

Regular Meeting

November 9, 2009

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

The Invocation was given by Councillor J. Edward Hunsicker, Jr., followed by the Pledge of Allegiance to the Flag, which was led by Boy Scout Troop 401 who were in attendance to work towards their citizenship badges.

Consideration was given to the minutes of the October 5, 2009, Regular Borough Council Meeting and the October Borough Council Work Sessions. A motion was made by Councillor J. Edward Hunsicker, Jr., and seconded by Councillor Richard Halbom, to approve the minutes of October 5, 2009 Borough Council Meeting and the October Work Sessions as presented. The motion was approved.

There was no correspondence.

The Borough Solicitor's report for the month of October was distributed to Borough Council. The Solicitor completed and submitted the required loan documentation to the Pennsylvania Department of Community and Economic Development for their approval. Approval is expected this week. The Borough Solicitor met with the Police Chief to review police personnel issues. The Solicitor also researched and prepared memorandums regarding the placement of stop signs and the tax exempt status of the former high school property.

In response to a question from President John Young, the Borough Manager noted that leaf collection has started and will resume tomorrow, as crews spent the past few days completing some remaining work on Fifth Street and the plaza project. Crews will follow the schedule published in the newsletter and on the web site through the remainder of the month. The Main Street Plaza project has been completed with the exception of the decorative fencing, street furniture and a few shrubs.

Borough Manager Michael Coll reviewed the agenda items scheduled for consideration. The first agenda item will be formal consideration of a minor subdivision plan for Edward and Lee Pierce, 79-81 W. Broad Street. The parcel contains an existing twin dwelling situated on a single lot. The plan of subdivision formally divides the parcel into two lots. Three appointments are scheduled for consideration, including the North Penn Water Authority Representative, Zoning Hearing Board member and Vacancy Board Chairman. A recommendation has been made to re-appoint all current representatives or members to another term. Two traffic issues are scheduled for consideration, with the first item adding a No Parking Restriction on Bank Street between the Municipal Parking lot and an unnamed alley. A recommendation has also been made to rescind the previously approved stop intersection at Noble Street and S. Front Street. The next item concerns the Community Swimming Pool project, with a motion to endorse the current concept plan for renovations to the facility and the second motion concerns approval of the planning consultant contract with Wade Associates. The Borough Manager noted that the Community Swimming Pool will not be open for the 2010 summer season. The last item will be the presentation of the proposed 2010 budget.

Councillor Katherine Grubb noted that she distributed information to Borough Council members regarding the criteria for placement of stop signs for review and consideration at the next work session.

President John Young reported that he and Councillor Goshow attended the Indian Valley Regional Planning Commission meeting. Topics of discussion concerned wood burning stoves and windmills. There is growing concern over the wood burning furnaces that residents are beginning to use for home heating. The stoves are located in the rear yards but the continuous smoke is becoming a nuisance for surrounding neighbors. Some sample ordinances and regulations are under discussion, both locally and on a state level. Councillor Goshow further commented that the Regional Planning

Commission will be working on a recreational inventory of the region along with a trail inventory. President Young commented on the model lighting ordinance that was developed through the regional planning commission, some of the provisions may be applicable to the Borough's needs.

Councillor Jonathan Gardenier questioned whether the Borough had any ordinances that addressed the placement of outdoor stoves. Borough Manager Michael Coll replied that there are no ordinances on file that would regulate the placement of these stoves; however, information was just released through the State Association of Boroughs that the state legislature is considering a regulation that the stoves must be set back a minimum of 150 feet from property lines. Such a regulation would effectively restrict the use of the stoves throughout the Borough.

Consideration was given to paying the bills for the month of October, 2009

GENERAL FUND

Bergey's, Inc.	\$1,052.24	Clemens Uniform Rental	148.70
Dischell Bartle Yanoff & Dooley	57.50	Farm & Home Oil Co.	645.19
Gerald W. Moyer	10.00	James C. Throop	10.00
Montgomery Newspaper	529.98	Petty Cash Fund	124.23
Richard Halbom	928.78	Ricoh	7,731.73
Telford Press Printers	65.13	Thomas A. Lawson	10.00
Wayne L. Black	10.00	Weldon Auto Parts	59.56
Borough of Souderton Recreation	822.00	Bricker, Landis & Hunsberger	4,844.00
Ches-Mont Disposal, Inc.	330.00	DVRPC	1,250.00
Indian Creek Foundation	376.00	Jaeger Electric Service, Inc.	807.82
Kurt Scherzberg	440.01	Nextel Communications	395.69
North Penn Water Authority	564.46	PA Municipal Retirement System	705.03
PA Municipal Retirement System	3,189.25	PA Municipal Retirement System	743.67
PA Municipal Retirement System	3,253.44	PPL Electric Utilities	233.52
Robert W Harley, RPR	175.00	Shelly Enterprises, Inc.	88.63
Styer Associates	926.00	AT&T	53.76
Comcast Cable	42.95	Cope's Garage, Inc.	4,947.62
Daniel L. Beardsley LTD	280.95	Employee Data Forms of MO LLC	34.25
Glasgow, Inc.	140.00	Highway Materials, Inc.	1,183.87
HISI	4,089.00	MetLife	217.63
MetLife	1,675.84	Montgomery Newspaper	412.61
Nationwide Trust Company	90,203.67	Nationwide Trust Company	58,039.00
PECO Energy	29.37	Pennsylvania One Call System	35.10
Petty Cash Fund	126.45	Potty Queen	293.00
PPL Electric Utilities	2,080.96	Propet Distributors, Inc.	358.45
Souderton-Telford Main Street	11,250.00	Univest Visa	63.74
Verizon	183.95	Weaver and Reckner Dental	515.50
Word Work, Inc.	4,916.00		
		Total General Fund	\$211,701.23

SEWER FUND

Bearings & Drives Unlimited	\$1,708.61	Ches-Mont Disposal, Inc.	90.75
Cintas First Aid & Safety	24.45	Clemens Uniform Rental	160.48
Commonwealth Precast, Inc.	622.00	Deltronics Corporation	875.00
Farm Bureau Garage, Inc.	90.95	Hajoca Corporation	2,091.19
Markey Paper & Packaging, Inc.	135.08	PPL Electric Utilities	14,983.30
Telford Press Printers	958.02	Boro of Souderton Sewer Capital	50,000.00
North Penn Water Authority	9.10	PPL Electric Utilities	449.46
Richter Drafting/Office Supply	4.15	Siemens Water Technologies	2,241.00
Suburban Water Testing Labs	142.00	Waste Mgmt of Indian Valley	3,133.04
Wellington Sporting Goods, Inc.	34.00	HISI	1,082.00
MetLife	82.21	Nationwide Trust Company	41,158.33
USA Blue Book	2,777.65	Verizon	56.47
		Total Sewer Fund	\$122,909.24

CAPITAL RESERVE FUND

The Home Depot	\$62.02	Univest National Bank	\$5,611.21
Univest National Bank	1,706.25	ECYNBRO Trucking	440.00
Fromm Electric Supply Corporation	5.74	Hajoca Corporation	75.35
High Bridge Stone Co., Inc.	4,587.20	Jaeger Electric Service	2,529.89
Landis Block & Concrete	859.33	Shelly Enterprises, Inc.	227.44
Total Capital Reserve Fund			\$16,104.43

LIQUID FUELS FUND

Commonwealth Precast, Inc.	\$713.00	George's Tool Rental	\$204.70
Landis Block/Nyce Concrete	23.20	PPL Electric Utilities	322.20
Shelly Enterprises, Inc.	14.38	Kelly-Creswell	149.87
Total Liquid Fuels Fund			\$1,427.35

SANITARY SEWER CAPITAL FUND

Glasgow, Inc.	\$70.00	Hajoca Corporation	\$788.36
M & M Stone Company	2,225.28	Naceville Materials	2,653.61
Scott A. Seifert	24,391.00	Shelly Enterprises	32.45
Total Sewer Capital Fund			\$30,160.70

A motion was made by Councillor Andrew Schlosser, and seconded by Councillor Jeffrey Gross, to pay the bills for the month of October, 2009, as presented. The motion was approved.

President John U. Young opened the floor for public comment. There was no public comment.

The first item of business was consideration of the minor plan of subdivision as proposed by Edward and Lee Pierce for property at 79-81 W. Broad Street. Councillor Andrew Schlosser disclosed that he will abstain from commenting and voting on this matter since the plan was developed through an associate with his firm. A motion was made by Councillor Richard Halbom, and seconded by Councillor Jonathan Gardenier, to approve the plan of subdivision, as last revised October 22, 2009 for Edward and Lee Pierce concerning property at 79-81 W. Broad Street. The motion was approved by a vote of 7 yeas and one abstention by Councillor Schlosser.

A motion was made by Councillor Jonathan Gardenier, and seconded by Councillor Andrew Schlosser, to appoint Marvin Anders, 287 Highland Avenue, Souderton, to another five year term as the Souderton Borough representative to the North Penn Water Authority through December 31, 2014. The motion was approved.

A motion was made by Councillor Jonathan Gardenier, and seconded by Councillor Andrew Schlosser, to appoint Richard Godshall, 308 Highland Avenue, Souderton, to another three year term as a member of the Souderton Zoning Hearing Board through December 31, 2012. The motion was approved.

A motion was made by Councillor Andrew Schlosser, and seconded by Councillor Brian Goshow, to appoint George King, 339 W Chestnut Street, Souderton, as Vacancy Board Chairman through December 31, 2010. The motion was approved.

The next item of consideration was the posting of a No Parking restriction on both sides of Bank Street, between the Municipal Parking lot and an unnamed alley. Councillor Jonathan Gardenier questioned if this is a temporary measure until the actual right of way is restored. The Borough Manager commented that committee members requested that we research a previously approved development plan to ascertain the ultimate right of way and place property owners on notice to begin removing any encroachments to restore the dedicated cartway width over time. Members of Borough Council requested that notices of this pending parking restriction be sent to the adjoining property owners prior to posting. Following conclusion of discussion, a motion was made by Councillor Jonathan Gardenier, and seconded by Councillor Andrew Schlosser, to approve the posting of a No Parking restriction on both sides of Bank Street beginning at the intersection of the Municipal Parking lot and extending west a distance of 260 feet to the intersection of an unnamed alley for a ninety day trial period per Mayor's order. The motion was approved.

A motion was made by Councillor Richard Halbom, and seconded by Councillor Jeffrey Gross, to rescind authorization, as originally approved by motion on July 6, 2009, to post a two way stop

intersection on South Front Street at Noble Street. The motion was approved.

Borough Manager Michael Coll briefly highlighted the current concept plan to renovate the Souderton Community Swimming Pool. Councillor Jonathan Gardenier commented that financing continues to be a major factor and the Borough must continue to encourage community support towards this project. Memberships alone will not carry this project, making community support a necessary component for the success of this project. Councillor Gardenier noted the history of the various planning studies and commented that this current concept plan is the absolute best alternative to move forward. Councillor Brian Goshow further commented that community involvement will be necessary to make this project work. Following this discussion, a motion was made by Councillor Jeffrey Gross, and seconded by Councillor Jonathan Gardenier, to endorse the conceptual renovation plans for the Souderton Community Pool as prepared by Wade Associates, dated November 3, 2009, and authorize the Swimming Pool Renovation Committee to proceed with the development of detailed construction plans and specifications. The motion was approved by unanimous vote.

A motion was made by Councillor Jeffrey Gross, and seconded by Councillor Richard Halbom, to approve the execution of a professional services contract with Wade Associates, LLC of 2941 North Front Street, Harrisburg, PA 17110 to provide professional design services for the renovations of the Souderton Community Swimming Pool at a base cost of \$110,000. The motion was approved by unanimous vote.

Borough Manager Michael Coll presented the 2010 Budget for review and comment by Borough Council. The proposed 2010 Budget retains the current real estate tax rates and the current sewer fee schedule. Councillor Gardenier raised concern with the estimate for the Local Services Tax revenue, particularly based on the estimates that Berkheimer Associates directly provided to him before the tax was enacted. The current level of receipts is grossly under budget. Borough Manager Michael Coll noted that Berkheimer will be asked to provide an explanation for the discrepancy. Councillor Gardenier also raised concern with the projected borrowing for the pool project, suggesting that the level of borrowing be set at 2 million dollars, with a line item set in the Capital Reserve Fund for private donations towards the project.

Following the conclusion of additional questions and discussion, a motion was made by Councillor Jonathan Gardenier, and seconded by Councillor Edward Hunsicker, to authorize the advertisement of the 2010 Budget Ordinance, as adjusted through discussion, and the 2010 Real Estate Tax Ordinance for formal consideration at the December 7, 2009 regular Borough Council Meeting. The motion was approved.

There being no further business, the meeting was adjourned at 9:22 pm.

Respectfully submitted,

P. Michael Coll, Secretary

WORK SESSION MINUTES AND COMMITTEE REPORTS

Public Works Work Session –

The regular meeting of Souderton Borough Council was rescheduled to Monday, November 9, 2009 to accommodate the use of Council Chambers as the polling place for Ward 3 on Election Day; therefore the Public Works work session of Borough Council was cancelled for the month of November.

Administrative Work Session – November 16, 2009 (7:00 pm-9:25 pm)

Council Attendees: Mayor John Reynolds, John Young, Jeffrey Gross, Brian Goshow, Andrew Schlosser, Jonathan Gardenier, Richard Halbom and Edward Hunsicker. Junior Councillor Daniel Yocum.

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

EXECUTIVE SESSION

President John Young called an Executive Session at the beginning of the work session from 7:00 pm to 7:25 pm to review personnel matters within the Souderton Police Department. The Borough Solicitor is recommending an Executive Session at the December 7, 2009 Borough Council meeting to further report and address these matters.

1. Police Committee

- a) Councillor Richard Halbom reported that the Traffic Calming Committee met on Wednesday, November 4th. Officer Thomas Lawson is working on targeted data collection with the speed trailer. Councillor Halbom discussed the recently posted 3 way stop intersection at Montgomery Avenue and S Front Street, which was previously approved by Borough Council for a 90 day trial period. Councillor Halbom further noted that the immediate residents supported the posting of these signs, but commented that speed remains a concern between Montgomery Avenue and Cherry Lane. Councillor Halbom suggested consideration of painting shoulder lines to visually narrow the cartway as a potential first step, which is far less expensive than constructing other physical traffic calming features. Members of Borough Council discussed the continuation of the posted 3 way stop intersection. Councillor Halbom noted that the sign placement was originated by a neighboring resident as a measure to improve safety on the street. The general consensus was to continue with the posting of the 3 way stop intersection at Montgomery Avenue and S Front Street, for the remainder of the 90 day trial period, even though a formal traffic study was not completed. Councillor Gardenier noted for the record that he is very much opposed in taking a course of action contrary to the advice of legal counsel.
- b) Chief Quinn reported that Officer Joseph Rudner has successfully completed his probationary period with the department and is recommending a motion of Borough Council to formally extend full time status. Officer Rudner will continue to work through the graduated pay scale pursuant to the collective bargaining agreement.

2. Administrative Committee

- a) This was the last work session of Borough Council for the year. Borough Council meeting is scheduled for Monday, December 7th. While this will be the last formal meeting of Borough Council for 2009, we must still schedule meetings in December with committee members to discuss the design of the streetscape plan for Main Street and the pool renovation project. The Souderton-Telford Revitalization Task Force will meet in December and the Traffic Calming Committee is scheduled to meet on Tuesday, December 15th.

3. Development Committee

- a) Borough Council was advised of a pending application before the Zoning Hearing Board by Brian Keiser, 614 East Broad Street, to construct a new detached carriage building with a two bay garage at grade level and a one bedroom apartment on the second floor. The Zoning Ordinance requires all residential units to be located within the principle building. The applicant indicated that the recent emphasis of Borough Council within the commercial districts is towards mixed use developments; however, the addition of residential space within the principle building was viewed as too costly. Borough Council members expressed concern over the application and the potential precedent to allow garages and other detached buildings to be used as residential apartments. A recommendation was made to have Borough Council take party status in this application.
- b) Discussions were held with the owners of the Mill Apartment building about the potential to extend additional right of way to locate street parking on the east side of Main Street. The owners are hesitant to consider giving up any additional right of way, but are willing to meet with Committee members to take another look at the plan. We hope to schedule a meeting in December. Montgomery County extended the implementation grant to construct this second phase of the streetscape project in 2010. However, the extension included certain milestone dates for permitting and the beginning of construction. Work must proceed through December on completing the plans to meet the mandated milestones.

- c) A meeting was held with Montgomery County officials about possible grant funds under the new Economic Development program to complete the Economic Redevelopment Plan for Souderton Borough. Victor DePallo estimated that 70 percent of the plan has been completed and another \$25,000 to \$30,000 will be required to fully complete and implement the plan. Montgomery County Commissioners have elected not to open any planning grant programs through 2010. A recommendation was made to meet with the School District to discuss this effort and the matter of appealing the tax exempt status of the former high school property.

4. Finance Committee

- a) Considerable time was spent reviewing the draft of the 2010 Budget, which was revised according to the discussion at the November 9, 2009 Borough Council meeting. The final draft of the 2010 Budget will be distributed to Borough Council for formal consideration at the December 7, 2009 regular Borough Council Meeting. The proposed Budget Ordinance and Real Estate Tax Ordinance have been advertised for formal consideration at the December 7th Borough Council Meeting.