

The Regular Meeting of Souderton Borough Council was called to order by President Brain 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 John U. Young	Borough Manager P. Michael Coll
Councillor Steven J. Toy	Public Works Director Steven R. Coll
Councillor Richard Halbom	Police Chief Charles A. Quinn, Sr.

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

Consideration was given to the minutes of the March 1, 2010 Regular Borough Council Meeting. A motion was made by Councillor Richard Halbom, and seconded by Councillor Andrew C. Schlosser, to approve the minutes of the March 1, 2010 Regular Borough Council Meeting and March Borough Council Work Sessions as presented. The motion was approved.

Under correspondence, Borough Manager Michael Coll reported that he distributed letters received for members of Borough Council from the Upper Bucks Alliance for Creative Expression.

The Borough Solicitor's report for the month of March, 2010 was distributed to Borough Council. The Solicitor completed settlement on the transfer of the Scout Cabin property from the Souderton Lions Club to the Borough of Souderton. The Borough Solicitor prepared and advertised a summary of the proposed C-2 Limited Commercial/Residential zoning ordinance and notice of public hearing scheduled for April 5, 2010. The Solicitor drafted an Agreement of Sale between the Borough of Souderton and P. Michael and Kathleen Coll concerning the lot line change between their property and the pool parking lot. Several telephone conversations were held concerning the draft of the retirement agreement between the Borough and Charles A. Quinn, Sr. The Borough Solicitor prepared and filed three municipal liens for sidewalk construction at 105 N Main Street, 100 N Main Street and 33 Penn Avenue.

Public Works Director Steven Coll noted that the monthly curb side brush collection is in progress this week with a large quantity of pick up requests scheduled. Curb side leaf collection will also be conducted during between April 5 and April 16. Residents can rake leaves to the curb during the next two weeks for collection. The schedule is also posted on the Borough's web site.

Borough Manager Michael Coll reviewed the meeting schedule for April. Borough Council work sessions will be held on Monday, April 12 and on Monday, April 19. The Souderton Planning Commission will be meeting on Wednesday, April 21 to consider the Zwingli United Church of Christ land development plan. The Pool Fundraising Committee will also be meeting on Wednesday, April 21. Borough Manager Michael Coll reviewed the scheduled agenda items for the meeting. The first item for consideration is the proposed new C-2 Limited Commercial/Residential District and Zoning Map revisions. Souderton-Telford Main Streets is requesting consideration of a Resolution concerning an anchor building grant for the Broad Theater project. Borough Council previously approved a similar resolution; however, since adoption this grant has been shifted to the DCED Housing Redevelopment Assistance funding program requiring an updated resolution. An executive session is also requested to consult with the Borough Solicitor and members of Borough Council on personnel matters.

Mayor John Reynolds noted that this will be the last official meeting that Police Chief Charles Quinn will be attending. Mayor Reynolds expressed appreciation to Chief Quinn for his nearly forty years of service to the Borough.

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

GENERAL FUND

911 Safety Equipment	\$2,022.57	Nationwide Trust Company	\$311.29
Beacon Business Machines, LLC	100.00	Nationwide Trust Company	927.59
Bergey's, Inc.	300.00	Nationwide Trust Company	909.80
Ches-Mont Disposal, Inc.	181.50	Nationwide Trust Company	997.31
Clemens Uniform Rental	335.35	Nationwide Trust Company	355.10
Clemens Uniform Rental	244.95	Nationwide Trust Company	347.81
Clemens Uniform Rental	103.15	Nationwide Trust Company	476.26
Comcast Cable	127.77	Nationwide Trust Company	1,497.30
Cope's Garage	2,290.24	Nationwide Trust Company	1,659.85
County of Bucks	200.00	Nationwide Trust Company	373.62
Daniel L. Beardsley, LTD	33.25	Nationwide Trust Company	378.09
David A. Freed	155.00	Nationwide Trust Company	1,612.89
David L. Gale	1,520.00	Nationwide Trust Company	1,536.37
Davidheisers, Inc.	142.00	Nationwide Trust Company	1,688.19
Donald D. Bergey	4,467.85	Nationwide Trust Company	1,632.54
Dr. Larry J. Geller	128.00	Nationwide Trust Company	1,545.33
E. M. Kutz, Inc.	308.05	Nationwide Trust Company	375.58
Emblem Enterprises, Inc.	539.46	Nationwide Trust Company	441.08
Farm & Home Oil Co.	4,022.15	Nationwide Trust Company	354.17
Fasternal	18.69	Nationwide Trust Company	410.82
First Precinct Uniforms/ Equipment	90.00	North Penn Water Authority	10,246.50
Freedom Systems Corporation	4,378.22	PPL Electric Utilities	364.87
Fretz Enterprises	13.48	Commonwealth Land Title	223.00
Fromm Electric Supply Corp	30.36	Metlife	3,786.94
GALCO Business Communications	487.40	Nationwide Trust Company	347.35
Galls, Inc.	280.78	Nationwide Trust Company	1,237.87
Gouldey Welding & Fabrication	323.66	Nationwide Trust Company	377.90
Heavener Supply, Inc.	133.76	Nationwide Trust Company	398.62
HISI	5,293.00	Nationwide Trust Company	966.59
Idea Art	70.80	Nationwide Trust Company	1,055.18
Independence Blue Cross	19,772.48	Petty Cash Fund	185.15
Indian Creek Foundation	940.00	Postmaster, Telford/Souderton	220.00
Indian Creek Foundation	188.00	Adam W. Moore	20.00
Indian Valley Chamber of Commerce	165.00	Airgas	33.83
International Assn Chiefs of Police	120.00	Armstrong & Son Equipment Repair	1,154.63
International Salt Company	7,350.29	AT&T	14.84
Jaeger Electric Service, Inc.	416.98	Beatrice Kaizar	149.00
John R. Young & Co	444.72	Bergey's, Inc.	404.83
John T. Fretz Insurance Agency	22,601.06	Boucher & James, Inc	647.50
Kenco Hydraulics, Inc	18.70	Bricker, Landis & Hunsberger	2,353.92
Keystone Health Plan East	6,406.53	Charles A. Quinn, Sr.	200.00
Lansdale Police Department	450.00	Clemens Uniform Rental	135.15
Lawson Products, Inc.	184.95	Cope's Garage, Inc.	1,883.81
Marc F. Lipkin, DMD, PC	1,241.80	David A. Freed	270.00
Markey Paper & Packaging, Inc.	103.92	David L. gale	400.00
Michael C. Boraski, DMD	701.00	Davidheisers, Inc.	71.00
Midlantic Machinery	233.01	Detlan equipment, Inc.	11.95
Montgomery County Community College	356.40	Dischell, Bartle, Yanoff & Doole	23.00
Montgomery County Consortium	250.00	Dr. Larry J. Geller	1,904.60
Montgomery Newspaper	537.35	E. M. Kutz, Inc.	742.20
Moyer & Son, Inc.	5,926.22	Farm & Home Oil Co.	3,689.83
Naceville Materials	308.61	Freedom Systems Corp	5,210.67
National Automobile dealers	90.00	Fromm Electric Supply Corp	49.32
NetCarrier Telecom, Inc	344.46	GALCO Business Communications	332.35
Network Concepts	95.00	HISI	4,763.00
Nextel Communications	363.47	Independence Blue Cross	17,076.67
North American Benefits Company	2,385.13	Indian Creek Foundation	188.00

North Penn Water Authority	527.68	International Salt Company	4,237.97
Nyco Corporation	106.72	Jason M. Kelly	120.00
Old Dominion Brush	680.27	John R. Young & Co	232.32
PECO Energy	283.42	John T. Fretz Insurance Agency	23,100.66
PA One Call System	77.97	Joseph J. Rudner, Jr.	20.00
Perkiomen Watershed Conservancy	250.00	Joseph P. Kelly, Jr.	300.00
Petty Cash Fund	159.75	Kenco Hydraulics, Inc.	1,365.04
Plasterer Equipment Company	273.97	Keystone Health Plan East	6,406.53
PLGSA	100.00	Kurt Scherzberg	360.00
Postmaster, Telford/Souderton	185.00	Marc F. Lipkin, DMD, PC	722.00
PPL Electric Utilities	11,655.12	Markey Paper & Packaging	163.70
PPL Electric Utilities	10,915.62	Martin Divergigelis	20.00
PSAB	25.00	Michael C. Boraski, DMD	891.00
PSAB	40.00	Midlantic Machinery	2,588.52
PSAB	140.00	Montg County Boroughs Assoc	150.00
PSAB	1,081.00	Montgomery Newspapers	525.04
PSAB CDL Testing Program	140.00	Moyer & Son, Inc	4,292.68
Public Agency Training Council	295.00	Naceville Materials	493.56
Richter Drafting & Office Supply	477.77	NetCarrier Telecom, Inc	349.46
RICOH	213.01	Nextel Communications	452.96
Robert W. Harley, RPR	175.00	North American Benefits Co	945.13
RR Donelley	81.75	North Penn Endodontics	968.00
SEPTA	400.00	North Penn United Way	265.00
Shelly Enterprises, Inc.	203.58	NYCO Corporation	37.39
Shelly Enterprises, Inc.	59.29	Oral & Maxillofacial Surgical Assoc	453.00
Souderton Dental Associates	1,509.80	PECO Energy	291.24
Styer Associates	500.50	PA One Call System	52.05
Tees Plus Screen Printing	442.80	Perkiomen Watershed Conservancy	100.00
Telford Press Printers	604.83	Peter I. Psomiadis, DMD	370.80
Theodore P. Croll, DDS	390.00	Philip N. Calabra, DDS	711.00
Towamencin Township	289.00	PPL Electric Utilities	11,014.37
Univest VISA	21.73	PSAB CDL Testing Program	105.00
Univest VISA	88.11	RICOH	164.80
Univest VISA	36.00	Shelly Enterprises, Inc	88.83
Unum Insurance Company	1,693.36	Snjezana A. Cacovean, DMD	204.00
Verizon	165.97	Souderton Dental Associates	972.48
Verizon Wireless	43.01	Souderton-Telford Main Streets	11,250.00
Weaver and Reckner Dental Assoc	695.00	The Home Depot	40.00
Weldon Auto Parts	399.84	The Partnership TMA	5,000.00
Weldon Auto Parts	199.69	Theodore P. Croll, DDS	135.20
Word Work, Inc.	690.00	Thomas A. Lawson	518.98
Young's	4.80	Timothy S. Kelly	165.00
Ches-Mont Disposal	376.16	Univest National Bank & Trust Co	73.47
Comcast Cable	42.95	Univest Visa	430.82
Commonwealth of PA	35.00	Unum Insurance Company	866.02
Donald D. Bergey	182.67	Verizon	52.13
Metlife	217.63	Weaver and Reckner Dental Assoc	1,359.90
Metlife	1,675.84	William Powis	59.00
Metlife	217.63	Word Work, inc.	8,498.50
Metlife	1,675.84	Yocum Ford	98.76
Metlife	217.63	Young's	90.01
Metlife	1,675.84	Univest Visa	112.16
Metlife	217.63	Univest Visa	73.47
Metlife	1,675.84		
Moyer & Son, Inc.	1,220.94	Total General Fund	\$317,418.49

**SEWER FUND**

Cintas First Aid & Safety	\$56.60	Unum Insurance Company	\$503.69
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Clemens Uniform Rental	120.36	Ven-Mar Sales, Inc	516.84
Comcast Cable	58.66	Verizon	57.12
D & M Machine, Inc	739.00	Waste Management of Indian Valley	9,532.68
Deltronics Corporation	1,573.93	Ches-Mont Disposal, Inc	94.38
Empire Scale Corporation	396.00	Cintas First Aid & safety	31.40
Farm Bureau Garage, Inc	68.50	Daniel L. Beardsley Ltd	235.70
Federal express Corp	17.52	Metlife	164.42
Fisher Scientific	399.21	Clayton H. Landis Company, Inc	24,919.13
Fretz Enterprises	99.99	Metlife	82.21
Good Plumbing & Heating A/C, Inc	592.03	Penn Valley Pump Co., Inc	11,508.00
Graphic Controls, LLC	543.81	PPL Electric Utilities	902.44
Hach Company	1,611.68	PPL Electric Utilities	27,394.63
Hajoca Corporation	1,558.48	Alderfer Glass Company	42.35
HISI	1,191.00	Altek Business Systems, Inc	62.25
Independence Blue Cross	207.65	Cintas First Aid & Safety	26.52
Independence Blue Cross	118.80	Clemens Uniform Rental	163.69
Jaeger Electric Service, Inc.	403.58	Comcast Cable	42.95
Johnstone Supply	30.24	Deluxe Business Forms	174.50
K & A Services, Inc.	1,500.00	Dr Alan Parker	319.80
Keystone Health Plan East	2,478.45	Essex Service Corporation	1,878.94
Landis Block & Concrete	37.90	Farm Bureau Garage	729.14
Lawson Products, Inc.	333.41	Good Plumbing & Heating A/C, Inc	943.75
Moyer & Son, Inc.	1,289.46	Hach Company	493.95
Naceville Materials	170.03	Hajoca Corporation	852.56
North American Benefits Company	307.60	HISI	1,191.00
North Penn Water Authority	306.73	Independence Blue Cross	4,249.32
NYCO Corporation	78.93	Independence Blue Cross	207.65
PA DEP	500.00	Independence Blue Cross	118.80
PPL Electric Utilities	1,749.52	Jaeger Electric Service, Inc	2,164.09
PPL Electric Utilities	26,630.08	John T. Fretz Insurance Agency	10,163.34
Premier Chemicals, LLC	1,188.00	K & A Services, Inc	2,187.50
Richter Drafting and Office Supply	239.49	Keystone Health Plan East	2,478.45
Rodney Shoemaker Plumbing, Inc	817.61	Landis Block & Concrete	44.40
S C Engineers, Inc	5,458.80	Maryland Biochemical Co., Inc	1,380.82
S P Solutions	259.20	Metlife	82.21
Schaners Wastewater Products	2,168.59	Moyer & Son, Inc	253.73
Shelly Enterprises, Inc	374.50	Naceville Materials	105.54
Siemens Water Technologies	2,251.46	North American Benefits Company	307.60
Suburban Water Testing Labs	125.00	NYCO Corporation	200.02
Univar USA, Inc	10,936.41	PPL Electric Utilities	24,987.33
Waste Management of Indian Valley	5,254.89	Rodney Shoemaker Plumbing, Inc	90.00
Bergey's Electric, Inc	7.50	S C Engineers, Inc	1,087.66
Clemens Uniform Rental	120.36	Scott A Seifert Excavating	2,384.00
Fisher Scientific	629.99	Shelly Enterprises, Inc	12.95
Freedom Systems Corporation	3,711.62	Siemens Water Technologies	2,091.96
Independence Blue Cross	4,249.32	Siemens Water Technologies Corp	187.00
John T. Fretz Insurance Agency	9,887.94	SimplexGrinnell, LP	168.00
K & A Services, Inc	1,625.00	Suburban Water Testing Labs	184.00
Landis Block & Concrete	88.80	The Home Depot	46.95
Maryland Biochemical Co., Inc	659.16	Univar USA, Inc	4,119.90
North Penn Water Authority	147.03	Unum Insurance Company	256.94
S P Solutions	57.30	Verizon	70.31
Shelly Enterprises, Inc	3.32	Waste Management of Indian Valley	11,142.19
Suburban Water Testing Labs	73.00	Wise Electric	240.00
Thomas Scientific	155.69		
United Laboratories	657.31	Total Sewer Fund	\$250,683.94
Univar USA, Inc	490.80		

CAPITAL RESERVE FUND

S & H Landscaping	\$19,693.26	Susan J. Kern	\$1,020.00
Univest National Bank	1,592.50	Thinkgreen Design, LLC	9,982.50
Univest National Bank	5,611.21	Trout Brothers, Inc	14,354.75
Univest National Bank	6,090.28	Wade Associates	10,500.00
Bishop Wood Products	1,861.35	Bishop Wood Products	105.49
Boucher & James, Inc.	8,049.68	Susan J. Kern	1,680.00
Clark Artistic Iron, Inc.	800.00	Univest National Bank	5,611.21
DePallo Design & Planning, LLC	6,212.50	Univest National Bank	1,763.12
Georges Tool Rental	116.00	Univest National bank	6,090.28
Landis Block & Concrete	151.85	Wade Associates	17,600.00
Sage Design	375.00	Total Capital Reserve Fund	\$119,260.98

SEWER CAPITAL FUND

Hajoca Corporation	\$326.40	Landis Block & Concrete	\$11.60
		Total Sewer Capital Fund	\$338.00

LIQUID FUELS FUND

Armour & Sons Electric	\$193.59	PPL Electric Utilities	\$1,242.41
Armour & Sons Electric	1,841.29	PPL Electric Utilities	688.63
		Total Liquid Fuels Fund	\$3,965.92

A motion was made by Councillor John Young, and seconded by Councillor Andrew Schlosser, to authorize payment of the bills for the month of March, 2010, 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, other than the proposed C-2 Zoning Ordinance, which will be addressed separately. There being no comments from the audience, President Goshow moved to the scheduled items of business.

President Brain Goshow requested Borough Manager Michael Coll to provide members of Borough Council and the public with an update on the proposed new C-2 Limited Commercial District and the proposed revisions to the Zoning Map. The Borough Manager explained the proposed new C-2 Limited Commercial/Residential ordinance has been developed by a sub-committee consisting of members of Borough Council and the Souderton Planning Commission with assistance from the Montgomery County Planning Commission. The new commercial district is proposed to be expanded along Main Street, Harleysville Pike, E Reliance Road, Harrison Avenue, Clarion Avenue and N Second Street. The Zoning Map is also proposed to be revised to extend the C-1 Commercial District through Cope's Garage, 102 N County Line Road and the C-2 Limited Commercial district from that point along N County Line Road to Central Avenue. The new C-2 District is somewhat similar to village commercial zoning utilized by some of our neighboring municipalities, which permits all types of residential uses by right. The district permits office uses, retail uses, boutique style stores, salons, and deli shops. Also permitted are mixed uses of commercial and residential and larger restaurant establishments as conditional uses. The goal of the ordinance is to afford flexibility to property owners in marketing their properties and to encourage reinvestment in properties along Main Street and Reliance Road. Historic preservation is part of the goal of the new ordinance. The Zoning Map revisions have been recommended in areas of existing businesses and to encourage more commercial style development within the Borough. The Borough Manager further commented that what initially revised the discussion of rezoning along Main Street was a relatively recent variance application concerning a property at 308 N Main Street that was formally a nonconforming commercial property situated within a residential district. The surrounding residents commented that nonconforming commercial uses place an unfair burden on the conforming residential properties that have no other choice but to market their properties as residential. Without comprehensive planning, case law and other circumstances will continue to permit haphazard placements of commercial uses in residential neighborhoods making it very difficult to market residential property. The extension of comprehensive planning to expand the commercial district will provide residents with an even opportunity to market their properties as either commercial or residential, with uniform development standards.

Following some additional discussion on procedural questions, President Brian Goshow opened the floor for public comment on the matter of the new C-2 Limited Commercial/Residential Ordinance and proposed Zoning Map revisions.

Todd Mangum, 566 Harleysville Pike commented that the ordinance seems to be thoughtfully put together which is appreciated, however, was there a specific idea or a particular business that approached Borough Council to rezone. Councillor Jeffrey Gross responded that this is one of many efforts that the Borough is taking towards the goals of revitalization. Various economic revitalization planning priorities have lead to these proposed recommendations. Not one business or development triggered this process. Telford Borough is also conducting reviews of their zoning. Councillor Gross also noted that some realtors have suggested that some of the properties remaining on the market may have been sold with updated zoning that permits more commercial uses. The goal is to expand commercial opportunities in the Borough with careful comprehensive planning to protect other residential properties and the overall character of existing neighborhoods.

President Goshow further commented that part of this zoning and planning effort came from prior initiatives creating the C-3 Commercial Downtown Core Business District. Councillor Gross further commented that the Indian Valley Regional Planning Commission has developed a comprehensive plan for the Indian Valley area. This comprehensive plan suggests that the two Boroughs should serve as commercial centers for the region.

Scott Houston, 7 E Reliance Road followed up on a question from Todd Mangum, expressing concern in the event a commercial use is established within an existing twin dwelling. The attached residential use may have certain conflicts or concerns with the neighboring commercial use. Councillor Gross responded that the Borough has attempted to isolate and prohibit certain commercial uses that may not site well within predominately residential neighborhoods. Commercial redevelopments of property will require permits and certain reviews to help alleviate issues and certain design standards have also been added to the ordinance. Design standards also require certain buffering requirements to protect commercial uses from residential uses.

Councillor Richard Halbom commented that this whole process can be largely characterized as a process of rationalization. Making the zoning ordinance rational by establishing a set of clear standards under which certain developments can occur. Change is going to happen and the Borough desires to prepare for this future change through sound planning initiatives.

Chad Hawkins, 225 Main Street expressed concern that the commercial zoning may allow utility providers, such as North Penn Water Authority to charge commercial rates to existing residential properties. Councillor Andrew Schlosser commented that the zoning ordinance does not direct how a utility will bill for a service. In the case of North Penn Water Authority, if your property is a residential property, and is currently billed as a residential property, there should be no reason for any change in billing.

Mayor Reynolds requested the Borough Manager to clarify the current zoning district for Main Street and what property owners may do with their property under the current ordinance. Borough Manager Michael Coll responded that Main Street north of Green Street is zoned R-3 residential which permits single family, twin, duplex and multifamily dwelling units by right. There is no commercial use permitted by right under the current zoning ordinance. Having said this, residents may wonder why there are so many commercial properties currently situated along Main Street. Souderton Borough, under a prior Zoning Ordinance dated in 1940 or in 1960, actually designated Main Street as a commercial zoning district. In 1972, the Zoning District was revised to a residential district. Existing commercial properties at this time became lawful nonconforming uses. The proposed revision will re-establish the commercial district along Main Street and make most of the existing commercial uses conforming uses. Mayor John Reynolds commented that Borough Council is attempting to make changes in the best interest of the property owners and residents. This discussion has been in process for four to five years prompted by residents expressing concern that they have to market their properties as residential even though the neighboring property is a commercial use.

John Moyer, President of Moyer and Son, Inc., which is included in the area proposed to be rezoned. John Moyer commented that he is very concerned about losing the current Limited Industrial and C-1 Commercial zoning classifications for their business operations. Moyer and Son is the only industrial based business located in Souderton Borough with hundreds of employees. He requested that Borough Council provide additional time for him to consult about the total ramifications of the proposed zoning change. Moyer and Son developed various plans for expansion, but economic conditions slowed this process. It is very possible that certain expansion plans may be jeopardized by the proposed rezoning with devastating consequence to the continued viability of the company. Moyer and Son has been part of Souderton Borough for generations and have changed its business plans numerous times to remain competitive in the market place. Flexibility within the Borough's zoning restrictions is necessary to permit continued changes within the company as may be necessary for Moyer and Son to continue to survive for future generations. John Moyer explained that he fully supports the revitalization efforts of the Borough and has been a major advocate of the Borough's open space efforts on the County level.

Councillor Jeffrey Gross commented that the proposed zoning revisions are in no way intended to impede the current or future operations of Moyer and Son, in fact the Borough hopes that Moyer will continue to thrive in the Borough for generations to come. Councillor Gross explained that the Borough is concerned with the potential future uses within the industrial district that may occur if future generations should decide to relocate the business. Even with the rezoning, Moyer and Son will retain its legal rights to continue to operate as a lawful nonconforming use and will retain certain rights to change or modify future uses.

John Moyer further commented that he understands the certain rights afforded to nonconforming uses, however, he is very uncomfortable with being downgraded from a conforming to a lawful nonconforming use. More specifically, this downgrade will dramatically impact on the ability of Moyer to obtain financing for inevitable future change or growth of the business. Mr. Moyer urged members of Borough Council to reconsider the rezoning and permit Moyer to retain the current industrial and commercial classifications.

Thomas Lawrence, business and property owner at 28 N. Third Street, questioned whether it is the intent of the ordinance to require existing property owners to immediately comply with certain design standards as listed in the ordinance. Councillor Andrew Schlosser noted that under zoning law, existing properties subject to a change in zoning will enjoy a lawful nonconformity to certain provisions of the new ordinance. At such time a change is proposed to the property by the owner, the property owner may be required at that time to bring the property into conformity with the provisions of the ordinance.

Earl Alderfer, 38 E Reliance Road commented that Reliance Road may not be ready for an expansion in commercial uses unless the cartway of the road is widened. Parking is only permitted on one side of the street. He does live with a few existing commercial uses. Harrison Avenue contains a number of apartment units and cannot tolerate any additional street parking or commercial expansion.

There being no further comment by the public, President Brian Goshow opened the floor to members of Borough Council for further discussion on the ordinance. President Goshow noted that in reviewing the ordinance, he wonders whether certain lighting requirements should be further evaluated. Some of the lighting requirements appear to be somewhat vague. Perhaps a separate set of signage standards should be established for the C-2 Commercial District.

Councillor Jeffrey Gross commented that the Borough has worked on this project for over a year and I really desire to move forward with adoption of the ordinance tonight, however I do not want to move forward without providing Moyer and Son an opportunity to fully evaluate and express their concerns over the ordinance. Not everyone will have everything scripted to their complete satisfaction, but we should respect the comments of those who attended tonight's meeting.

President Brian Goshow noted that the first item on the agenda is consideration of the C-2 Commercial Ordinance and Zoning Map Changes. Councillor Andrew Schlosser noted that a motion should be placed on the floor prior to any discussion to table. A motion was then made

by Councillor Andrew C. Schlosser, and seconded by Councillor Richard Halbom, to enact Ordinance No. 10-692-03 amending and revising Article IX C-2 Limited Commercial/Residential of the Souderton Zoning Ordinance and amending and revising the Zoning Map of Souderton Borough. A subsequent motion was then made by Councillor Ned Leight, seconded by Councillor John Young, to table consideration of the proposed zoning amendment until the regular May 3<sup>rd</sup> Borough Council meeting. The motion to table was approved by a vote of 6 yeas and 2 nays, with Richard Halbom and Edward Huber dissenting.

Souderton-Telford Main Streets Manager Pam Coleman discussed and answered questions concerning the administration of the anchor building grant and the future revolving loan program that will become available for other revitalization projects.

A motion was made by Councillor D. Jeffrey Gross, and seconded by Councillor Andrew C. Schlosser, to adopt Resolution No. 10-04 approving submission of a grant application under the Pennsylvania Department of Community and Economic Development Housing Redevelopment Assistance Program for the renovation of the Broad Theater. The motion was approved.

A motion was made by Councillor Andrew C. Schlosser, and seconded by Councillor D. Jeffrey Gross, to adjourn to Executive Session to consult with the Borough Solicitor on personnel matters. The motion was approved.

Borough Council adjourned to executive Session at 9:25 pm and convened to public session at 10:45 pm.

A motion was made by Councillor Richard Halbom, and seconded by Councillor Andrew C. Schlosser, to approve the Retirement Agreement between the Borough of Souderton and Charles A. Quinn, Sr. The motion was approved.

A motion was made by Councillor Ned D. Leight, and seconded by Councillor D. Jeffrey Gross, to approve the Purchase Agreement between the Borough of Souderton and P. Michael and Kathleen Coll, 458 Wile Avenue, conveying an irregular parcel from the adjacent swimming pool parking lot to be joined in common deed with the Coll property. The motion was approved.

There being no further business, the meeting was adjourned at 10:50 pm.

Respectfully submitted,

P. Michael Coll, Secretary

## **WORK SESSION MINUTES AND COMMITTEE REPORTS**

### ***Public Works Work Session – April 12, 2010 (7:00 pm-9:20 pm)***

Council Attendees: Mayor John Reynolds, Brian Goshow, Ned Leight, John Young, Steven Toy and Edward Huber. Junior Councillor Daniel Yocum.

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

## **INTERVIEW**

Borough Council members conducted an interview with Sergeant Kurt Scherzberg regarding the administration of the Souderton police Department upon the retirement of Chief Quinn.

## **1. Sanitation Committee**

- a) The March, 2010 Discharge Monitoring Report will be filed with no exceptions to permit limitations.
- b) Chief Operator Sal DeSimone reported that 365,000 gallons of septic waste was received from the Souderton High School, hauled by Clemens Septic. Additional sludge samples were sent to Penn State Laboratories at the request of PADEP regarding the land application permit for the disposal of sludge. Crews repaired a blockage in the Ferrous Sulfate line to tank B, which has now been placed in full operation.
- c) A motion will be prepared for the May Borough Council meeting to authorize bids for the landfill disposal of sludge and grit. The Borough will have to retain this option until DEP issues the permit for land application. The landfill disposal contract will provide an estimated quantity of sludge to be disposed during the contract term, but the actual work will be based on an as ordered basis with no guarantee of quantity.
- d) Borough Manager Michael Coll reported on quotations received to supply electricity to the various Borough facilities. The largest electric account that the Borough maintains is the waste water treatment plant. A number of electrical suppliers have interest in supplying power for the plant, but not the smaller accounts. Other quotes provide very competitive quotes for the plant, with higher quotes for the other municipal accounts. The Borough is paying an average of 9 cents per kwh since the rate caps have been removed. Quotes from competing generators range from 6.6 to 8 cents. The best quote appears to be from Constellation NewEnergy, quoting a fixed rate of 6.5969 cents per kwh for a 36 month period for all municipal accounts except the unmetered street lighting account. We had conducted a survey of some area treatment plants in the PPL service area, with a number of them signed with Constellation. Committee members endorsed the recommendation and the contract with Constellation has been executed with an effective date of June 1, 2010. President Brian Goshaw commented that a portion of the savings should be set aside and re-invested in cost saving technologies.
- e) Public Works Director Steven Coll reported that crews will return to N. Fifth Street at the end of April to continue work on the sewer main replacement project. The work will involve replacement of the sewer lines running to the rear of the homes in both the 500 and 400 block of East Broad Street. A new manhole will be set on Fifth Street, which connects the branches into the sewer main on N Fifth Street. Fifth Street will be reconstructed with a new base course later this fall.

## **2. Highway Committee**

- a) Public Works Director Steve Coll reported that crews spent a fair amount of time completing a very heavy brush collection. All of the former parking restriction signs around the school have been removed. We salvaged as many posts and signs as possible for re-use. Crews will work at grading all stone alleys throughout the Borough and will patch the paved alleys as necessary.
- b) Crews removed four Bradford pear trees on Colonial Avenue at the request of the homeowner. As with other streets, the trees severely lifted the sidewalks. The residence is under agreement of sale and removal of the trees and replacement of damaged sidewalk was requested prior to settlement on the property. These were the last of the Bradford Pears that the Borough planted along the streets.
- c) With budgetary concerns, a recommendation was made to reduce some of the paving efforts for 2010. The road improvement program will be limited to available revenue in the Liquid Fuels budget. The Borough did carry \$16,000 forward from last year which will be added to the paving budget. We are focusing paving work to N Fourth Street and S Second Street. N Fifth Street will be financed through the sewer capital fund. We are evaluating roads that will be good candidates for oil and chip surface treatment. The Borough will also need to allocate some budget towards patching segments of road

damaged from the severe winter weather.

### **3. Sidewalk Committee**

- a) No new items were discussed.

### **4. Recreation Committee**

- a) Committee members reviewed the status of the plans for the pool renovation project. Construction plans and specifications are complete and bids will be advertised starting April 28, 2010. A mandatory pre-bid meeting is scheduled for Wednesday, May 19<sup>th</sup> and bids will be due and opened on June 3<sup>rd</sup>. The Borough will have up to 60 days to review and consider award.

Public Works Director Steven Coll noted that demolition of the buildings will occur in May with the assistance of Franconia Township and Telford Borough. Interior demolition work continues. Salvageable items have been moved to the Cherry Lane garage for storage. All utilities have been disconnected from the buildings. Sal DeSimone salvaged some of the electrical equipment and will advertise some of the motors for sale in various trade publications.

- b) S & H Landscaping is completing work on the pavilion project at the Lawn Avenue Park. The pavilion has been installed and they are now working on regarding the lawn area and installing the designated plantings. This is the last remaining construction phase of this park project. Approximately half of the project cost will be reimbursed by the remaining funds under the \$750,000 State Redevelopment Assistance Capital Program grant.

### **5. Property Committee**

- a) No new items were discussed.

### ***Administrative Work Session – April 19, 2010 (7:00 pm-9:30 pm)***

Council Attendees: Mayor John Reynolds, Brian Goshow, Jeffrey Gross, John Young, Andrew Schlosser, Steven Toy, Richard Halbom and Edward Huber. Junior Councillor Daniel Yocum.

Staff Attendees: Borough Manager Michael Coll.

### **Moyer and Son, Inc, Rezoning**

Borough Council members met with John Moyer and David Moyer regarding the proposed rezoning of Reliance Road and Railroad Avenue. Further discussion will be held by Borough Council members later in the work session. However, it was generally agreed that the proposed re-zoning of the Moyer and Son properties will be withdrawn, with exception of the property at 53-55 E Reliance Rd. Borough Council and the Montgomery County Planning Commission will work to develop a new commercial zoning district that will permit light manufacturing and warehouse uses.

### **Executive Session**

Council President Brian Goshow and Mayor John R. Reynolds requested an executive session for the purpose of interviewing James P. Leary as a possible candidate for the position of interim chief. The Executive Session began at 7:35 pm and continued until 8:25 pm, at which time Borough Council continued in public session with the following committee discussions.

## **1. Police Committee**

- a) Councillor Richard Halbom revisited the matter of the intersection of S. Front Street and Montgomery Avenue. The Borough Engineer conducted an evaluation of the intersection and prepared a plan to install a 3 way stop intersection at this intersection along with other traffic markings. Borough Council reviewed this plan last fall and determined that some of the proposed striping and curb work was too extensive, but did reach consensus to install a three way stop intersection with painted stop bars and appropriate advanced stop ahead signage. Councillor Halbom noted that he desired to bring this matter back to Borough Council at the May 3<sup>rd</sup> Borough Council meeting for formal authorization.
- b) Councillor Richard Halbom also reported on several meetings and discussions with property owners and residents concerning speed concerns in Duke Alley between reliance Road and Harrison Avenue. Over the past months, the speed trailer was positioned in the alley to record data on the number of vehicles using the alley and relative speed. The data was inconclusive. The alley is used by the surrounding apartment buildings but also serves to bypass the light at certain times of the day, especially by vehicles heading to the day care center at Grace Bible Church. Councillor Halbom noted that the installation of a speed hump in Duke Alley appears to be the only alternative to address the resident concerns. Construction of the speed hump is somewhat problematic because it will have the potential of opening the Borough to other installations. A recommendation was made to establish a policy, just as we currently use for alley paving requests, to require the property owners to share the cost of the material, with the Borough providing the labor and equipment to install the speed hump. Councillor Halbom will report this recommendation back to the residents.

## **2. Administrative Committee**

- a) The Executive Board of the Montgomery County Consortium has recommended a revision to the articles of agreement requiring representatives of the Consortium to attend a minimum number of meetings on an annual basis to remain in good standing. A Resolution acknowledging this amendment has been requested from each member municipality. The Borough joined the Consortium over a year ago to participate in their cooperative bid for road salt.

## **3. Development Committee**

- a) Members discussed the proposed revisions to the C-2 Limited Commercial/Residential District. Borough Manager Michael Coll and Borough Councillors Jeffrey Gross and Andrew Schlosser met with representatives of the Montgomery County Planning Commission on Thursday, April 15<sup>th</sup>. The discussions centered on reducing certain areas selected for re-zoning to the new C-2 district, such as Harrison Avenue, Clarion Avenue, N. Second Street and Harleysville Pike. Concern was expressed over the potential for certain intense commercial uses, such as a bar or restaurant, to locate in a predominately residential area, even as a conditional use. The current C-1 Commercial and Limited Industrial districts will be retained on the Moyer & Son properties, but will be revisited in the future.

Concern was expressed about proceeding to a formal vote at the may 3<sup>rd</sup> meeting with the suggested changes. Members of Borough Council felt that some form of advertisement should be made prior to formal consideration, as may be recommended by the Borough Solicitor. Some members of Borough Council felt that the C-2 Commercial zoning should be extended along Harleysville Pike and should be retained for N Second Street from Chestnut Street north to and including the Borough's public works garage at 154 N. Second Street. A general consensus was reached to report on the proposed revisions with a motion authorizing the re-advertisement of the revised ordinance and zoning map

changes for formal consideration at the June Borough Council meeting.

- b) Zwingli United Church of Christ was successful in obtaining the necessary variances from the Souderton Zoning Hearing Board to proceed with the redevelopment of the church. Representatives of Zwingli Church will attend the April 21<sup>st</sup> meeting of the Souderton Planning Commission meeting to request approval of their proposed development plans. A storm water basin will be added at the southern end of the site with the addition of a level spreader to continue the sheet flow from the site but at a much lesser rate. The upper drive will be eliminated and the area will be used to increase the amount of buffering to the residential properties to the north. The lower drive will be widened and constructed to accommodate emergency vehicle access. The plan will be placed on the May 3<sup>rd</sup> Borough Council agenda for final approval.
- c) The proposed lot line change between the Borough pool parking lot and the Coll property at 458 Wile Avenue will also be on the April 21<sup>st</sup> Planning Commission agenda for final approval. This plan will also be on the May 3<sup>rd</sup> Borough Council meeting agenda for final approval. The property has been staked out by the Borough Engineer and has since been graded and seeded to accommodate the future installation of granite curbing in the pool parking lot as part of the renovation project.
- d) Committee members reviewed the latest plans for the Main Street Streetscape Project between Chestnut Street and Broad Street. The east side of the road will remain in generally the same location. The west side incorporates five on street parking spaces, reduces Lumber Street to a one way street heading in a westerly direction and maintains the right turn lane. The plans were reviewed with PennDOT representatives on Wednesday, March 24<sup>th</sup> at their office in King of Prussia. PennDOT raised concern with the signal improvements and most recent changes in ADA requirements. The signal upgrades will become more involved than initially anticipated due in large part to the most recent ADA requirements. Our traffic engineer will also evaluate the need to install a signalized left turn lane on Broad Street and time based versus interconnecting the signals with Washington Avenue. In order to maintain the timeline for construction under the County revitalization grant, the Borough Engineer was instructed to revise the limits of construction to delete the intersection improvements. Improvements to the intersection will become another construction phase and will also need to incorporate revisions to the train station parking lot. Our consulting team will meet with Uninvest representatives to update them on the revised scope of work and to specifically discuss landscaping priorities and alternatives along their property.

Material bids have been advertised and will be opened on Monday afternoon, May 3<sup>rd</sup>. The bids will be tabulated for consideration at the May Borough Council meeting. The bids include asphalt block pavers, granite curb, granite block pavers, sidewalk construction and street light posts and fixtures. The base street light bid will be for the traditional metal halide fixture, with an LED fixture as an alternate bid. Borough Council discussed the potential of upgrading the specification for the street lights to a LED fixture. The fixture is identical to the first section and carries up to a 12 year warranty. Committee members expressed some reservation about the change, specifically over concerns with appearance of the light and cost of replacing the LED unit at the end of its life versus traditional bulb replacements.

#### **4. Finance Committee**

- a) Borough Council discussed the loan commitment letter Uninvest National Bank to extend a \$2.5 million construction loan for the pool renovation project. This is a typical construction loan format that included more bank oversight than other general obligation loans. The rate is competitive, but reflects some concern over the project. The rate is fixed at 4% interest for the first six years and then resets to 70% of prime thereafter. The most recent loan reset to 60% of prime.

A motion will be recommended at the May 3<sup>rd</sup> Borough Council meeting to authorize the

Borough Solicitor to prepare, advertise and file the necessary documents to complete this construction loan.

- b) Borough Council reviewed the first quarter financial statements for the General Fund, Sewer Operating, Sewer Capital, Capital Reserve Fund and Liquid Fuels Fund.