pm to consider a proposal by School Lane Development to locate a Starbucks restaurant in the Towne Gate Commons development fronting East Broad Street with a drive through service window. Drive through service windows must be approved as a conditional use. The next Borough Council meeting will be Monday, March 6, 2023. Due to a planned vacation, the March Borough Council Work Session has been moved to Monday, March 13, 2023.

The Borough Manager reported on the agenda for the Borough Council meeting. The first item of business is formal consideration of an ordinance regulating small wireless facilities. There are no proposals at this time, but the planning commission suggested proactive action to establish certain regulations in advance of any future development. Bids were received for various equipment rentals. The only bid was from P. K. Moyer and Sons who has held this contract for many years. A recommendation was made to formally award the contract to P. K. Moyer and Sons. Given the recommendations of the Borough Solicitor, a recommendation has been made to

authorize execution of a marking proposal with Schwartz and Company concerning the sale of the Borough’s Cherry Lane parcel. The Borough must first complete and record the subdivision plan with Franconia Township to create the parcel. A recommendation has been made to utilize the services of the Lafayette College Meyner Center to complete the search for the next Borough Manager. The Souderton Planning Commission has recommended approval of the development of the Branch Creek Brewery and Taproom at 30 W. Chestnut Street. The last two items concern authorization to create and ordinance formally enacting One way Traffic restrictions that have been posted under temporary trial periods. The second Ordinance is an amendment to the current Sign ordinance provisions addressing murals and updating other sign provisions.

Councillor Julie Munden reported that her committee will be meeting with the Lafayette College Meyner Center on February 27, 2023 to begin preparations for the Borough Manager search.

Councillor Daryl Littlefield noted that Borough Council office hours are scheduled for Saturday, February 18, 2023 from 11:00 am to 1:00 pm in the lobby of the Souderton Municipal Building. The committee is working to complete articles for the next edition of the Indian Valley Chamber of Commerce Newsletter.

Councillor Matthew Sholly noted that the committee is making very good progress on the Souderton Borough Facebook page. More detailed discussion is planned for the February 20, 2023 Borough Council Work Session.

Councillor Courtnee Wampole reported that the Parks and Recreation Committee met with Bennington Pool Services to operate the Souderton pool for the 2023 summer season. The committee will discuss membership rates and additional staffing requirements at the February Borough Council Work Session.

Consideration was given to paying the bills for the month of January, 2023.

GENERAL FUND

21 st Century Media	\$205.90	Sherwin Williams	\$40.37
Altek Business Systems, Inc.	151.96	Something Better, Inc.	1,118.88
Altek Business Systems, Inc.	3,208.23	Star Bright Car Wash	66.00
Axon Enterprise, Inc.	216.00	Steven R. Coll	317.36
Bergey’s, Inc.	169.34	Towne Answering Service	550.00
Bow Wow Waste Products	263.97	Univest VISA	429.21
Britton Industries	1,150.25	Univest VISA	211.98
Britton Industries	270.87	Unum Insurance Company	1,469.07
Cargo Trailer Sales, Inc.	235.98	Verizon	75.48
Chris Boyle Law Enforcement Co.	594.00	Verizon Wireless	260.52
Clemens Uniform Rental	20.68	Action Target	97.16
Comcast Cable	1,235.58	Clemens Uniform Rental	127.87

Cope's Garage, Inc.	\$1,737.59	Comcast Cable	\$556.16
Dianna Fields	677.22	Crystal Springs	114.39
EMS Educational Services, Inc.	325.00	D. L. Beardsley, Ltd.	22.35
George Allen Portable Toilets	279.00	Delta Dental Gettysburg Benefit	1,305.12
Good Plumbing Heating A/C, Inc.	155.50	Dianna Fields	353.43
Home Depot	250.48	Fastenal	599.42
International Assoc. of Chiefs	190.00	FP Finance Program	359.00
J. P. Mascaro & Sons	73,534.49	Fretz Enterprises	51.90
Law Office of Aaron Moyer	1,350.00	GALCO Business Comm.	159.42
Maryjane Yoder	167.42	Home Depot	237.08
McDonald Uniform Company	710.85	Independence Blue Cross	20,652.81
Morton Salt	1,383.59	Moyer Indoor/Outdoor	1,589.29
Moyer Indoor/Outdoor	1,662.45	NetCarrier Telecom, Inc.	305.26
NAPA Auto Parts	160.13	North American Benefits Co.	1,881.39
Nationwide Trust Company	1,941.74	PA One Call System	68.64
North Penn Water Authority	502.06	PPL Electric Utilities	979.10
P. K. Moyer & Sons, Inc.	1,210.30	Suburban Propane	587.66
PECO Energy	361.32	Telford Press Printers	2,929.00
Police Chiefs Assoc. Montg. Co.	500.00	Univest VISA	686.36
PPL Electric Utilities	467.96	Univest VISA	102.61
RecDesk, LLC	3,800.00	Verizon Wireless	166.34
Richter Drafting Office Supply	801.94	Wise Electric	264.00
Riverside Construction Material	9,513.88	Total General Fund	\$148,140.31

SEWER FUND

Altek Business Systems, Inc.	\$177.96	Clemens Uniform Rental	\$97.34
Altek Business Systems, Inc.	120.65	Comcast Cable	245.36
Bearing & Drive Solutions	53.50	CP Rankin, Inc.	778.46
Clemens Uniform Rental	48.67	Delta Dental Gettysburg Benefit	308.60
Comcast Cable	235.36	Empire Scale Corporation	335.00
Coyne Chemical	5,052.12	Home Depot	39.49
Essex Service Corporation	1,890.30	Independence Blue Cross	3,903.52
J. P. Mascaro & Sons	5,508.37	J. P. Mascaro & Sons	4,027.64
L/B Water Service, Inc.	1,614.86	NetCarrier Telecom, Inc.	109.03
Mike Nelson Consulting	1,300.00	North American Benefits Co.	360.65
North Penn Water Authority	164.15	PA DEP	145.83
Precision Solutions, Inc.	303.50	PPL Electric Utilities	136.36
Unum Insurance Company	283.18	Suburban Water Testing Labs	1,855.84
USA Blue Book	479.61	Telford Press Printers	1,542.00
Verizon	104.10	Total Sewer Fund	\$31,221.45

POOL FUND

Comcast Cable	\$184.20	Comcast Cable	\$191.49
North Penn Water Authority	680.21	NetCarrier Telecom, Inc.	91.79
PECO Energy	232.81	PPL Electric Utilities	120.94
Airgas National Carbonation	101.86	Total Pool Fund	\$1,603.30

CAPITAL RESERVE FUND

Bishop Wood Products, Inc.	\$612.00	Montg. Co. Conservation Dist.	\$1,547.50
C & S Lawn & Landscape	13,565.80	Phillips & Donovan Architects	2,625.00
H & K Materials, Inc.	247.55	The Profile Image	5,355.00
Highway Materials	3,549.95	Montg. Co. Conservation Dist.	952.50
Home depot	63.44	Total Capital Reserve Fund	\$28,518.74

LIQUID FUELS FUND

PPL Electric Utilities	\$7,110.37	PPL Electric Utilities	\$283.00
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A motion was made by Councillor Matthew Sholly, and seconded by Councillor Daryl Littlefield, to authorize the payment of bills for the month of January, 2023 and the recurring expenses for the month of February, 2023, as presented. The motion was approved.

President Tracy Burke opened the floor to the audience for public comment.

Lucy Ruth, 237 Washington Avenue, questioned the viability of the shared parking agreement with Univest Bank and Trust Company for the Branch Creek Brewery and Taproom. The Univest lots are already used by the Broad Theater and the Broad Street Italian Restaurant. Borough Council clarified that Univest Bank agreed to also open their parking lot adjacent to the property at 30 W. Chestnut Street which currently is not utilized for evening and weekend parking.

Penelope Price, 402 E. Broad Street and the Souderton Borough Representative to the Indian Valley Public Library Board of Directors, confirmed that the Indian Valley Public Library had no involvement with recent articles published in the local papers and in social media. In fact the Indian Valley Library Board of Directors discussed and agreed to the funding change proposed and enacted by Souderton Borough Council.

Christina DiVergigelis, Manager, Souderton Connects reported on the Volunteer Recognition event on Thursday, February 23, 2023 and the So You Think You Can Cook event, which will be held at the Souderton Fire House on March 8, 2023.

Dillon Stroup, 334 W. Cherry Lane, questioned the potential use for the Cherry lane parcel to be sold by Souderton Borough. Mayor Yocum explained that the Borough is anticipating a commercial building will be constructed on the parcel however, Franconia Township will need to approve and permit the eventual development. In further conversation it was discovered that there was confusion with the actual parcel. The question was actually about a parcel formally owned by Leidy’s Meats along W. Cherry Lane. This lot is not owned by Souderton Borough and development would be reviewed and approved by Franconia Township.

Michael Pipe, 570 E. Garfield Avenue, commented “my intention here tonight

was to come and just listen; try to catch up on how things were progressing. But, having heard the Mayor's statement, I also want to commend the Mayor on making that statement. Being open in that way – you, as an adult man – fully-comfortable in who you are is one thing. But consider the high school students in the Central Bucks School District or the Pennridge School District who aren't quite sure who they are yet, but they're figuring it out. Policies passed by those two school districts are intolerant, if not hateful, and they are targeting a specific community – the LGBTQ+ community. So, there is a certain anxiety level here in Souderton Borough and Souderton Area School District. Those of us who like to think “Oh, it can't happen here” are starting to be concerned that yes, it can happen here. If you haven't been to a school board meeting in the last six to nine months, maybe you should consider attending - any one of you. Because it is rearing its ugly head in our school district.”

“And so, when their playbook is to lobby for defunding of the library and lobby for that funding to go either to the police or the fire department, we saw that playbook play out here – at least by appearances. And to compare both of these special taxes in the same sentence as being “well, we're taking away from the library and we're giving to the fire department – or the fire company – it raises that anxiety level another level up higher. And, given that the Borough received three-quarters of a million dollars from the federal government through the American Rescue Plan Act, one has to wonder: Where does this financial need come from to cut back the library funding? And without a statement from the taxing authority in the borough, which is Borough Council – no offense to you, Mr. Mayor, you don't sit on Borough Council; you're not a member of the taxing authority, it's these nine people. Without a statement from them explaining the rationale, separately for reducing the library funding and separately for increasing the fire company funding, we are left to imagine that there is some sort of a connection here (to the groups lobbying for defunding the library).”

“Both of these services, I like to say, fight enemies of humankind. Okay? The fire company, it's fire. Okay? The library, it's ignorance. And ignorance often travels with intolerance. And we are living in a time when this intolerance is getting closer and closer and closer. So, there you have it. I speak for myself, not for any community organization or group. Thank you for the time.”

Council President Tracy Burke commented that the posted meeting minutes of Souderton Borough Council accurately reflect the discussions of Borough Council in developing the 2023 Budget.

Following comments from Council President Burke, Mr. Pipe responded “that I didn't come here to debate and, like I said first off, I came here to listen. But, what you just did, was you gave a rationale for increasing the Perseverance Fire Company funding, but nothing to explain why the library funding was cut. Now, if the rationale is: we're a poor borough and we have to cut back a bit on the library, then end of discussion. But, that is not what I've heard or seen.”

Councillor Courtnee Wampole commented that she felt the media rushed to publish an entirely false narrative about the funding discussions and she is calling on the media for a retraction.

Following comments from Councillor Wampole, Mr. Pipe responded “that he did not claim that anyone on council was ignorant, and I find that your response to me – the angry tone to it – is inappropriate for this kind of a forum.” At this point, President Burke suggested that the discussion should end.

Later on in the Public Comment, after others had made comments, Councillor Matthew Sholly made a comment in response to the comments of Mr. Pipe noting that an original proposal of Souderton Borough Council was a reversal in the tax rates. The Board of Directors of the Indian Valley Public Library discussed their concerns with Borough Council and subsequently Borough Council re-evaluated the level of funding. There was no other discussions beyond the level of funding.

Council President Burke permitted Mr. Pipe to respond further commenting “you went from .33 mills, to .27 mills, then to .30 mills but, when the vote – when the motion came up to approve the millages, another effort was made to reduce the millage for the library back to .27 mills. Okay? What I’m saying is, the full story needs to be told. When you leave that fact out it appears to be misleading. You spoke with the library but, in spite of speaking to the library, an effort was made to – once again – pull that funding down. It’s just a matter of: Let’s tell the whole story. I know it’s not a courtroom but, the truth the whole truth and nothing but the truth. That’s what I expect from my elected officials – whether they’re sworn or not.”

Priscilla Newman, 17 ½ Franklin Avenue, questioned funding to the Indian Valley Public Library from neighboring municipalities.

Wade Hanshaw, 527 Valley Lane, commented that one cannot be exclusionary and serve in municipal government.

There being no further public comment, Council President Tracy Burke moved to the business portion of the agenda with formal consideration of an ordinance regulating small wireless facilities.

A motion was made by Councillor Matthew Sholly, and seconded by Councillor Donna Rogers, to enact Ordinance No. 23-756-01 amending the Zoning Ordinance to provide regulations for small wireless facilities located within Souderton Borough rights of way. The motion was approved.

A motion was made by Councillor Courtnee Wampole, and seconded by Councillor Daryl Littlefield, to award the Equipment Rental Contract to P. K. Moyer and

Sons, Inc., 832 Allentown Road, Earlington, Pennsylvania for the period February 1, 2023 through December 31, 2024. The motion was approved.

A motion was made by Councillor Matthew Sholly, and seconded by Councillor Daryl Littlefield, to authorize the execution of a consulting agreement with Schwartz and Company, Montgomeryville, Pennsylvania to assist with the marketing and sale of the Cherry Lane parcel in Franconia Township. The motion was approved.

A motion was made by Councillor Julie Munden, and seconded by Councillor Donna Rogers, to authorize the execution of a consulting agreement with Lafayette College Meyner Center to assist with the search and appointment of the next Borough Manager and administrative staff. The motion was approved.

A motion was made by Councillor Daryl Littlefield, and seconded by Councillor Courtnee Wampole, to approve the development plans of Branch Creek Brewery and Taproom for property at 30 W. Chestnut Street, Souderton. The motion was approved.

A motion was made by Councillor Daryl Littlefield, and seconded by Councillor Julie Munden, to authorize the preparation and advertisement of an Ordinance for formal consideration enacting One Way Traffic restrictions on S. School Lane and on Diamond Street as currently posted under temporary order. The motion was approved.

A motion was made by Councillor Courtnee Wampole, and seconded by Councillor Donna Rogers, to authorize the preparation and advertisement of an Ordinance for formal consideration amending the Zoning Ordinance Sign Regulations. Council President Tracy Burke questioned Borough Council on the current proposed restriction on the size of murals on the front façade of a building. This restriction has been met with various opinion and prior to the preparation and advertisement of a formal ordinance this matter should be firmly decided.

Following much discussion, a motion was made by Councillor Daryl Littlefield, and seconded by Councillor Matthew Sholly, to amend the initial motion to remove the restriction on the size of murals on the front of a building façade. This motion was approved by a vote of 6 ayes and 1 nay, with the dissenting vote cast by Councillor Richard Walczak.

Borough Council then re-visited the original motion. The original motion was then restated and amended by Councillor Courtnee Wampole, and seconded by Councillor Donna Rogers, to authorize the preparation and advertisement of an Ordinance for formal consideration amending the Zoning Ordinance Sign Regulations with no restriction on the size of murals on the front façade of buildings. This motion was approved by a vote of 6 ayes and 1 nay, with the dissenting vote cast by Councillor Richard Walczak.

There being no further business, the meeting was adjourned at 8:18 pm.

Respectfully submitted,

P. Michael Coll, Secretary