

Regular Meeting

May 5, 2008

The Regular Meeting of the Souderton Borough Council was called to order by President John U. Young at 7:30 p.m. Members of Borough Council present at the Meeting included the following:

President John U. Young	Councillor Ray M. Yothers
Vice President Andrew C. Schlosser	Councillor J. Edward Hunsicker
Councillor Ned D. Leight	Mayor John R. Reynolds
Councillor D. Jeffrey Gross	Solicitor Robert G. Bricker
Councillor Brian Goshow	Borough Manager P. Michael Coll
Councillor Katherine M. Grubb	Public Works Director Steven R. Coll
Councillor Jonathan C. Gardenier	Police Chief Charles A. Quinn, Sr.

The Invocation was given by Councillor D. Jeffrey Gross, followed by the Pledge of Allegiance to the Flag.

Consideration was given to the minutes of the April 7, 2008 Regular Borough Council Meeting. Councillor Jonathan Gardenier requested clarification under the Sidewalk Committee work session minutes that the Borough previously offered loans to property owners for curb and sidewalk construction amortized over a ten year period. Councillor Gardenier also requested a correction under the Development Committee minutes that he believes the proposed Indian Valley Regional Planning Commission Lighting Ordinance is too restrictive for the Borough's needs. Councillor Katherine Grubb requested a grammatical revision under the public comments of Jamie Allebach and clarification under the Development Committee minutes that committee members did not discuss the conceptual plans regarding the Souderton High School Redevelopment Planning Project due to time constraints. Councillor Grubb also suggested that the work session minutes be moved to the end of the Borough Council minutes for continuity.

A motion was made by Councillor Andrew Schlosser, and seconded by Councillor Ned D. Leight, to approve the minutes of the April 7, 2008 regular Borough Council Meeting, as corrected. The motion was approved.

Consideration was given to the minutes of the April 21, 2008, Special Borough Council Meeting. A motion was made by Councillor Katherine M. Grubb, and seconded by Councillor Jonathan Gardenier, to approve the Special Meeting minutes as presented. Motion was approved.

Under correspondence, Borough Manager Michael Coll reported that he copied a letter from Mr. Scott Houston, 7 Reliance Road; as well as a letter from Ray Hopkins, 417 Wile Avenue in reference to the proposed traffic signal at Reliance Road and Main Street.

President John U. Young recognized former Councillor Roy J. Zeiher who was in the audience and presented him with the President's Award for his many years of service to Souderton Borough, the Montgomery County Boroughs Association and the Pennsylvania State Association of Boroughs.

Mayor John Reynolds read a Proclamation recognizing National Law Enforcement Week on May 11, 2008 through May 17, 2008 and Police Memorial Day, May 15, 2008.

Councillor Jonathan Gardenier suggested that the Borough should send a formal request to the Pennsylvania Department of Transportation to authorize the reduction of the speed limit on all state roads within Souderton Borough to 25 mph.

Solicitor Report for the month of April, 2008 was distributed. They had a second meeting with representatives of Verizon regarding a proposed cable franchise agreement. A draft of the agreement has been circulated, and they prepared and advertised a proposed ordinance to formally approve the Agreement. They prepared and submitted a memorandum dated April 14, 2008, regarding the maintenance, repair, and replacement of sidewalks. They made some revisions to the proposed Local Services Tax Ordinance and are in the process of advertising the Ordinance for adoption at the June Borough Council Meeting. They had several discussions with the Borough Manager regarding the property at 121 Main Street, particularly on the issue of parking. They had a telephone conversation with the owners' attorney regarding the owners' claim that the property has some nonconforming status with regard to the parking. Since the burden of proving a nonconformity is on the party making the assertion (in this case, the owner), it was agreed that the owner, through their attorney would submit whatever proof and legal arguments they have supporting their claim that there is a

nonconformity which the Borough is required to recognize. The Borough would then be in a position to respond, and if the owners disagree, they would have the right to appeal to the Zoning Hearing Board.

Public Works Director Steven Coll reported that the annual street sweeping program will begin throughout the Borough. Residents are requested to cooperate with the posted parking restrictions. President Young questioned the community response to our first spring leaf collection program. Steven Coll estimated that 30 yards of leaves were collected over the two week period, consuming approximately 40 hours of labor.

Borough Manager Michael Coll reported pool memberships are on sale at the Souderton Borough Office, with discounts through May. The pool will open on Saturday, June 7 through Labor Day, September 1. Michael Coll reported the proposed traffic signal construction project at Reliance Road and Main Street was discussed by Borough Council members during their monthly work sessions. The general consensus of the members was to pursue bids for the project to determine actual construction costs. Borough Council is concerned with the cost of this project. The Budget estimate of \$75,000 was based on a previous traffic study. A current estimate from the Borough Engineer suggests a cost between \$90,000 and \$110,000. The Borough has received a grant of \$50,000 from the State and a formal request for an extension of the contract was recently sent. The bidding schedule will be developed next week with the Borough Engineer. The Borough Manager reminded Council that next committee meeting for the Souderton High School Redevelopment Planning project will be on Thursday morning, May 15 beginning at 8:00 am in the Council Chambers. The annual North Penn Water Authority Banquet will be held on Thursday, May 22 and the monthly dinner meeting of the Montgomery County Boroughs Association will be held on Thursday, May 22, hosted by Hatfield, Souderton and Telford Boroughs. Borough Manager Michael Coll outlined the agenda items scheduled for consideration by Borough Council. Verizon representatives are in attendance to address any remaining questions on the proposed cable franchise agreement. Verizon is currently constructing the system throughout the Borough and anticipates the availability of service by the end of this year. The second item is a recommendation from the Police Committee to proceed with a management and operations study for the Souderton Police Department through the consulting firm of safe City Solutions at a cost not to exceed \$6,000. The third item is authorization to purchase a tractor under State bid through the Hillside Cemetery from Detlan Equipment Company in Silverdale at a cost of \$13,532.25. The tractor and mowing deck will be financed by the Cemetery and the optional broom and plow attachments will be financed by the General Fund. The last item is authorization to proceed with bids for the disposal of dewatered sludge and grit from the waste water treatment plant. The primary bid will be towards landfill disposal; however, land application of sludge may become available later in the contract year.

Councillor Jonathan Gardenier reported that the Borough Manager sent a letter to PennDOT informing them of an erosion problem along County Line Road. Councillor Gardenier recommended that Garfield Avenue be removed as a candidate for oil and chip and designated for milling and overlay. This section of the street is in poor condition. Councillor Gardenier questioned whether the Borough continues to assume responsibility to install handicapped accessible curb cuts. Borough Manager Michael Coll commented that the Borough will install or replace handicapped ramps whenever any street improvement work is planned. Councillor Gardenier noted visibility concerns at the corner of Central Avenue and Fourth Street due to hedges and at the corner of Second Street and East Chestnut Street with cars parked in the parking lot for Curves. He commented that a clear sight triangle should be maintained at all intersections. The Councillor also questioned the status of the pool study with Wade Associated. The Borough Manager commented that the consultant is planning another visit to the pool next week.

Councillor Jonathan Gardenier question Public Works Director whether crews clean the storm drain inlets when sweeping the streets. Public Works Director Steve Coll replied that the sweeper will clean the top of the grate only. Cleaning of the inlet boxes requires the removal of the grate and the inlet is cleaned out by hand. Councillor Gardenier noted an inlet that is full of debris at the corner of Second Street and Central Avenue. The Public Works Director noted that this condition was caused by a collapsed storm drain line.

Councillor Gardenier also commented that the Borough is working on a revised parking ordinance and questioned the status of the proposed ordinance. Borough Manager Michael Coll replied that he is working with the Borough Solicitor on preparing a draft ordinance which will be circulated to Borough Council for review. Councillor Gardenier also reminded the Borough Manager to send out the parking survey to residents in the first block of W. Walnut Street.

Consideration was given to paying the bills for the month of April, 2008.

GENERAL FUND

Bergey's, Inc.	\$50.00	Boro of Souderton Capital Reserve	\$75,000.00
Ches-Mont Disposal, Inc.	325.92	Christopher E. Werner, D.D.S.	16.00
Clemens Uniform Rental	167.28	Comcast Cable	42.95
Detlan Equipment, Inc.	72.49	E.M. Kutz, Inc.	2,260.00
Federal Express Corporation	26.07	Glasgow, Inc.	63.00
Gouldey Welding & Fabrication	313.00	Michael C. Boraski, D.M.D.	126.00
Moyer & Son, Inc.	787.97	Naceville Materials	28.30
Nextel Communications	174.53	North Penn Water Authority	481.94
Petty Cash Fund	114.70	Rotanium Products Company	182.35
Shelly Enterprises, Inc.	77.35	Souderton-Telford Main Streets	11,250.00
Trumbauers Lawn & Rec, Inc.	193.31	Unum Insurance Company	30.99
Ven-Mar Sales, Inc.	297.25	Weaver and Reckner Dental	100.00
Weldon Auto Parts	7.56	Altek Business Systems, Inc.	366.68
AT&T	33.17	Farm & Home Oil Co.	1,070.43
Frederick's Flowers	37.95	Indian Valley Country Club	2,991.70
MetLife	240.70	Moyer & Son, Inc.	927.50
Naceville Materials	335.46	NetCarrier Telecom, Inc.	470.21
PECO Energy Co.	167.25	Pennsylvania One Call System	26.00
PPL Electric Utilities	312.34	PSAB	475.00
Richter Drafting/Office Supplies	1,122.79	State Workers Insurance Fund	3,796.80
The Home Depot	56.61	Verizon	179.90
Weldon Auto Parts	22.46	Gran Tuck Equipment Co., Inc.	234.12
Independence Blue Cross	16,546.78	Keystone Health Plan East	7,112.53
M & M Stone	379.50	MetLife	18,291.25
Montgomery Newspaper	233.52	Moyer & Son, Inc.	1,999.24
PA Municipal Retirement System	1,566.51	PA Municipal Retirement System	750.16
PA Municipal Retirement System	3,074.46	Patriot Diamond, Inc.	950.00
Petty Cash Fund	171.88	Postmaster, Telford/Souderton	527.57
Postmaster, Telford/Souderton	223.40	PPL Electric Utilities	9,567.51
PSAB	225.00	Richter Drafting/Office Supply	601.83
Uninvest Visa	349.00	Uninvest Visa	314.10
Weaver and Reckner Dental	100.00	Word Work, Inc.	4,863.00
Clemens Uniform Rental	188.14	Cope's Garage, Inc.	1,432.85
Dr. Larry J. Geller	178.00	Farm & Home Oil Co.	1,294.23
Montgomery County Treasurer	4,662.00	North American Benefits Company	874.10
Unum Insurance Company	755.12	Adam W. Moore	20.00
Bergey's, Inc.	56.86	Brother International Corporation	170.09
Cardinal Camera Center	449.94	Comcast Cable	60.36
Cope's Garage, Inc.	856.55	Country-Fair Cleaners	239.90
Daniel L. Beardsley LTD	140.00	David L. Gale	20.00
Davidheiser's, Inc.	56.00	Drawing Board Printing	63.63
Farm Bureau Garage, Inc.	135.00	Gerald W. Moyer	20.00
James C. Throop	20.00	Joseph J. Rudner, Jr.	20.00
Joseph P. Kelly, Jr.	20.00	Kurt Scherzberg	20.00
Lansdale Police Department	150.00	Markey Paper & Packaging, Inc.	63.83
Martin DiVergigelis	20.00	Matthew Bender & Co., Inc.	297.55
MetLife	217.63	MetLife	2,464.30
Richter Drafting/Office Supply	116.07	Telford Press Printers	379.48
Thomas A. Lawson	20.00	Wayne L. Black	20.00
		Total General Fund	\$188,404.90

SEWER FUND

Ches-Mont Disposal, Inc.	\$89.60	Clemens Uniform Rental	\$339.39
Comcast Cable	42.95	Drummond American Corporation	285.24
Environmental Resource Associates	809.48	Farm Bureau Garage, Inc.	277.33

Graphic Controls LLC	254.90	J.P. Mascaro & Sons	6,705.27
Keystone Protection Industries	104.00	Maryland Biochemical Co., Inc.	1,348.44
North Penn Water Authority	122.90	PPL Electric Utilities	15,671.88
USA Blue Book	781.65	West Generator Service	1,182.10
Armor Research Co.	354.68	Boro of souderton Sewer Capital Fd	50,000.00
Bruske Products	266.20	California Contractors Supplies	599.00
Essex Service Corporation	334.22	JWC Environmental	3,000.00
K & A SRVS, Inc.	312.50	NetCarrier Telecom, Inc.	200.95
State Workers Insurance Fund	1,627.00	The Home Depot	26.97
Verizon	55.06	Bergey's Electric, Inc.	436.72
Bruske Products	235.21	Cintas First Aid & Safety	42.35
Fisher Scientific	205.63	Fred Pryor Seminar	128.20
Galco Business Communications	218.20	Hach Company	825.32
Independence Blue Cross	4,585.80	Independence Blue Cross	107.74
Independence Blue Cross	207.65	J.P. Mascaro & Sons	5,111.73
Keystone Health Plan East	2,616.51	Landis Block & Concrete	78.10
Moyer & Son, Inc.	349.96	Patriot Diamond, Inc.	950.00
PPL Electric Utilities	1,672.82	Richter Drafting/Office Supply	22.22
Shelly Enterprises, Inc.	27.25	Suburban Water Testing Labs	2,260.00
Sureflow Technologies, LLC	301.90	Univar USA Inc.	2,020.30
MetLife	82.21	Clemens Uniform Rental	119.90
EPWPCOA, Inc.	57.00	H. Keith Koehler	88.00
Jeffrey W. Sidman	164.00	JWC Environmental	11,675.40
North American Benefits Company	306.08	The PA State University	290.00
Unum Insurance Company	244.17	Wellington Sporting Goods	25.49
Lawson Products, Inc.	188.81	MetLife	82.21
Siemens Water Technologies	160.50	Suburban Water Testing Labs	111.00
		Total Sewer Fund	\$120,790.09

CAPITAL RESERVE FUND

Boucher and James, Inc.	\$1,566.88	Commonwealth Precast, Inc.	130.00
Hajoca Corporation	1,171.58	Jaeger Electric Service, Inc.	503.90
Landis Block & Concrete	17.50	Lane-King of Prussia	3,900.00
Ply-Mar Construction Co., Inc.	29,211.50	Univest National Bank	1,900.26
Univest National Bank	6,052.96	Commonwealth Precast, Inc.	1,024.00
Naceville Materials	919.58	Univest National Bank	1,838.95
		Univest National Bank	<u>6,052.96</u>
		Total Capital Reserve Fund	\$54,290.07

LIQUID FUELS FUND

Glasgow, Inc.	\$63.00	Landis Block & Concrete	\$222.00
Letterco	480.00	PPL Electric Utilities	163.12
Shelly Enterprises, Inc.	60.52	The Home Depot	20.95
Commonwealth Precast, Inc.	674.00	Letterco	132.00
PPL Electric Utilities	306.58	Shelly Enterprises, Inc.	6.94
Letterco	60.00	U.S. Municipal Supply Inc.	72.31
		Total Liquid Fuels Fund	\$2,261.42

SANITARY SEWER CAPITAL FUND (PLGIT)

Commonwealth Precast, Inc.	\$1,164.00	G.A. Peak	\$26,680.00
Hajoca Corporation	1,295.28	Naceville Materials	2,923.63
Norris Sales Company Incorporated	2,076.45	Bank of New York (PENNVEST)	57,355.94
		Total Sanitary Sewer Capital Fund	\$91,495.30

LIBRARY TAX FUND

Indian Valley Public Library \$11,427.75
A motion was made by Councillor Katherine M. Grubb and seconded by Councillor Andrew C.

Schlosser, to pay the bills for the month of April, 2008, as presented. The motion was approved.

President John U. Young opened the floor for public comment by Borough Residents and Property Owners.

Ray Hopkins, 417 Wile Avenue, thanked Council for looking into additional funding for the traffic signal. The term liability is being used and it is very broad. What liability does Souderton Borough have if we do not move forward with project? Mr. Hopkins further commented that he read that office spaces were considered for 121 Main Street and questioned the amount of parking spaces required. Mr. Hopkins expressed concern with the Borough offering a waiver on the parking requirement.

President John Young questioned the Borough Solicitor on the matter of liability. The Borough Solicitor generally stated that the Borough and PennDOT would be named as defendants and a jury would ultimately decide negligence and damages. Councillor Gardenier questioned if certain improvements at this intersection could mitigate this liability exposure. Councillor Edward Hunsicker commented that the Borough has been discussing this signal for nearly twenty years and the Borough has spent too much money on engineering.

Councillor Gardenier commented that he had a conversation with Borough resident Rex Selheimer about the Univest Operations Center at 16 Harbor Place. During the zoning hearing Univest represented that the parapet walls would hide the roof top HVAC units. Actually, the units are visible from the street. Perhaps Univest should be contacted about this issue. Councillor Gardenier further noted that the recently constructed parking spaces by Univest behind the Souderton Train Station do not comply with the Zoning Ordinance. The Ordinance requires parking spaces to be paved and striped. Univest only paved the main drive aisle but left the actual parking spaces in stone. The Borough Manager noted that the lot is owned by SEPTA and the eastern line of parking is over a covered rail siding. SEPTA will not permit the rail siding to be paved over, but they permitted covering the line in stone. Councillor Gardenier commented that this may not necessarily be a problem, but he does not want the Borough to be obligated to complete the paving in the future.

The first item of business was consideration of an Ordinance approving a cable franchise agreement with Verizon. Borough Manager Michael Coll reported that this is a non-exclusive franchise agreement very similar to the current Comcast agreement. The franchise fee is the same and the basis for calculating the fee is the same. The initial term is fifteen years. Verizon representatives confirmed that the system is currently under construction in Souderton Borough. The lines will be aerial or underground depending on the location of existing utilities. Service will be wired the same as Comcast within the home and contractors should not need to access the homes. All Verizon employees will carry identification.

A motion was made by Councillor Ned D. Leight, and seconded by Councillor Jonathan C. Gardenier, to enact Ordinance No 08-678-01 approving and adopting a non-exclusive Cable Franchise Agreement with Verizon Pennsylvania, Incorporated to operate a cable system in the Borough of Souderton for a term of fifteen years. The motion was approved.

A motion was made by Councillor Andrew Schlosser, and seconded by Councillor Katherine M. Grubb, to approve the proposal of Safe City Solutions to complete a Management and Operations Study of the Souderton Borough Police Department at a cost not to exceed \$6,000.00. A roll call vote was taken:

Ned D. Leight	Yea	Brian Goshow	Nay
D. Jeffrey Gross	Yea	John U. Young	Nay
Andrew C. Schlosser	Yea	J. Edward Hunsicker, Jr.	Nay
Katherine M. Grubb	Yea		
Jonathan C. Gardenier	Yea		
Ray M. Yothers	Yea		

The motion was approved by a vote of 6 yeas to 3 nays.

A motion was made by Councillor J. Edward Hunsicker, Jr., and seconded by Councillor D. Jeffrey Gross, to approve the quotation of Detlan Equipment, Inc., to furnish and deliver a new John Deere tractor with 62" moving deck, plow and broom attachments at a cost of \$13,532.25, financed with \$9,786.75 from the Hillside Cemetery fund and the balance of \$3,742.50 from the General Fund. The motion was approved.

A motion was made by Councillor Brian Goshow, and seconded by Councillor Andrew Schlosser, authorizing the advertisement of bids for hauling and disposal of dewatered sludge and grit from the Waste Water Treatment Plant. The motion was approved.

Councillor Jonathan Gardenier commented that the need for a new curb and sidewalk ordinance was discussed at the last work session and he would like to authorize the Borough Solicitor to move forward with drafting a new ordinance. Councillor Andrew Schlosser questioned if this would be applicable Borough wide or will the core business district be excluded. The general consensus was to refer this matter back to committee and have the Code Enforcement Officer attend the next work session to further discuss various issues with curb and sidewalk construction.

Councillor Jonathan Gardenier commented that he has been in conversation with Borough resident Brad Price about the possibility of enacting a restriction on the demolition of buildings without having an approved land development plan. Councillor Gardenier commented that he has done some research and such a restriction may be unlikely. Councillor Jeffrey Gross commented that there are restriction on the practice of "demolition by neglect". The matter will be reviewed by the Borough Solicitor for further committee discussion.

Councillor Jonathan Gardenier commented that he favors preservation of the former Souderton High School. He further commented that he continues to be concerned with the proposed traffic signal at Reliance Road and Main Street. He believes that the signal will result in more cars using Wile Avenue to avoid the signal and this will result in increased speeding complaints. The effect on the surrounding side streets must be considered.

There being no further business, the meeting was adjourned at 8:28 pm.

Respectfully submitted,

P. Michael Coll, Secretary

WORK SESSION MINUTES AND COMMITTEE REPORTS

Public Works Work Session – Monday, May 12, 2008

Council Attendees: Mayor John Reynolds, John Young, Ned Leight, Brian Goshow, Katherine Grubb, Jonathan Gardenier, Ray Yothers and Edward Hunsicker.

Staff Attendees: Code Enforcement Officer Carl Stuart, Public Works Director Steven Coll and Borough Manager Michael Coll.

1. Sanitation Committee

- a) The April Discharge Monitoring Report was filed with no exceptions to permit limitations. Chief Operator Sal DeSimone prepared a monthly report for distribution to committee members outlining the performance of the plant and associated maintenance issues.
- b) Special Legal Counsel, Steve Miano, and DEP legal counsel completed the settlement agreement on the Borough's appeal of the NPDES permit. Phosphorus limits have been rolled back to original levels of 1.0 mg/l during summer months and 2.0 mg/l in winter. The original draft reduced the phosphorus limit to 0.24 mg/l. DEP also made some concession to relax the O & M plan requirements and inserted language that could end the sampling requirement for copper. Borough Council should understand that this action is a "temporary reprieve" as EPA and DEP continue in establishing TMDL studies for the streams within the entire watershed area of southeastern Pennsylvania. Regulators recently released the Perkiomen Creek TMDL study that suggests a phosphorus limit of 0.04 mg/l and dramatic restrictions on Nitrogen. This particular study directly affects the Telford Waste Water Treatment Plant. We are awaiting a new Skippack Creek TMDL Study that most likely will suggest similar restrictions. The economic ramifications for plants to meet these limitations are significant. Committee members suggested that more public information should be released on this subject and we must contact

our state and federal legislators to intervene.

2. Highway Committee

- a) Refer to the attached outline from Steve Coll regarding the status of projects completed during the month of March and planned through May.
- b) Crews serviced 60 brush collection requests for the month, which required nearly three days to complete.
- c) Most of the month was devoted to the construction of the N Fourth Street storm drain project. The large under-street detention basin was constructed and all trenches were compacted and paved. Crews will return to the project in June to complete the final connections on Summit Street and extend a new drainage line to service the rear of the town homes on Summit Street.
- d) Committee members approved the following road improvement program for 2008:

Oil and Chip Surface treatments will be completed on Hunsberger Lane, between Broad and Chestnut Streets; W. Walnut Street, between Main Street and Wile Avenue; Parkview Drive; and Lincoln Street, between Second and Fifth Streets. The total cost for oil and chip surface treatments is estimated at \$30,841.00.

Paving work will be completed on Summit Street, between Main and Second Streets; Lawn Avenue, between Washington and Penn Avenue; and S. Second Street, between Broad Street and Montgomery Avenue. The cost for milling and paving work is estimated at \$66,015, financed with \$60,145.00 in Liquid Fuels revenue and \$5,870.00 in General Fund revenue. The extra funding for paving is coming from a delay in completing the streetscape project on Main Street, between Chestnut and Broad Streets. The Liquid Fuels fund also experienced a \$9,000 increase in the beginning fund balance over the original budget estimate.

3. Sidewalk Committee

- a) Considerable discussion continued from last month on the fluctuating policy over the use of grass plots. The primary advantage of grass plots is to provide flexibility to property owners to salvage sections of relatively good sidewalk or delay the construction of sidewalk when curb needs to be replaced to accompany a road paving project. Good sidewalk can be cut and salvaged regardless of the elevation of the new curb. Grade variations can be adjusted by the grass plot, saving considerable expense to the property owner and the Borough. Maintenance of the grass plot has become a primary objection.

The general consensus of the Committee was to maintain grass plots only in areas where they are currently prominent and can be maintained at a width of 24 inches with a minimum 48 inch sidewalk width. The movement should be away from establishing grass plots in areas that do not have them. A new ordinance should be drafted that lists each street and the intended sidewalk width and grass plot designation, if any. This will serve to establish a clear and consistent policy moving forward. The ordinance will also reflect current construction practices and a section establishing guidelines that would require property owner replacement of curb and sidewalk. Borough Council should review and understand our exposure to sidewalk construction costs for replacement of acceptable sidewalk to accommodate curb construction, especially when elevation adjustments are required.

4. Recreation Committee

- a) Playground equipment for the Lawn Avenue Park has been ordered and should be delivered in late July. The equipment will be installed by Borough forces.

The last component of this park improvement project is construction of an inline skating rink. The master plan located this skate rink between the tot lot and North Penn water Authority property. The space is currently graded as open lawn area. Prior to moving forward with this last phase, a suggestion was made to Committee members that perhaps a pavilion area with

added benches, landscaping a small playground features would be a more suited use for this space. The skate rink, if desired, might be better placed in the multi-purpose field closer to the Boys and Girls Club building along with or combined with an outdoor basketball court.

Committee members seemed to prefer the pavilion over the skate rink for this final phase. I have asked our Borough Engineer to provide a conceptual sketch plan reflecting construction of a pavilion area. They will also assist us in the final placement of the playground equipment.

- b) Wade Associates are continuing work on the supplemental pool study. The consultant was at the facility last week to re-evaluate certain pool components and better evaluate the overall condition of the two main pools now that the water has been drained. They apologize for the delay in completing this study, but anticipate having a draft report to us sometime in June.

5. Property Committee

- a) Work has begun on the Municipal Building to repair the exterior wall sections. Carl Stuart, with assistance from the Borough crew, removed the old plaster from the wall and repaired a section of masonry wall surface.

Administrative Work Session – Monday, May 19, 2008

Council Attendees: Mayor John Reynolds, John Young, Brian Goshow, Katherine Grubb, Jonathan Gardenier and Edward Hunsicker.

Staff Attendees: Police Chief Charles Quinn and Borough Manager Michael Coll.

1. Police Committee

- a) An updated application form was developed for the position of police officer. An announcement will be prepared and advertised to begin accepting applications for the vacant police officer position with the Souderton Police department. The written test will be scheduled in mid to late July. There will be a \$25.00 application fee. The written examination will be administered and scored by representatives of the Civil Service Commission. Candidates receiving a score of 70 or better will be invited to participate in the oral examination. The oral examination will probably be scheduled in September. The announcement will also be posted on our web site.
- b) A survey was distributed among residents of W. Walnut Street, between Main Street and Wile Avenue, to obtain their opinions on the need to restrict parking to one side of the street, consider making this a one way street, or leave parking remain on both sides. W walnut Street is a very narrow road and we received some resident concerns that the Borough should consider improving the situation. There are 28 properties along this street and 20 responses were received from residents. A total of 12 responses suggested limiting parking to one side only, 4 of the respondents suggested the north side and 4 suggested the south side. Three responses favored making Walnut Street a one way street and five responses suggested making no change.

Based on the responses, Committee members will recommend posting a No Parking restriction on the south side of W. Walnut Street for a 90 day trial period, per Mayor's order. This restriction will be consistent with the current restrictions on Diamond Street and on Hillside Avenue.

- c) Committee members requested that a resolution be prepared for the June Borough Council meeting commemorating the service of Police Officer Donald Fry.
- d) Chief Quinn reported that a Special Events permit was issued for a block party on Hillside Avenue on June 22, 2008. This has become an annual event. Mayor Reynolds commented that the Borough should continue to support and encourage these events.
- e) Committee members discussed issues with tolerating the use of the municipal parking lots to serve as storage spaces for commercial vehicles and trailers that remain parked in the lots for months at a time without moving. The Committee suggested that the Borough Manager, Police

Chief and Borough Solicitor review ways to restrict the use of lots for storage of vehicles.

2. Administrative Committee

- a) Borough Manager Michael Coll and Councillor Jonathan Gardenier will be attending the annual conference of the Pennsylvania State Association of Boroughs on June 8 through June 11. To accommodate this schedule, the monthly Public Works Work Session will be moved to Monday, June 23.
- b) A public informational meeting will be held on Monday, June 19 to review the status of the Souderton High School Redevelopment Area Plan and the future steps. The meeting will be held in the Council Chambers beginning at 7:00 pm. This will be the dominant topic for the June Administrative Work Session.
- c) Committee members will need to begin negotiations with the Souderton Police Officers for a new collective bargaining agreement to become effective January 1, 2009. Committee members confirmed the appointment of Attorney James Maza to serve as special counsel in the negotiations, should the need arise.

3. Development Committee

- a) Committee members discussed the appeal of David Halliday, 121 Main Street with regard to the calculation of the land development application fees for the conversion of 121 N Main Street into 28 executive office suites. The current invoice assessed a fee of \$100 for each of the proposed 28 units. Mr. Halliday suggested that this development is unique in that the units are not self supporting and share common reception space, restroom facilities and even utilities. Members agreed to accommodate the request by charging a flat fee of \$1,200.00, which represents the commercial zoning application fee.

Borough Solicitor Robert Bricker has been in contact with David Halliday's legal counsel regarding the parking waiver request for this proposed development. We are awaiting a response for future consideration.

- b) Committee members discussed the status of the Souderton High School Redevelopment planning project. DePallo Design and Planning met with key committee representatives on Thursday morning, May 15th at 8:00 am in the Council Chambers. They outlined the provisions of a draft overlay district that would be applicable if 10 or more acres are developed. The overlay would include the entire block. Incentives can be considered to in the overlay zoning to entice developers to consider an adaptive reuse of the high school, but this would not be a specific requirement unless directed by the School District. The draft overlay district, along with one or a series of conceptual sketch plans will be appended to the School District RFP for the sale of the property. It is anticipated that responding developers will be required to submit a conceptual sketch plan for the entire school property, including the Hilltown Township parcel. The developers will also have to indicate any potential conflict or relief that may be necessary with regard to the guidelines of the overlay district. At that point, the Borough and School District will make a selection. This process and the draft overlay district will be presented at a public forum on June 16, 2008 beginning at 7:00 pm in the Council Chambers.

Committee members discussed opinions on the importance of requiring the adaptive reuse of the High School. Members expressed varied opinions, but generally supported strong incentives towards adaptive reuse, specifically towards the preservation of the original portion of the High School building. Preserving the facade of the main building seemed to be the priority, not necessarily preserving the auditorium use.

- c) Jerry Nugent, Director of the Montgomery County Industrial Development Authority was present at the May 15th meeting of the High School redevelopment project and outlined some of the benefits in considering certain economic benefits through the creation of an economic redevelopment area or district. The most common form of benefit is tax increment financing programs.

DePallo Design and Planning provided a quote to expand their services to include

comprehensive planning services for the core business district, which was previously distributed to Borough Council. A request was made to consider moving forward with the necessary planning initiatives to create an economic redevelopment district. The suggestion was to consider the high school property with an extension into the core business district. Committee members asked for an estimate of cost to complete this effort through DePallo and perhaps having a presentation at a work session to explain the entire process and associated benefits. Another suggestion was to have this planning effort run through the Souderton-Telford Main Streets program, with financial support from the private sector. Committee members did not see the need to include conceptual planning or zoning reviews within the core business district at this time.

- d) The Montgomery County Planning Commission will be working on the proposed extension of commercial zoning along Main Street as part of the planning assistance contract.
- e) Borough Solicitor Robert Bricker prepared an ordinance revising the parking requirements for multi-family and mixed use buildings. The current requirement is 1.5 parking spaces for each residential unit. The revised ordinance requires 1.5 spaces for each one bedroom or studio apartment and 2 spaces for each 2 bedroom or larger units. A suggestion was made that the proposed revision is too excessive for the C-3 Commercial Core District. This revision may increase the parking requirement by as much as 30%. Other members suggested that the downtown core district is just the place where additional parking will be required over time, without negatively impacting the surrounding residential neighborhoods. It is reasonable to expect that larger residential units will generate two cars and the ordinance should reflect this reality. Borough Council can be flexible in the interpretation of shared parking for the commercial units to be reasonable to the developer but protect the surrounding neighborhoods. The general consensus was to move forward with advertisement of the proposed ordinance for consideration at the July Borough Council meeting.

4. Finance Committee

- a) A brief discussion was held concerning enactment of a Local Services Tax effective January 1, 2009. The necessary ordinance has been prepared and advertised by the Borough Solicitor for formal consideration at the June Borough Council meeting. Also scheduled for approval is the collection agreement with Berkheimer Associates.
- b) Councillor Jonathan Gardenier discussed data received from Montgomery County regarding sales of property within the Borough from 2005 to present. He also prepared an excel file of all sales that after being adjusted by the Common Level Ratio (CLR) were sold for 10% in excess of their assessed value.

According to the Pennsylvania Local Government Commission, “the sale of the property cannot lawfully trigger a reassessment by the county board of assessment regardless of the indicated purchase price.” The courts have deemed this to be a “spot” reassessment and thus illegal. So it is not that the Montgomery County Board of Assessments is doing something wrong or improper, it is that they are prohibited by law from making an adjustment.

The PA LGC does note that, “although the county board of assessment may not reassess an existing property because it has recently been sold, the sale of a property may alert a taxing district, such as a school district, to appeal the assessment based on the sales price.

Taxing districts have the same right of appeal as property owners with regard to real property assessments.” The Borough has this same authority to appeal the assessments of properties.

He discussed this matter with school district representatives. Based on this discussion, the school would not support taking an appeal on residential properties, especially since it would not be a district wide policy. Perhaps the school district would consider compensating the Borough on the differential of their portion should there be a successful appeal of an assessment. Councillor Gardenier suggested looking at properties which have recently sold. These are the easiest to appeal and should not require the hiring of an appraiser.

Committee members commented that we should not go back, but should select a current starting point and move forward. The threshold limit for an appeal should be somewhere around a 20% variance between the actual sale price and the assessed valuation based on the

prevailing common level ratio.