

Regular Borough Council Meeting

September 13, 2021

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

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|------------------------------|-----------------------------------|
| President Brian Goshow | Councillor Edward Huber |
| Vice-President Julie Munden | Mayor John R. Reynolds |
| Councillor Ned Leight | Junior Councillor Nick Mancini |
| Councillor Richard Godshall | Solicitor Robert G. Bricker |
| Councillor Daniel Yocum | Borough Manager P. Michael Coll |
| Councillor Matt Mscichowski | Police Chief Brian Newhall |
| Councillor Daryl Littlefield | Public Works Director Steven Coll |

Absent from the meeting was Councillor Donna Rogers. The meeting began with an invocation by Councillor Daniel Yocum, followed by the Pledge of Allegiance. President Goshow noted the 20th anniversary of the September 11, 2001 terror attacks and the impact that this event has caused to our nation and our personal lives, asking that we begin this meeting with a moment of silence in reflection of this tragic event.

Consideration was given to the minutes of the August 2, 2021 Regular Borough Council Meeting. A motion was made by Councillor Richard Godshall, seconded by Councillor Daryl Littlefield, to approve the minutes of the August 2, 2021 Regular Monthly Borough Council meeting as presented. The motion was approved.

Consideration was then given to the minutes of the August 16, 2021 Borough Council Work Session. A motion was made by Councillor Richard Godshall, seconded by Councillor Matt Mscichowski, to approve the minutes of the August 16, 2021 Borough Council Work Session meeting as presented. The motion was approved.

Police Chief Brian Newhall summarized the monthly report of police department activities. The new police car is being fit out and is expected to be delivered this month. The second police car will be delivered at a later date. The police department will be supporting the Third Fridays event this Friday, September 17, 2021. Chief Newhall noted that there is a marked increase in DUI arrests and car crashes. Chief Newhall assisted Horsham Township during the recent tornado associated with Tropical Storm Ida. State Representative Steven Malagari secured a Keystone Communities grant for the Souderton police Department to purchase new speed signs and other police related equipment.

The Borough Solicitor reported that he reviewed the contract documents and discussed the bid results for the Solid Waste Collection and Disposal Contract with the

Borough Manager.

Public Works Director Steven Coll circulated his monthly report to Borough Council which does not include issues associated with recent Tropical Storm Ida. The storm brought over 7 inches of rain over a short four hour time frame. The storm surcharged the storm water culvert to levels not experienced in a very long time. Three commercial businesses were flooded from the storm and they applied for possible FEMA assistance. The culvert along W. Broad Street surcharged, forcing all manhole lids from the frames. There was damage on Adams Avenue from the surcharge and we will be meeting with a contractor to install an open grated manhole lid over section of the stone arch culvert based on plans developed by our Borough Engineer. Borough crews removed debris and repaired a number of stone alleys washed out from the storm. Monthly brush collection will begin this week. Crews are working on the storm drainage extension from Hunsberger Lane and West Chestnut Street to the West Street Park. A section of gabion basket retaining wall along the West Street park creek will be replaced in conjunction with this project. Work will also begin to close and winterize the pools for the winter.

Borough Manager Michael Coll reviewed the meeting schedule. The next Borough Council work session meeting will be held on Monday, September 20, 2021. The Souderton Planning Commission will be meeting on Wednesday, October 6, 2021 to review two Zoning Hearing Board applications and continue work on some Zoning Ordinance revisions. The Zoning Hearing Board will be meeting on Tuesday, October 12 to hear and application concerning a vacant lot on Lincoln Avenue and a change in use for the former parsonage at Emmanuel Lutheran Church.

The Agenda for the September 13, 2021 Borough Council meeting includes consideration of bids for the Solid waste Collection and Disposal Contract to become effective January 1, 2022. Bids were received and opened on August 23, 2021 from three haulers as follows:

Solid Waste and Recycling Collection and Disposal
Bid Tabulation August 23, 2021

Bidder/ Contractor	Contract Period	Active Accounts	Monthly Cost Per Account	Annual Cost Per Account	Total Annual Contract Price
Whitetail Disposal, Inc. 334 Layfield Road Perkiomenville, PA 18074	2022 Tote Accounts	2,028	34.52	414.24	840,079.00
	2022 Bag Accounts	72	20.00	240.00	17,280.00
	Total Contract Year 1				\$857,359.00

Whitetail Disposal, Inc. 334 Layfield Road Perkiomenville, PA 18074	2023 Tote Accounts	2,028	35.73	428.76	869,525.00
	2023 Bag Accounts	72	22.00	264.00	19,008.00
	Total Contract Year 2				\$888,533.00
	2024 Tote Accounts	2,028	36.98	443.76	889,945.00
	2024 Bag Accounts	72	24.00	228.00	20736.00
	Total Contract Year 3				\$920,681.00
	** Amount of Bid Bond	Total Three (3) Year Contract Price			\$2,666,573.00
Roll Off Dumpster \$250 + \$75/ton E Recycling Event \$7,000	Optional Extensions				
	2025 Tote Accounts	2,028	38.83	465.96	944,967.00
	2025 Bag Accounts	72	26.00	312.00	22,464.00
	Total Contract Ext Year 1				\$967,431.00
	2026 Tote Accounts	2,028	40.77	489.24	992,179.00
	2026 Bag Accounts	72	28.00	336.00	24,192.00
	Total Contract Ext Year 2				\$1,016,371.00

Bidder/ Contractor	Contract Period	Active Accounts	Monthly Cost Per Account	Annual Cost Per Account	Total Annual Contract Price
Solid Waste Services, Inc. d/b/a J. P. Mascaro & Sons 2650 Audubon	2022 Tote Accounts	2,028	34.71	416.52	844,702.56
	2022 Bag Accounts	72	32.11	385.32	27,743.04
	Total Contract				\$872,445.60

Road Audubon, PA 19403 Roll Off Dumpster \$435 + \$85/ton E Recycling Event \$7,500	Year 1				
	2023 Tote Accounts	2,028	35.83	429.96	871,958.88
	2023 Bag Accounts	72	33.14	397.68	28,632.96
	Total Contract Year 2				\$900,591.84
	2024 Tote Accounts	2,028	37.13	445.56	903,595.68
	2024 Bag Accounts	72	34.35	412.20	29,678.40
	Total Contract Year 3				\$933,274.08
	** Amount of Bid Bond	Total Three (3) Year Contract Price			\$2,706,311.52
	Optional Extensions				
	2025 Tote Accounts	2,028	38.61	463.32	939,612.96
	2025 Bag Accounts	72	35.71	428.52	30,853.44
	Total Contract Ext Year 1				\$970,466.40
	2026 Tote Accounts	2,028	40.25	483.00	979,524.00
	2026 Bag Accounts	72	37.23	446.76	32,166.72
	Total Contract Ext Year 2				\$1,011,690.72

Bidder/ Contractor	Contract Period	Active Accounts	Monthly Cost Per Account	Annual Cost Per Account	Total Annual Contract Price
Waste Management of PA, Inc.	2022 Tote Accounts	2,028	35.61	427.32	866,604.96
	2022 Bag	72	35.61	427.32	30,767.04

408 S. Oak Avenue Primos, PA 19018 Roll Off Dumpster \$300 + \$75/ton E Recycling Event -No Bid	Accounts				
	Total Contract Year 1				\$897,372.00
	2023 Tote Accounts	2,028	37.03	444.36	901,162.08
	2023 Bag Accounts	72	37.03	444.36	31,993.92
	Total Contract Year 2				\$933,156.00
	2024 Tote Accounts	2,028	38.52	462.24	937,422.72
	2024 Bag Accounts	72	38.52	462.24	33,281.28
	Total Contract Year 3				\$970,704.00
	** Amount of Bid Bond	Total Three (3) Year Contract Price			\$2,801,232.00
	Optional Extensions				
	2025 Tote Accounts	2,028	40.44	485.28	984,147.84
	2025 Bag Accounts	72	40.44	485.28	34,940.16
	Total Contract Ext Year 1				\$1,019,088.00
	2026 Tote Accounts	2,028	42.46	509.52	1,033,306.56
	2026 Bag Accounts	72	42.46	509.52	36,685.44
Total Contract Ext Year 2				\$1,069,992.00	

The Borough Manager noted that the bids were extremely competitive, but are notably higher than our current contract that will expire December 31, 2021. The labor market, fuel prices and difficulties in purchasing and maintain trucks and equipment have factored into the significant increase in cost. Advanced Disposal was purchased by Waste

Management and one of the usual previous bidders elected not to bid this contract given difficulties in servicing their current accounts. The bids will require the quarterly fee to increase from \$65.00 to \$105.00 in the first year, with incremental increases for years 2 and 3. At the current bid prices, the Borough manager suggested that the option years should not be considered and we should concentrate on just awarding the initial three year term. Based on the unit prices as bid, Whitetail Disposal is deemed to be the lowest responsible bidder for the contract. Whitetail has a large private subscription business and holds several municipal contracts. Staff did meet with Whitetail representatives to review their bid, current operations and their thoughts to service Souderton Borough. The Borough Manager noted that the bid results will have an economic impact on the Borough residents and probably should be further discussed by Borough Council in work session prior to formal consideration.

The Borough Manager further noted that a Resolution has been prepared by the Northern Montgomery County Recycling Commission concerning the establishment of a policy to address reported violations with recycling requirements within the member municipalities. A motion has been prepared to adopt the Resolution as proposed. The last item on the Agenda is a request to hold an Executive Session to discuss police personnel matters with the Borough Solicitor and to also discuss the bids for the Solid waste Collection contract with the Borough Solicitor.

Councillor Daniel Yocum noted that the Souderton-Telford Rotary Club will be holding their annual auction on Thursday, September 30th. Part of this event will be fund raising for the Community Park renovation project.

Vice-President Julie Munden reported that the Communications Committee will be holding in-person Borough Council office hours this coming Saturday, September 19, 2021 in the lobby of the Souderton Municipal Building beginning at 11:00 am through 1:00 pm.

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

GENERAL FUND

Allan Myers	\$263.04	Home Depot	\$17.94
Altek Business Systems, Inc.	151.96	Independence Blue Cross	14,963.02
American Power Washing, LLC	213.00	Independent Maintenance, Inc.	180.00
Boucher and James, Inc.	3,603.00	Indian Valley Chamber	597.00
C & S Lawn and Landscape, Inc.	400.00	Jason M Kelly	134.99
Clemens Uniform Rental	48.12	K J Door Services, Inc.	3,131.78
Comcast	580.56	Lawson Products, Inc.	165.84
CPR Heart Starters, Inc.	405.00	Markey Paper & Packaging	181.92
D. L. Beardsley, Ltd.	323.99	Maryjane Yoder	615.72
FP Finance Program	359.00	Metlife/Brighthouse	5,370.19
George Allen Portable Toilets	302.00	Moyer Indoor/Outdoor	2,617.40
Home Depot	101.11	Nationwide Trust Company	2,035.38

Moyer Indoor/Outdoor	\$2,156.24	NetCarrier Telecom, Inc.	\$302.96
North Penn Water Authority	42.28	North American Benefits Co.	1,313.19
PECO Energy	28.54	P K Moyer & Sons, Inc.	1,485.00
Penn-Holo Sales & Service	155.00	PA One Call System	103.66
PPL Electric Utilities	1,223.69	PPL Electric Utilities	1,256.52
Schaeffer Sell Excavation, Inc.	4,212.50	PPL Electric Utilities	59.20
Shelly Enterprises-USLBM, LLC	11.24	Ragnasoft, Inc.	91.00
Suburban Propane	107.80	Ready Refresh	115.11
Trumbauers Lawn & Rec, Inc.	428.00	Richter Drafting Office Supply	78.77
Univest VISA	15.95	Security Service Co., Inc.	1,076.52
Univest VISA	1,861.25	Something Better, Inc.	1,100.00
Univest VISA	167.89	Souderton-Telford Main Streets	5,937.50
Verizon Wireless	206.07	Standard Digital Imaging	108.11
21 st Century Media	293.75	Steven R. Coll	298.56
Allan Myers	662.14	Styer Associates	366.00
Altek Business Systems, Inc.	5,683.00	Suburban Propane	245.18
Barnside Farm Compost Facility	259.60	Sudz In A Bucket, Inc.	16.50
Boucher & James, Inc.	3,183.36	Telford Press Printers	553.50
Chris Boyle Law Enforcement	247.50	TRM-Telford Recycling Material	190.00
Clemens Uniform Rental	229.34	Univest VISA	32.62
Clemens Uniform Rental	73.76	Univest VISA	565.25
Code Inspections, Inc.	195.00	Unum Insurance Company	1,082.30
Cope's Garage, Inc.	632.48	Verizon	73.99
Delta Dental Gettysburg Benefit	1,038.07	Verizon Wireless	192.14
Fire Protection Services, LLC	720.00	Waste Management	38,109.46
George Allen Portable Toilets	477.00	Watchguard Video	3,980.00
H & K Materials	192.96	Total General Fund	\$119,999.41

SEWER FUND

Bergeys Electric, Inc.	\$3,650.00	H2O Solutions	\$187.00
Clemens Uniform Rental	142.27	Home Depot	6.48
Comcast	170.37	Independence Blue Cross	2,794.31
Comm of PA Clean Water Fund	500.00	J. P. Mascaro & Sons	8,234.14
Commonwealth of PA	150.00	Metlife/Brighthouse	138.42
Hajoca Corporation	163.99	Moyer Indoor/Outdoor	281.07
Hangley, Aronchick, Segal	77.00	NAPA Auto Parts	8.47
Midway Industrial Supply	4,492.00	NetCarrier Telecom, Inc.	109.15
Moyer Indoor/Outdoor	247.21	North American Benefits Co.	254.20
North Penn Water Authority	61.79	PA Rural Water	210.00
Nyco Corporation	278.76	Penn Valley Chemical	35.00
PPL Electric Utilities	12,403.21	PPL Electric Utilities	248.48
S C Engineers, Inc.	646.00	Reuter & Hanney, Inc.	2,260.00
USA Blue Book	742.33	Richard D. Nelson	372.90
Commonwealth of PA	150.00	Standard Digital Imaging	108.10
Bishop Wood Products, Inc.	772.00	Suburban Water Testing Labs	1,640.63
Cintas First Aid & Safety	65.63	Telford Press Printers	362.50
Clemens Uniform Rental	159.67	Univar Solutions USA, Inc.	7,761.00
Coyne Chemical	4,975.96	Unum Insurance Company	257.72
Delta Dental Gettysburg Benefit	189.76	Verizon	79.58
Derstine Company, Inc.	3,340.00		
EVOQUA Water Technologies	3,003.80	Total Sewer Fund	\$61,730.90

POOL FUND

Airgas National Carbonation	\$277.46	Univest VISA	\$122.22
Bennington Pool Services, LLC	49,536.00	Airgas National Carbonation	84.36
Buckmans, Inc.	2,343.11	Buckmans, Inc.	2,120.36
C & S Lawn and Landscape	525.00	C & B Iron, Inc.	485.00
Comcast	167.46	Fellmans Pool Service, Inc.	67.20
Elifeguard, Inc.	527.87	Frankford Umbrellas	637.10
Fellmans Pool Service, Inc.	149.94	Home Depot	78.85
GALCO Business Comm	151.50	Markey Paper & Packaging	102.48
Markey Paper & Packaging	176.20	NAPA Auto Parts	25.96
Moyer Indoor/Outdoor	172.20	NetCarrier Telecom, Inc.	88.86
North Penn Water Authority	1,451.39	PPL Electric Utilities	2,190.01
PECO Energy	552.33	Shelly Enterprises-USLBM, LLC	\$10.19
Richter Drafting Office Supply	213.71	Total Pool Fund	\$62,256.76

CAPITAL RESERVE FUND

Boucher and James, Inc.	\$3,301.64	Boucher and James, Inc.	\$2,030.98
Mulch Barn Supply	1,657.40	Phillips & Donovan Architects	11,470.94
Phillips & Donovan Architects	8,661.25	Gorecon, Inc.	20,126.45
Banes Roofing, Inc.	202,062.33	Total capital reserve Fund	\$249,310.99

LIQUID FUELS FUND

PPL Electric Utilities	\$213.12	PPL Electric Utilities	\$6,725.55
Sherwin Williams	80.99	PPL Electric Utilities	71.40
Established Traffic Control	875.00	U S Municipal Supply, Inc.	824.36

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

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

President Brian Goshow opened the meeting for public comment, noting that comments concerning the Solid Waste Collection and Disposal Contract will be taken separately with the agenda item.

Nikki Massey, along with her husband Steve Massey, expressed concern with a tenant residing at 65 W. Chestnut Street. The building is owned by Kevin and Keith Kronberg and they have a family residing in the apartment building that openly displays lude actions and has been very aggressive to the surrounding neighborhood. Nikki Massey also read a letter from another resident describing the actions of this tenant.

Justin O'Donnel lives in the apartment building at 65 W. Chestnut Street along with his mother Robin O'Donnel. Justin O'Donnel described the lude and threatening nature of the tenant and the disinterest of the owners to address the actions of this tenant.

Sandy Niermans, 48 W. Chestnut Street, described the lude and aggressive actions of the tenant at 65 W. Chestnut Street and the overall decline of the neighborhood and the unsafe feeling.

John Page, 60 W. Chestnut Street noted that this threatening activity to the neighborhood has been ongoing for 4 years. John Page suggested that the Borough could seek a court order to cut down the overgrown shrubbery in front of 65 W. Chestnut Street to better monitor and police the property. More targeted police patrols might help to calm the situation. Mr. Page also suggested consideration towards rehabilitation issues and possibly pursuing actions against the landlord for occupancy violations.

Matt Moyer and Jennifer Moyer, 68 W. Chestnut Street noted that this tenant has made death threats to the neighbors and has been observed laughing at police officers who have visited the property on several occasions. Mr. Moyer fears that the tenant will become more aggressive, escalating this to a severe incident. Jennifer Moyer expressed concern with the children of the tenant and the environment with which they are forced to live. The tenants regularly have transients visit over the weekends who have been observed as intoxicated and openly sitting outside of the residence.

Police Chief Brian Newhall noted the concerns of the residents in this matter and will take steps to address the issue and will further work with the Code Enforcement Officer to address issues surrounding the condition of the building and its occupancy.

Bea Smith of Ark Animal Hospital, 201 N. Main Street, supporting the group of residents who came out to express their concerns. She noted that things have changed and people don't feel as safe as they once did. Bea Smith also commented on the recent flooding from the railroad tracks at Central Avenue which has affected her building and her neighbors building. She also expressed concern that the continual flooding might have on the underground utilities.

President Brian Goshaw thanked the residents for voicing their concerns which will be taken very seriously by members of Borough Council. The matters will be further discussed in the next work session of Borough Council.

There being no further public comment, President Brian Goshaw moved to the business portion of the agenda.

Borough Council members discussed the tabulation of bids received for the Solid Waste Collection and Disposal Contract. Concern was expressed over the dramatic

increase in disposal cost which has begun to appear in the private subscription rates. The competitive nature of the bids suggest that re-bidding will not provide any better rates. Labor shortages, fuels prices and equipment repair difficulties will most likely affect this industry for an extended period of time. It was noted that the pricing does include regular bulk item disposal. Another option would be to reject all bids and allow residents to go back to individual subscription service which is not a desirable option. The Borough may also want to discuss ramping up the public works department to provide this service through our own crew.

President Brian Goshow recognized Attorney Bill Fox of J. P. Mascaro and Sons who provided Borough Council with printed documentation suggesting that Whitetail Disposal did not fully comply with the specifications in providing written guarantees concerning the disposal sites for trash and recycling during the term of the contract. Based on case law this is a serious material breach of the specifications that cannot be waived by Borough Council. Therefore the Whitetail bid should be rejected as J. P. Mascaro is the lowest responsive and responsible bidder.

Paul Brady of Whitetail Disposal addressed Borough Council. He explained that they have the necessary capacity to fully service Souderton Borough. This is a very difficult industry but Whitetail has the necessary resources available to meet the requirements of this contract. He asked Borough Council to review their performance on the other municipal contracts that they have in place. They recently took over the contract in Emmaus Borough from J. P. Mascaro and Sons.

President Brian Goshow recommended that this matter be tabled for further review and discussion at the September 20, 2021 work session.

The next item for consideration was the proposed Resolution from the Northern Montgomery County Recycling Commission. Councillor Edward Huber expressed concern with the potential fines that the Commission could levy against Souderton Borough residents and property owners. The Borough manager noted that the policy requires the member municipality to request the involvement of the Commission to intervene.

A motion was made by Councillor Richard Godshall, and seconded by Councillor Ned Leight, to adopt Resolution 2021-05 setting forth procedures for the handling of recycling and solid waste disposal violations by haulers, businesses, institutions or residents of member municipalities of the Northern Montgomery County Recycling Commission. The motion was approved by a vote of 7 eyes and 1 no vote cast by Councillor Edward Huber.

A motion was made by Councillor Julie Munden, and seconded by Councillor Daniel Yocum, to adjourn to Executive Session to discuss police personnel matters and to further discuss the bids for the Solid Waste Collection and Disposal Contract with the

Borough Solicitor. The motion was approved.

Borough Council adjourned to Executive Session at 8:20 pm and convened to public session at 10:01 pm at which time the meeting was promptly adjourned.

Respectfully submitted,

P. Michael Coll, Secretary