

**Regular Borough Council Meeting**

**October 4, 2021**

The regular monthly meeting of Souderton Borough Council, held on the above date, was called to order by President Brian Goshow at 7:00 p.m. Council President Brian Goshow noted that this meeting is being recorded and will be available to view through the Borough website. The Borough Council meeting was attended by the following members and staff:

- |                                     |                                   |
|-------------------------------------|-----------------------------------|
| President Brian Goshow              | Councillor Edward Huber           |
| Vice-President Julie Munden         | Mayor John R. Reynolds            |
| Councillor Donna Rogers             | Junior Councillor Nick Mancini    |
| Councillor Richard Godshall         | Solicitor Charlotte Hunsberger    |
| Councillor Daniel Yocum             | Borough Manager P. Michael Coll   |
| Councillor Matt Mscichowski         | Police Chief Brian Newhall        |
| Councillor Daryl Littlefield (Zoom) | Public Works Director Steven Coll |

Absent from the meeting was Councillor Ned Leight. The meeting began with an invocation by Councillor President Brian Goshow, followed by the Pledge of Allegiance.

Consideration was given to the minutes of the September 13, 2021 Regular Borough Council Meeting. A motion was made by Councillor Richard Godshall, seconded by Councillor Matt Mscichowski, to approve the minutes of the September 13, 2021 Regular Monthly Borough Council meeting as presented. The motion was approved.

Consideration was then given to the minutes of the September 20, 2021 Borough Council Work Session. A motion was made by Councillor Matt Mscichowski, seconded by Councillor Richard Godshall, to approve the minutes of the September 20, 2021 Borough Council Work Session meeting as presented. The motion was approved.

Council President Brian Goshow noted that there are two presentation requests before Borough Council. The first presentation was from Austin Renner, 114 Hillcrest Avenue. Austin Renner is a member of Boy Scout Troop 14 and proposed to build a dog park in the West Street Park, or another desired park in the Borough, as an Eagle Scout project. He would also like to specifically dedicate the dog park to veterans with mental injury. He has secured some donations towards materials. Mayor Reynolds noted a previous request was discussed to locate a dog park in the Holly Hill Park, which was met with some resident objection. The proposed project will be part of the October 18<sup>th</sup> Borough Council work session for further discussion.

William Fox, General Counsel, J. P. Mascaro & Sons, recommended that Souderton Borough Council consider not recommending a motion to award the Solid Waste Collection and Recycling Contract to Whitetail Disposal. Attorney William Fox argued that Whitetail Disposal failed to meet the contract specifications. While mentioning

disposal sites, the company failed to list a recycling facility in the bid. Based on this, the Borough should reject the Whitetail Disposal bid.

Council President Brian Goshow noted that he received a letter dated September 27, 2021 from Attorney William Fox which reads as follows:

*Dear Council President Goshow:*

*Based upon what I heard and observed at the Souderton Borough Council's September 20, 2021 workshop session relating to the award of the Borough's next three year Waste Collection and Recycling Contract on which competitive bids were received in August 2021, it appears that Borough Council is prepared to award that contract to Whitetail Disposal at its next public meeting on October 4, 2021.*

*It was extremely disappointing to me and our company to hear this, because, as was detailed in our August 27, 2021 letter to Council and its Solicitor, and I personally summarized to Council at its public meeting and workshop session, the bid of Whitetail Disposal is materially defective and legally deficient because it did not comply with critical material requirements of the Borough's bid specifications, and, as such, under well-established applicable law, the Whitetail Disposal bid cannot be lawfully accepted by the Borough.*

*Our company, J. P. Mascaro & Sons, is the lowest responsible and responsive bidder in this solicitation; our bid is extremely competitive; and if an award is to be made by the Borough, under applicable law it must be made to Mascaro as the lowest and responsive bidder.*

*The purpose of this letter is to let the Borough know that if it does unlawfully award its Waste Collection and Recycling Contract to Whitetail Disposal, litigation will be commenced and pursued in the Court of Common Pleas of Montgomery County, Pennsylvania, challenging the legality and lawfulness of such a contract under applicable public bidding law.*

*Very truly yours,*

*William F. Fox, Jr.*

Mayor John Reynolds noted that the final Third Fridays event for this year will be held on Friday, October 15, 2021. This has been a very successful Souderton Connects event.

Police Chief Brian Newhall summarized the monthly report of police department activities. The new police car experienced some delivery delays and is now being fit out

and is expected to be delivered this month. The second police car will be delivered at a later date. Souderton Police will be participating in the West Broad Street Elementary Walk to School event. Souderton Police has increased surveillance of the Chestnut Street Playground and the Community Park. Chief Newhall did note that there are several surveillance cameras in the Community Park. The police department will be supporting the Third Fridays event.

The Borough Solicitor reported that they initiated work on documentation for a Tax Anticipation Loan. The Solicitor reviewed the Solid waste and recycling Collection bids with the Borough Manager. The Solicitor further had telephone conversations regarding the same with attorneys representing both Mascaro and Whitetail Disposal. The Solicitor also reviewed and discussed the process for the Sergeant promotion exam through Civil Service.

Public Works Director Steven Coll circulated his monthly report to Borough Council which includes a number of hours spent on addressing issues associated with recent Tropical Storm Ida. The storm brought over 7 inches of rain over a short four hour time frame. Repairs were made to several stone alleys and street sweeping was completed in certain areas. Brush collection was heavy due to the storm. We expect to complete repairs to the storm water culvert at Adams Avenue this month. Borough forces in conjunction with P. K. Moyer and Sons will be completing the scheduled paving projects before the end of October. The Borough started repairs on the settled sidewalk over the East Chestnut Street culvert. Upon removal of the sidewalk it was discovered that the stone wall on the street side of the culvert was severely deteriorated. Approximately 80 feet of the wall will have to be replaced. We are working with the Borough Engineer on a plan to repair the wall and will make arrangements with our local contractors to assist in the repair.

Borough Manager Michael Coll reviewed the meeting schedule. The next Borough Council work session meeting will be held on Monday, October 18, 2021. The Souderton Planning Commission will be meeting on Wednesday, October 6, 2021 to review two Zoning Hearing Board applications, a small land development plan for a residential development at the corner of N. Second Street and E. Reliance Road, and they will continue work on some Zoning Ordinance revisions. The Zoning Hearing Board will be meeting on Tuesday, October 12, 2021 to hear and application concerning a vacant lot on Lincoln Avenue and a change in use for the former parsonage at Emmanuel Lutheran Church. Borough Council will be holding their annual Budget Work Session on Monday, October 25, 2021 beginning at 7:00 pm. The next meeting of Borough Council will be on November 1, 2021.

The Agenda for the October 4, 2021 Borough Council meeting includes formal consideration of bids for the Solid Waste Collection and Disposal Contract to become effective January 1, 2022. Bids were received and opened on August 23, 2021 and discussed at the September 13, 2021 Borough Council meeting. The Borough Manager

noted that the bids were extremely competitive, but are notably higher than our current contract that will expire December 31, 2021. The labor market, fuel prices and difficulties in purchasing and maintain trucks and equipment have factored into the significant increase in cost. The bids will require the quarterly fee to increase from \$65.00 to a minimum \$105.00 in the first year, with incremental increases for years 2 and 3. At the current bid prices, the Borough manager suggested that the option years should not be considered and we should concentrate on just awarding the initial three year term. Based on the unit prices as bid, Whitetail Disposal is deemed to be the lowest responsible bidder for the contract. Whitetail has a large private subscription business and holds several municipal contracts. Staff did meet with Whitetail representatives to review their bid, current operations and their thoughts to service Souderton Borough.

The Borough Manager discussed a recommendation to approve the proposal of Phillips and Donovan to provide architectural services to develop plan and implement renovations to the Souderton Municipal Building, with the immediate focus on the renovation of the Police Department. The firm is very familiar with municipal projects and municipal bidding requirements, serving as the architects on the Souderton Train Station project and they are currently working on the new Public Works complex. The last item on the Agenda is a request to hold an Executive Session to discuss police personnel matters with the Borough Solicitor and to also discuss the bids for the Solid Waste Collection contract with the Borough Solicitor.

Councillor Daniel Yocum noted a few fundraising activities for the Perseverance Volunteer Fire Company through the Souderton Auxiliary.

Vice-President Julie Munden reported that the Communications Committee will be holding in-person Borough Council office hours this coming Saturday, October 16, 2021 in the lobby of the Souderton Municipal Building beginning at 11:00 am through 1:00 pm.

Julie Munden further noted that the local Girl Scout Troop will be working on a project to clean up around the Souderton Municipal Building on Saturday, October 30, 2021.

Council President Brian Goshow noted that the Indian Valley Regional Planning Commission will be assisting the Indian Valley Public Library to conduct a locational study.

Consideration was given to paying the bills for the month of September, 2021.

GENERAL FUND

Altek Business Systems, Inc.	\$151.96	Something Better, Inc.	\$1,100.00
Altek Business Systems, Inc.	2,540.45	Steven R. Coll	298.56
American Power washing, LLC	605.00	Suburban Propane	452.80

Axon Enterprise, Inc.	\$375.00	Sudz In A Bucket	\$22.00
Barnside Farm Compost Facility	129.20	Synatek	54.00
C & S Lawn and Landscape, Inc.	25,840.00	Thomas A. Lawson	528.00
Clemens Uniform Rental	308.44	Towne Answering Service	550.00
Comcast Cable	578.88	Montgomery County Treasurer	1,296.00
Cope's Garage, Inc.	2,461.48	Univest VISA	89.76
Davidheisers, Inc.	40.00	Univest VISA	59.74
Delta Dental/Gettysburg Benefit	1,227.83	Univest VISA	565.83
George Allen Portable Toilets	525.00	Unum Insurance Company	1,082.30
H & K Materials	494.65	Verizon	73.81
Home Depot	177.73	Verizon Wireless	397.98
Independence Blue Cross	17,476.62	Altek Business Systems, Inc.	2,707.05
Landis Block Nycrete Co.	69.05	Barnside Farm Compost Facility	142.04
Markey paper & Packaging, Inc.	327.50	Boucher & James, Inc.	460.65
Maryjane Yoder	170.22	Clemens Uniform Rental	66.56
McDonald Uniform Company	1,068.27	Copes Garage, Inc.	1,213.68
Metlife/Brighthouse/GASB Group	5,383.73	George Allen Portable Toilets	146.00
Montgomery County Consortium	250.00	Georges Tool Rental	1,427.97
Moyer Indoor/Outdoor	2,614.41	Home Depot	103.92
NAPA Auto parts	78.31	IV Regional Planning Comm.	3,000.00
Nationwide Trust Company	1,973.99	K J Door Services, Inc.	392.20
NetCarrier Telecom, Inc.	303.60	Metlife/Brighthouse/GASB	2,771.94
North American Benefits Co.	1,313.19	Montg Co. Consortium	250.00
North Penn Water Authority	54.30	Moyer Indoor/Outdoor	1,177.38
Nucitrus	708.00	Municipay, LLC	190.00
PSAB	45.00	Nationwide Trust Company	935.12
PSAB	25.00	P. Michael Coll	200.00
PSAB	25.00	Penn-Holo Sales & Service	84.00
PSAB	25.00	PPL Electric Utilities	121.87
PSAB	45.00	Ready Refresh	108.44
PECO Energy	28.55	Suburban Propane	358.84
Pennsylvania One Call System	107.31	Trumbauers Lawn & Rec, Inc.	29.54
Petty Cash	116.98	Univest VISA	10.00
PPL Electric Utilities	1,381.05	Univest VISA	417.99
PPL Electric Utilities	92.35	Waste Management	45,340.83
Recon	4,200.00	Wise Electric	225.00
Richter Drafting Office Supply	505.41	Total General Fund	\$142,275.86

### SEWER FUND

Altek Business Systems, Inc.	\$105.50	State Chemical Solutions	\$192.60
Cintas First Aid & Safety	230.27	Suburban Water Testing Labs	4,813.45
Clemens Uniform Rental	231.15	Telford Recycling Material	895.00
Comcast	106.41	Univar Solutions USA, Inc.	954.00
Delta Dental/Gettysburg Benefit	189.76	Unum Insurance Company	257.72
Essex Service Corporation	1,133.48	USA Blue Book	435.87
EVOQUA Water Technologies	4,333.20	Verizon	88.84
FP Finance Program	359.00	Y-Peers, Inc.	537.50
Fretz Enterprises	159.95	Bearing & Drive Solutions	110.78
Highway Materials, Inc.	7,743.73	Blooming Glen Quarry	149.27
Home Depot	25.03	CCP Industries, Inc.	292.62
Independence Blue Cross	4,081.92	Clemens Uniform Rental	46.23

J. P. Mascaro & Sons	\$9,775.89	Coyne Chemical	\$2,483.00
Metlife/Brighthouse/GASB	161.49	CP Rankin, Inc.	282.40
Midway Industrial Supply	92.83	EVOQUA Water Technologies	4,376.90
Moyer Indoor/Outdoor	193.60	Good Plumbing, Heating, A/C	4,112.35
Moyer Instruments	240.00	Home Depot	84.35
Naceville Materials	312.23	J. P. Mascaro & Sons	2,715.17
NetCarrier Telecom, Inc.	113.04	L/B Water Service, Inc.	2,306.25
North American Benefits Co.	254.20	Metlife/Brighthouse/GASB	92.28
North Penn Water Authority	95.79	PPL Electric Utilities	14,082.19
PA Rural Water	210.00	Richter Drafting Office Supply	287.32
Pennsylvania State University	395.00	Univar Solutions USA, Inc.	2,936.25
PPL Electric Utilities	11,610.86	Y-Peers, Inc.	340.00
Richard Nelson	372.90		
Richter Drafting Office Supply	19.95	Total Sewer Fund	\$85,419.52

#### POOL FUND

Airgas National Carbonation	\$452.61	NetCarrier Telecom, Inc.	\$87.86
Buckmans, Inc.	2,709.15	North Penn Water Authority	1,768.19
C & S Lawn and Landscape	4,950.00	PECO Energy	1,106.64
Comcast	167.46	PPL Electric Utilities	2,119.36
Fellmans Pool Service, Inc.	149.94	Pyrz Water Supply Co., Inc.	1,590.00
Fromm Electric Supply Corp	14.45	Richter Drafting Office Supply	152.05
Home Depot	8.96	Uninvest VISA	60.03
If Its Water, Inc.	27.99		
Moyer Indoor/Outdoor	202.15	Total Pool Fund	\$15,566.84

#### CAPITAL RESERVE FUND

Commonwealth Precast, Inc.	\$1,938.00	Naceville Materials	\$194.42
Kelly-Creswell	4,462.00	Phillips & Donovan Architects	8,179.50
Lane-King of Prussia	294.00	Telford Recycling Materials	460.00
Naceville Materials	943.03	Uninvest VISA	26.99
Boucher & James, Inc.	4,279.95		
Commonwealth Precast, Inc.	2,520.00	Total Capital Reserve Fund	\$23,297.89

#### LIQUID FUELS FUND

PPL Electric Utilities	\$860.01	PPL Electric Utilities	\$72.89
PPL Electric Utilities	6,017.96	U S Municipal Supply	149.21
Signal Control Products, Inc.	86.00	Total Liquid Fuels Fund	\$7,186.07

A motion was made by Councillor Matt Mscichowski, and seconded by Councillor Richard Godshall, to approve the payment of bills for the month of September, 2021 as presented. The motion was approved.

A motion was made by Councillor Matt Mscichowski, and seconded by Councillor Matt Mscichowski, to approve the payment of recurring bills for the month of October, 2021 as presented. The motion was approved.

President Brian Goshaw opened the meeting for public comment:

Tracy Burke, 210 E. Broad Street, Souderton read a prepared statement before Borough Council which expressed concern with the affordability and benefit of continuing with the municipal trash collection service. He recommended that Borough Council consider postponing action on the award or to vote against the award to afford more public input and consideration. The overall cost to the residents will be difficult.

Pricilla Newman, 17 ½ Franklin Avenue, Souderton expressed frustration with the recent storm and the damage it caused to the alley. She suggested that the Borough must perform better maintenance of storm drainage systems and the alley.

Courtney Wampole, 53 W. Reliance Road, Souderton, feels that her neighborhood has not benefitted from a reduction in truck traffic through a single hauler municipal trash contract. Her neighborhood is on the boundary with Franconia Township and there is a significant amount of truck traffic in and around this neighborhood. The price increase will be very difficult on the residents and she suggested a postponement to allow more public input.

Calvin Munden, 220 Montgomery Avenue, questioned whether the Mascaro allegations have merit and questioned if there is a representative of Whitetail Disposal in the audience.

Charl Wellener, 18 N. Hunsberger lane, Souderton expressed agreement with the other comments that the matter of award should be postponed to allow for more public input. She also questioned whether the Borough recovered the over charges from Boucher and James.

Alessandro Giacobbe, Director of Business Development and Sales, for Whitetail Disposal requested permission to speak. He provided an overview of Whitetail Disposal, noted that the bids were very competitive in the current economic climate and believes that the bid of Whitetail Disposal has fulfilled all of the bid requirements of Souderton Borough.

Matt Moyer, 68 W. Chestnut Street, Souderton, commented that things have notably changed in his neighborhood and thanked the Police Department for their response and service. He further expressed concern with the proposed use of Emmanuel Lutheran Church in renovating the Parsonage for transitional housing to victims of human trafficking. He felt that this use was not appropriate for the neighborhood.

Nikki Massey expressed appreciation for the activities of the Souderton Police Department and the interest of Borough Council members to address the resident's concern with the tenant residing at 65 W. Chestnut Street. Nikki Massey noted that issues continue

with the residents but the matter is improving.

President Brian Goshow thanked the residents for voicing their concerns which will be taken very seriously by members of Borough Council. There being no further public comment, President Brian Goshow moved to the business portion of the agenda.

Borough Council members discussed the tabulation of bids received for the Solid Waste Collection and Disposal Contract. Concern was expressed over the dramatic increase in disposal cost which has begun to appear in the private subscription rates. The competitive nature of the bids suggest that re-bidding will not provide any better rates. Labor shortages, fuels prices and equipment repair difficulties will most likely affect this industry for an extended period of time. It was noted that the pricing does include regular bulk item disposal. Another option would be to reject all bids and allow residents to go back to individual subscription service which is not a desirable option.

Councillor Richard Godshall expressed an opinion that he felt the bids and available options were thoroughly discussed. The price is most certainly difficult but he personally took some time to call the haulers to inquire about private subscription service. Arranging private subscription service may pose challenges to the residents within such a short time frame and the contracts are most favorable to the hauler. The Borough has invested a lot of resource into economic renovation. Returning back to a private subscription service will return the Borough back to a point where trash cans are out at the curb nearly every day during the week throughout the Borough and trash begins to pile up on properties who are delinquent in paying their bills without much recourse for the Borough to promptly address. For these reasons, the Borough should consider with municipal trash collection and we should continue to explore options over the next few years, possibly looking at the Borough taking over this service.

Councillor Edward Huber expressed concern with the overall price increase to both the Borough and to the resident. For this reason he cannot support awarding the bid.

Councillors Julie Munden and Donna Rogers expressed concern with the allegations raised by J. P. Mascaro and the overall costs to the residents, both noting that they cannot accept the recommendation to award the bid.

Councillor Daniel Yocum commented that he feels a municipal service contract provides the best opportunity to our residents to provide good quality service.

A motion was made by Councillor Richard Godshall, and seconded by Councillor Matt Mscichowski, to award the Solid Waste and Recycling Collection Disposal contract to Whitetail Disposal, Inc. of Perkiomenville, Pennsylvania based on the specified unit prices for the period January 1, 2022 through December 31, 2024. Council President Brian Goshow called for a roll call vote on the motion as follows:



Donna Rogers	Nay	Richard Godshall	Aye
Julie Munden	Nay	Daniel Yocum	Aye
Daryl Littlefield	Nay	Brian Goshow	Aye
Edward Huber	Nay	Matt Mscichowski	Aye

The roll call vote of Borough Council resulted in a tie with four votes in favor and four votes against the motion. Mayor John Reynolds commented that he feels that the Borough Solicitor will address the legal side of this contract award. The huge jump in the cost for this service is challenging to all of us, but the cost is outside of the Borough's control. After listening and considering all sides of this issue, Mayor John Reynolds cast a vote in favor of the motion to award the contract to Whitetail Disposal.

A motion was made by Councillor Daniel Yocum, and seconded by Councillor Donna Rogers, to approve the proposal for architectural services, dated September 1, 2021, from Phillips and Donovan Architects, LLC for the renovation of the Souderton Municipal Building. The motion was approved.

A motion was made by Councillor Julie Munden, and seconded by Councillor Daniel Yocum, to adjourn to Executive Session to consult with the Borough Solicitor on Police Personnel matters and other matters of potential litigation. The motion was approved.

Borough Council adjourned to Executive Session at 9:10 pm and convened to public session at 10:06 pm at which time the meeting was promptly adjourned.

Respectfully submitted,

P. Michael Coll, Secretary