

Regular Meeting

February 1, 2010

The Regular Meeting of Souderton Borough Council was then called to order by President Brian K. Goshow at 7:30 p.m. Members of Borough Council present at the regular meeting included the following:

President Brian K. Goshow	Councillor Edward Huber
Vice-President Andrew C. Schlosser	Mayor John R. Reynolds
Councillor Ned D. Leight	Junior Councillor Daniel Yocum
Councillor D. Jeffrey Gross	Solicitor Robert G. Bricker
Councillor Steven J. Toy	Borough Manager P. Michael Coll
Councillor Jonathan Gardenier	Public Works Director Steven R. Coll
Councillor Richard Halbom	Police Chief Charles A. Quinn, Sr.

Absent from the meeting was Councillor John Young. The Invocation was given by Councillor Jonathan Gardenier, followed by the Pledge of Allegiance to the Flag.

Consideration was given to the minutes of the January 4, 2010, Reorganization and Regular Borough Council Meeting. Councillor Richard Halbom requested a revision to the January 18th work session minutes to clarify resident statements made concerning the South Front Street matter. According to interviews conducted by Councillor Halbom, he does not know of any resident who did not favor the stop signs at Montgomery Avenue and South Front Street. A motion was made by Councillor Richard Halbom, and seconded by Councillor Ned D. Leight, to approve the minutes of the January 4, 2010 Reorganization and Regular Borough Council Meeting as presented and the January 18, 2010 Work Session minutes as corrected. The motion was approved.

The Borough Solicitor's report for the month of January, 2010 was distributed to Borough Council. The Solicitor completed the purchase agreement and lease agreement regarding the proposed transfer of the Scout Cabin property to the Borough. The Borough Solicitor is in the process of reviewing the proposed C-2 Commercial Zoning Ordinance amendments. They also met with Code Enforcement Officer Carl Stuart to review building permit violations concerning property at 162 N. Main Street.

Borough Manager Michael Coll reviewed the agenda items for consideration of Borough Council. Bids were received and opened earlier this afternoon concerning the sale of the 1990 John Deere Backhoe and surplus property from the swimming pool parking lot. A tabulation of the bids received has been distributed to Borough Council for consideration. Representatives from the Souderton Lions Club and Scout Troop 401 are in the audience to address the proposed transfer of the scout cabin property to the Borough. A recommendation has been made to move forward with the purchase of a new John Deere backhoe loader under the state COSTARS contract, financed through a municipal lease. The sale of the old machine will be used as the required down payment for the new machine. The Pool Committee is recommending approval of a consulting agreement with Susan Kerns to assist in the fundraising effort for the pool renovation project. Two temporary traffic restrictions have been recommended for consideration. The first is to extend the two hour parking restriction in the new Main Street Parking lot to include the spaces along the northern boundary of the lot. The section of parking to the rear along the railroad will remain unlimited. A handicapped parking space has been requested for a resident at 141 Central Avenue. Montgomery County Planning Consultant Hannah Mazzaccaro and representatives of Borough Council and the Souderton Planning Commission have completed an extensive review and drafted a new C-2 Commercial Zoning District. They are also proposing to extend the district north along Main Street and east to Second Street. The new zoning district will provide for mixed uses and smaller scale cafes and retail shops to complement the efforts of the core business district. The ordinance is modeled towards a village commercial district that other municipalities have used. A recommendation has been made to authorize the advertisement of this ordinance for formal consideration at the April Borough Council meeting. The last items concerns authorization to advertise bids for various road materials, equipment rentals and oil and chip surface treatment, in place.

Councillor Jeffrey Gross reported on the recommendation of the Pool Committee to approve the consulting services agreement with Susan J. Kern to assist in the fundraising efforts for the renovation of the Souderton Community Pool. She has experience in this area, most notably working with the Telford Lutheran Community and other local non-profit organizations. She will work with the Committee on a mail fund drive campaign and will assist with personal meetings with potential major donors. The committee feels that a fundraising consultant is necessary to formalize the various

fundraising efforts particularly in this tough economy. Councillor Jeffrey Gross also reported on the status of the plans and project specifications as prepared by Wade Associates. Wade Associates are working towards finalizing the plans and bidding documents. Jeff Gross also met with representatives from the Souderton Swim Team to review the renovation plans.

Councillor Jonathan Gardenier questioned whether any formal RFP was used for the fundraising consultant. Councillor Jeffrey Gross replied that this individual was recommended to the committee by another Borough resident who initially approached the Borough about using a professional fundraising consultant. Councillor Gross further noted that Susan Kern has worked on some larger projects. The agreement is structured on an hourly basis with the Borough having total discretion on the amount of time and investment that they want to commit to this fundraising effort.

Consideration was given to paying the bills for the month of January, 2010.

GENERAL FUND

Independence Blue Cross	\$15,660.23	Montgomery County Treasurer	\$200.00
North American Benefits	945.13	Montgomery County Treasurer	200.00
PPL Electric Utilities	8,576.77	Petty Cash Fund	195.15
PSAB	150.00	USPS Postmaster	132.00
Unum Insurance Company	827.34		
		Total General Fund	\$26,886.62

SEWER FUND

North American Benefits	\$307.60	Altek Business Systems	\$62.25
PPL Electric Utilities	18,141.11	Clemens Uniform Rental	243.13
Unum Insurance Company	246.75	Independence Blue Cross	4,249.32
		Total Sewer Operating Fund	\$23,250.16

CAPITAL RESERVE FUND

Concrete Service Materials	\$830.88	Uninvest VISA	\$216.42
Uninvest National Bank	6,090.28		
		Total Capital Reserve Fund	\$7,137.58

A motion was made by Councillor Andrew C. Schlosser, and seconded by Councillor Jeffrey Gross, to authorize payment of the bills for the month of January, 2010, as presented. The motion was approved.

President Brian K. Goshow announced that the proposed Resolution concerning the Scout Cabin property transfer will be moved to the first item for consideration since there are some representatives in the audience who have requested an opportunity to make some comments to Borough Council. President Goshow then opened the floor to the audience who may wish to address Borough Council on any other topic other than the Scout Cabin transfer. There being no comments from the audience, President Goshow moved to the scheduled items of business, with the first item being the Scout Cabin.

Souderton Lions Club President Chuck Pepkowski addressed Borough Council members with a history and background of the Scout Cabin and Troop 401. Zwingli United Church of Christ started the Boy Scout troop in 1925. Jake Frederick was a charter member of the Souderton Lions Club which was formed in 1927. Jake was also a scout leader and challenged the members of the Lions Club to construct a Scout Cabin on the plot of ground adjoining the Souderton Community Park. Jake Frederick may have been involved in securing this ground. In 1954 the Lions Club constructed this building, which now serves as a meeting place for nearly 100 scouts every week. Some members of the Lions Club have been involved in scouting for 70 years.

Lions Club President Chuck Pepkowski expressed appreciation to Attorney Michael Kracht, representing Zwingli United Church of Christ, Solicitor Robert Bricker and Thomas Leidy, who

represented the scouts, in moving this proposed transfer forward. Appreciation was also expressed to Anton Schmidt, Del Muse and Greg Muse on the Souderton Lions Club. There were quite a few other people involved in this process. Souderton Borough Council has been extremely cooperative in this effort. The youth of our Community will benefit by this effort in securing a facility for them to meet, learn, grow and develop into excellent leaders and productive adults. The Lions Club is very blessed to have such a fine supporting Community.

A motion was made by Councillor Ned D. Leight, and seconded by Councillor Richard Halbom, to adopt Resolution No 10-03 authorizing the Borough to acquire certain real estate and improvements known as 447 Wile Avenue for use as a scout cabin, community building and park. President Goshow opened the floor for discussion on the motion. Councillor Andrew Schlosser expressed concern with the proposed Lease Agreement. The lease is written with no term and no way for the Borough to terminate the lease. Councillor Schlosser felt that there should be some limitations on the down side for the Borough should something unforeseen arise. Councillor Gardenier noted that the lease agreement was written by design to insure that the Boy Scouts use of the cabin will be ongoing. There is concern if the Borough is obligated to rebuild the cabin or return the property back to the Lions Club if the building is destroyed by fire. Councillor Ned Leight noted that the Lease Agreement does contain a default clause if the scouts fail to perform or use the facility as intended.

Borough Solicitor Robert Bricker noted that there is no term on the lease, the Lease is perpetual. The Scouts will have the use of the cabin in perpetuity, which is one of the reasons why the lease was written in this way. The Borough will insure the building against fire or other loss. The Lease Agreement is actually written between the Borough and Zwingli Church which is the chartering organization. The Borough Solicitor noted that there is no obligation to return the property if there is a default and there is no obligation to replace the building or provide alternative meeting places. Councillor Gardenier noted that he is comfortable with the perpetual nature of this lease.

President Goshow asked in there was any other discussion on the proposed Resolution. The motion to approve Resolution No 10-03 was approved by a vote of 7 yeas to 1 nay, with Councillor Schlosser dissenting.

Bids for the purchase of the 1990 John Deere backhoe were next considered by Borough Council. The bids were received and opened at a public hearing at 2:00 pm on Monday, February 1, 2010 and tabulated as follows:

TABULATION OF BIDS
February 1, 2010 (2:00 pm)
1990 John Deere Model 510 Backhoe

Ethan Ward 279 Shaler Rd., West Alexander, PA15376	\$7,856.50
Nice Contractors. Inc. 326 S 4 th Street, Perkasio, PA 18944	\$7,600.00
Douglass Pannepacker 1330 Campbell Rd., Green Lane, PA 18054	\$7,500.00
Christopher Molyneaux 2206 Warner School Rd., East Greenville, PA 18041	\$7,000.00
Plasterer Equipment Company 3215 State Rd., Sellersville, PA 18960	\$5,500.00

A motion was made by Councillor Jonathan Gardenier, and seconded by Councillor Andrew Schlosser, to accept the bid of Ethan Ward, 279 Shaler Road, West Alexander, Pennsylvania to purchase the 1990 John Deere Backhoe at a price of \$7,856.50. The motion was approved.

Bids were also considered for the purchase of the irregular parcel from the swimming pool parking lot. Sealed bids were received and opened at a public hearing at 2:00 pm on Monday, February 1, 2010 and tabulated as follows:

Irregular Parcel, Swimming Pool Parking Lot

P. Michael Coll	\$8,300.00
-----------------	------------

458 Wile Avenue, Souderton, PA 18964	
Nice Contractors. Inc. 326 S 4 th Street, Perkasio, PA 18944	\$50.00

A motion was made by Councillor Jonathan Gardenier, and seconded by Councillor Jeffrey Gross, to accept the bid of P. Michael Coll, 458 Wile Avenue, Souderton, Pennsylvania to purchase a 2,373 sf irregular parcel of ground to be subdivided from the swimming pool parking lot for the consideration of \$8,300.00. The motion was approved.

A motion was made by Councillor Richard Halbom, and seconded by Councillor Jonathan Gardenier, to authorize the execution of a purchase order and lease agreement through Plasterer Equipment Company to purchase a new John Deere 410J Backhoe Loader at a net cost of \$87,962.88, under COSTARS/DGS 2420-02 pricing. Borough Manager Michael Coll felt that the COSTARS contract provides the best pricing for a John Deere machine. The machine will be financed through a 48 month lease, with payments just under \$25,000 per year. The 2010 Budget allocated a total of \$35,000 in the Capital reserve Fund towards this planned purchase. The motion was approved.

Councillor Jonathan Gardenier questioned whether travel time is compensated at the rate of \$60.00 per hour. It was determined that travel time will be charged in this fashion. President Brian Goshaw noted that he felt comfortable with the hourly rate and the flexibility over the amount of hours. This does not appear to be a large expense item for the Borough. A motion was made by Councillor Jeffrey Gross, and seconded by Councillor Andrew Schlosser, to authorize the execution of a consulting agreement with Susan Kerns Consulting to assist with fundraising activities for the Swimming Pool Renovation Project. The motion was approved.

A motion was made by Councillor Jonathan Gardenier, and seconded by Councillor Andrew Schlosser, to authorize the posting of a two hour parking restriction along the north section of parking stalls in the Main Street parking lot for a 90 day trial period per Mayor's order. The motion was approved.

A motion was made by Councillor Ned Leight, and seconded by Councillor Andrew Schlosser, to authorize the posting of a handicapped parking space in front of 141 Central Avenue for a 90 day trial period per Mayor's order. The motion was approved.

Borough Manager Michael Coll explained the proposed C-2 Commercial District ordinance revisions and the extension of the C-2 Commercial District. He explained the advertising and notification requirements that must be completed, with the earliest opportunity for formal consideration at the April 5, 2010 regular Borough Council meeting.

A motion was made by Councillor Jonathan Gardenier, and seconded by Councillor Jeffrey Gross, to authorize the Borough Solicitor to prepare an advertise the new C-2 Commercial Limited/Residential District Zoning Ordinance and Zoning Map revisions for formal consideration at a public hearing on Monday, April 5, 2010. The motion was approved.

A motion was made by Councillor Richard Halbom, and seconded by Councillor Andrew Schlosser, to authorize the advertisement for bids for various road materials, various equipment rentals and in place oil and chip surface treatment for consideration at the March 1, 2010 regular Borough Council meeting. The motion was approved.

There was some discussion among Borough Council members and the Borough Manager on efforts to secure the leases on the train station property from SEPTA.

There being no further business, the meeting was adjourned at 8:30 pm.

Respectfully submitted,

P. Michael Coll, Secretary

WORK SESSION MINUTES AND COMMITTEE REPORTS

Public Works Work Session – February 8, 2010 (7:00 pm-8:15 pm)

Council Attendees: Mayor John Reynolds, Brian Goshow, Ned Leight, Jeffrey Gross, Andrew Schlosser, Steven Toy, Jonathan Gardenier and Edward Huber. Junior Councillor Daniel Yocum.

Staff Attendees: Public Works Director Steven Coll, Borough Manager Michael Coll.

1. Sanitation Committee

- a) The January, 2010 Discharge Monitoring Report will be filed with three exceptions to permit limitations regarding high fecal counts. The plant built up an unusually high level of nitrogen that blocked the effectiveness of chlorine to disinfect the effluent. Aeration was reduced to initiate de-nitrification which in turn reduced chlorine demand and improved the effectiveness of chlorine to disinfect the effluent. Fecal counts have since returned to normal levels. All other treatment parameters were well within limits.
- b) Chief Operator Sal DeSimone reported that 310,500 gallons of septic waste was received from the Souderton High School, hauled by Clemen's Septic. The utility truck was repaired by Farm Bureau Garage and he is receiving quotes for an inline grinder unit to be installed on the suction side of the new sludge pumps. The grinder unit will be necessary to produce higher quality dewatered sludge for eventual land application.
- c) We are working to receive proposals from electrical generators to compare with current charges and hopefully reduce costs. Rate caps were released as of January 1, 2010 for all PPL Electric customers.
- d) Steve Coll reported that K & A Services were called to assist in opening sewer mains in the 200 block of Mifflin Street and in the 100 block of Penn Avenue. The sewer main servicing the 200 block of Mifflin Street is in the paper street right of way of Adams Avenue. K & A Services initially opened the main and returned about a month later to televise the line revealing a large quantity of roots infiltrating the main. The roots were cleared from the main, but are probably built up within the individual lateral connections.

2. Highway Committee

- a) Public Works Director Steve Coll reported that crews spent a fair amount of time addressing snow storms. Crews were out three times for plowing and twice for spot salting and plowing. Severe weather is forecasted for the coming week. To date the Borough used 192 tons of salt and 80 tons of anti-skid screenings. The Holiday decorations were turned off with removal scheduled upon completion of repairs to the utility truck. Crews started to remove the 2 Hour Parking signs around the former High School. The signs and posts will be salvaged. The signs can be refaced for other applications.
- b) The Borough executed the sales agreement with high bidder Ethan Ward to purchase the 1990 John Deere backhoe. The purchase price of \$7,856.50 was received in full and the machine is scheduled to be picked up this week. A Purchase order was executed with Plasterer Equipment to purchase the new John Deere backhoe loader. Plasterer has supplied a machine on loan until the new machine is received.
- c) Advertisements and contract specifications were completed and distributed to obtain bids for various road materials, equipment rentals and oil and chip surface treatment. Bids will be received and opened at 2:00 pm on Monday, March 1, 2010. The bids will be reviewed and tabulated for formal consideration at the March 1st Borough Council meeting.

3. Sidewalk Committee

- a) No new items were discussed.

4. Recreation Committee

- a) Committee members reviewed the renovation plans for the two swimming pools and new

bathhouse and discussed the overall status of the project. Committee members have held regular meetings with the newly appointed fundraising consultant and the committee is scheduled to meet again on Tuesday, February 16th, hopefully with a few more members of the community.

The Borough received confirmation from the Pennsylvania Department of Conservation and Natural Resources that they have allocated a grant of \$140,000 towards the zero entry construction on the upper pool. Senator Charles McIlhinney recently reported that Governor Rendell has released a \$50,000 grant to Souderton Borough earmarked towards planning and engineering expenses. Former Councillor Ray Yothers was very instrumental in setting up the initial meeting with Senator McIlhinney that led to this grant application.

Steve Coll reported that crews began interior demolition of the bathhouse. More extensive work will begin as weather conditions improve. The Borough Engineer is currently working on site improvements for the new bathhouse location, improvements to the existing parking lot, completion of the subdivision plan between the pool parking lot and 458 Wile Avenue and the future potential to add a new parking lot around the scout cabin property.

Wade Associates have made significant progress in the design of the pool renovation plans and the new filter house. The consultant is recommending that the Borough proceed with bidding this phase of the project as soon as possible to take advantage of the competitive bidding market and establish real cost data for budget and financing considerations. Contractors will be asked to hold their bids for a period up to 90 days from opening. Committee members recommended that Borough Council proceed with formal bids. A motion will be prepared for formal consideration at the March 1, 2010 Borough Council meeting.

- b) Committee members discussed a request to consider the establishment of a “Dog Park” at the Holly Hill Park. The dog park is essentially a fenced area to control and exercise dogs. These facilities have become very popular in other municipalities. Recreation Committee Chairman Jeffrey Gross noted that the dog park can be constructed by Borough forces, but interested dog owners will be asked to contribute towards the material expenses. There should be a relatively minor outlay of capital required to begin to develop the park. Liability and regulations will have to be reviewed with the expectation that the users will self police the park.
- c) Committee members were informed of a request to consider locating an ice skating rink within the Community Park near the pavilion. There are a number of portable rinks on the market, but many are oriented towards residential properties. Another possibility may be to incorporate this in the design of the new future parking lot. Committee members noted that the Borough had a skating pond at the Lawn Avenue playground, which was removed to accommodate the new park construction and pavilion. The potential return of an ice skating facility was generally supported and the Borough Manager was instructed to continue to explore alternatives with our Borough Engineer for future discussion and consideration.

5. Property Committee

- a) The Borough is working with representatives of the Souderton Lions Club and Zwingli Church to complete the transfer of the scout cabin property and simultaneously execute the lease agreement. Settlement is expected on or before March 15, 2010. Committee members were advised that upon transfer of the property, the Borough should begin to take steps to replace the roof on the building.

Administrative Work Session – February 15, 2010 (7:00 pm-9:15 pm)

Council Attendees: Mayor John Reynolds, Brian Goshow, Jeffrey Gross, Andrew Schlosser, Steven Toy, Richard Halbom and Edward Huber. Junior Councillor Daniel Yocum.
Staff Attendees: Police Chief Charles Quinn, Borough Manager Michael Coll.

1. Police Committee

- a) William Heim and Tim Dickinson of Safe City Solutions, LLC presented a proposal to assist the Borough with the Chief of Police Search and Selection Process. They reviewed various

considerations and steps that should be followed in the overall process. The total consulting expense, depending on how comprehensive Borough Council chooses, will be \$14,000 and will take five to six months to complete.

Councillor Andrew Schlosser questioned whether Borough Council and Franconia Township have determined that contracting police services was not an option for consideration. Borough Council members discussed the potential to revisit the matter of contracting services and instructed the Borough Manager to contact Franconia Township in this regard prior to the next work session. Borough Council also discussed prior considerations with Telford Borough, but believes that Telford Borough has decided to move forward with maintaining their department.

The matter of the consulting contract will be discussed again at the March work session.

- b) Councillor Halbom reported on a recent meeting with the Borough Engineer and reviewed a plan to paint shoulder lines and a center yellow line to visually narrow the cartway and re-establish the 3 way stop intersection and Montgomery Avenue and S. Front Street. The initial plan also provided for the construction of painted stop bars, painted crosswalks and the construction of new curb cuts. Borough Council members felt that the additional curb cuts were not necessary at this time. Councillors Schlosser and Gross commented that the proposed street markings follow traditional PennDOT standards, but do very little to advance any real traffic calming measure. The Councillors noted that they have observed areas of very creative street markings that were far more aggressive in efforts to instill traffic calming. Perhaps more creativity could be used in this case. The Borough Manager was asked to obtain a quote from Guidemark to install the proposed striping for more discussion and consideration at the March work session.
- c) Chief Quinn discussed procedures for declaring snow emergencies, noting that other municipalities have been declaring emergencies in advance of the forecasted storm. Souderton Borough Council enacted Ordinance 599 on January 6, 1997 that established the posted snow emergency routes. Section 1 of this ordinance provides total discretion to the Mayor to declare a snow emergency. Once declared, residents must remove vehicles within two hours of the declaration or upon the accumulation of two inches of snow, whichever should occur first.

Administratively, it would make the most sense to follow the practice of other municipalities to declare snow emergencies as early as possible based on reasonable weather forecasts. Section 1 of the current ordinance provides for this discretion.

- d) Committee members discussed the bus drop off location for the Souderton Charter School. The buses load and unload in front of the Charter School on East Broad Street. While loading and unloading the buses use their 4 way emergency flashers, not the school bus signals. Vehicles may pass the buses under this condition, but it is causing great confusion and traffic back ups. The recent heavy snow fall made this situation even worse. Borough Council suggested that Chief Quinn contact the Charter School to discuss the potential of relocating the bus loading and unloading area on S Front Street.

2. Administrative Committee

- a) No new items were discussed.

3. Development Committee

- a) Montgomery County extended the implementation grant to construct this second phase of the streetscape project in 2010. However, the extension included certain milestone dates for permitting and the beginning of construction. Work must proceed promptly to complete the PennDOT Highway Occupancy Permit by April and the Borough should begin bidding materials and street lights in March. Construction will have to be scheduled around the Soap Box Derby, and more importantly the Univest Grand Prix. The project must be fully constructed by the end of 2010.

Plans for the next phase of the streetscape project are coming together, and material quantities are fairly established. A motion will be prepared for formal consideration at the March

Borough Council meeting to authorize the advertisement of bids for granite curb, granite block pavers, asphalt pavers and street lights.

- b) Zwingli Church is working on finalizing their development plans to reconstruct the church after the devastating fire almost two years ago. They plan to rebuild the educational wing on the existing foundation, which is why they did not move forward with demolition work. They are also planning to proceed with plans to reconfigure the sanctuary and add additional office space and another auditorium area to the rear. They have forwarded various preliminary plans to the Code Enforcement Officer and Fire Marshall for review and interpretation. The consulting team has also met with the Borough Engineer to discuss land development considerations.

Zwingli Church is preparing to move forward with the required Zoning Hearing concerning dimensional variances for front and side yard setbacks. They also have tentatively scheduled presentations to the Souderton Planning Commission and Borough Council in March.

4. Finance Committee

- a) Borough Manager Michael Coll discussed the transition to newly elected tax collector Donald Bergey, who formally took office January 1st of this year. The new tax collector had very limited time to make arrangements with a service to prepare the tax bills for distribution by February 1st. Data bases for the real estate tax was supplied by the Montgomery County Assessment Office and the data base for the per capita tax was supplied by the Souderton School District. The data bases could not be married within the time constraints, leaving no alternative but to send out separate tax bills. Of course some of the data is out of date and he will need time to build and correct the data through this first year.

A significant policy change is that the real estate tax bill will no longer be sent to known mortgage companies servicing tax escrow accounts on behalf of property owners. This data is not known by the current tax collector. Tax codes specifically require the tax bill to be sent to the last known owner of taxable real estate and the current tax collector will follow this specific requirement. Property owners who have escrow accounts for the payment of taxes must take immediate steps to forward the tax bill to their bank or mortgage company to insure prompt payment of taxes. This change in policy may create issues with certain residents who may discard the tax bill because it has been directly paid by their bank or mortgage company for so long under the prior tax collector. We will attempt to educate the residents as much as possible through the newsletter and web site.

Tax Collector Donald Bergey is working from the Souderton Borough Office and has specific office hours on Monday and Thursday of each week.