



**REGULAR MEETING
OF THE
BRYN ATHYN BOROUGH COUNCIL**

COUNCIL CHAMBER
January 6, 2020

The meeting was called to order by Mayor Kenneth Schauder at 7:30p.m. The following were present:

MEMBERS OF COUNCIL

Glenn Gurney
Ric Asplundh
Jeffrey Elsing
Duane D. Hyatt

Brent McCurdy
Mark Pennink
Aurelle Genzlinger

ALSO: Victoria S. Trost, Bradley E. Cranch, Stephen Gray, Mayor Ken Schauder, Solicitor R. Rex Herder.

SWEARING-IN CEREMONY

With District Justice Jay Friedenbergh presiding, Aurelle Genzlinger, Eric Asplundh, Glenn Gurney and Brent McCurdy recited the Oath of Office and were sworn-in as members of Borough Council. Austin Rose recited the oath as Elected Auditor. The Members of Council took their seats at the Council table.

REORGANIZATION OF BOROUGH COUNCIL

With the new Borough Council seated, Mayor Schauder called for nominations for President of Borough Council. Jeffrey Elsing received the only nomination. Nominations were closed and Mayor Schauder called for the vote.

Council voted unanimously in favor of electing Jeffrey Elsing as President.

President Elsing called for nominations for Vice President of Council. Duane Hyatt received the only nomination. Nominations were closed and the vote was called for Vice President.

Council voted unanimously in favor of electing Duane Hyatt as Vice President of Council.

Mr. Elsing thanked Judge Friedenberf for performing the Swearing-In Ceremony.

President Jeffrey Elsing thanked Mayor Schauder for opening the meeting and conducting the nomination and vote.

MINUTES

On a motion by Brent McCurdy, seconded by Mark Pennink, Council voted unanimous approval of the December minutes.

TREASURER’S REPORT

Treasurer Vikki Trost reported General Fund Revenue for December was \$16,603.20. General Fund Expenses were \$85,912.11. Net Income was -\$69,308.91.

2019 General Fund Revenue exceeded the budget by \$167,305.03 and Expenditures came in under budget by \$120,834.08, indicating a pre-audit surplus of \$288,139.11. Police Car Reserve (\$10,500) and Public Works Reserve (\$39,572) transfers, when approved, will reduce this number.

Sewer Fund Revenue for December was \$165.23. Sewer Fund Expenses were \$21,757.30. Net Income was -\$21,595.07.

2019 Sewer Fund Revenue exceeded the budget by \$175,840.25 while Expenditures came in under budget by \$43,341.64, indicating a pre-audit surplus of \$219,181.89. The bulk of the surplus is a reimbursement from the Academy of the New Church for prior year (2018) Sewer Plant Improvements (\$171,672.85)

Today PLGIT paid 1.50%. PLGIT I-Class paid 1.63%.

The second page of this report shows the cash balances to date. Included in the General Fund cash receipts were:

\$	5,072.61	in Earned Income Tax receipts
\$	4,504.50	in Building Permit receipts
\$	2,883.69	in Fines
\$	250.00	in Zoning Permit receipts
\$	1,000.00	in Grading Permit receipts
\$	30.00	in Police Report receipts
\$	1,544.40	in Insurance Dividends
\$	1,300.00	in Sale of Fixed Assets – Montgomery Co. Purchase 33 Sq.Ft.

Included in the Sewer Fund Cash Receipts were:

\$ 165.23 in Finance charge assessments

TAX COLLECTOR

Tax Collector, Bradley Cranch reported that no liens will be filed as all taxes assessed for 2019 have been received.

BILLS

2019 YEAR-END GENERAL FUND BILLS

A & T Auto and Truck Repair Inc.	\$121.45
Aqua PA	16.24
Bryn Athyn Fire Company	182.26
Chuck’s Service Center Inc.	3,980.55
DeLage Landen Financial Services Inc.	136.95
Doug Hotchkiss	317.16
Eastburn & Gray	1,155.00
Guardian Dental Insurance	2,568.54
Kevin Green	263.72
Kimberly Kleinguenther	150.00
Lowe’s	58.52
Lower Moreland Township	5,143.00
PA DCED – UCC	27.00
Peco Energy Co. – Street Lights	1,017.99
Peco Energy Co. – Traffic Lights	96.79
Petty Cash – RX	341.00
Petty Cash – Steve Gray	283.12
Petty Cash – Victoria Trost	112.94
PSAB	25.00
Schauder Incorporated	716.80
Staples	185.46
Stephanie Doman	100.67
The Vanguard Group	801.58
Times Chronicle	60.00
US Municipal Supply Inc.	246.44
USA Payroll	152.74
Verizon Wireless	190.63
Victoria Trost	90.00
TOTAL	<u>\$18,541.55</u>

2019 YEAR-END SEWER FUND BILLS

Arnold’s Towing	\$121.46
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Berardelli Pool Supplies LLC	505.79
Bryn Athyn Fire Company	59.85
Clayton Walsh	199.99
DeLage Landen Financial Services Inc.	112.05
Environmental Engineering & Management Assoc.	875.00
Frank A. Malizia Jr, Inc.	2,000.00
Keystone Health Plan East	957.34
Kimberly Kleinguenther	337.50
MJ Reider Associates, Inc.	974.00
Mac Medical Gases	3.50
McGovern Environmental LLC	270.00
McMaster-Carr Supply Co.	978.84
Peco Energy – Feters Mill Pump Station	397.01
Peco Energy – Sycamore Pump Station	133.54
Postmaster	165.00
USA Blue Book	239.93
Verizon – Feters Mill Pump Station	39.92
Verizon – Sycamore Pump Station	42.54
Verizon Wireless	55.67
TOTAL	<u>\$8,559.85</u>

2019 YEAR_END POLICE PENSION BILLS

Kimberly Kleinguenther	<u>\$187.50</u>
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On a motion by Duane Hyatt, seconded by Glenn Gurney, Council unanimously voted to ratify payment of the December 2019 bills as shown on the above list.

JANUARY 2020 GENERAL FUND BILLS

Academy of the New Church	\$1,279.78
Am-Trust North America	15,081.10
HA Thomson Company	674.00
Keystone Health Plan East	19,487.20
Koch 330 Auto	42,263.63
Lower Moreland Township	6,313.00
Montgomery County SWAT-East Region	3,500.00
PIRMA	38,419.00
Staples	170.05
USA Payroll	35.56
TOTAL	<u>\$127,223.32</u>

JANUARY 2020 SEWER FUND BILLS

Academy of the New Church	\$541.11
Am-Trust North America	3,088.90
HA Thomson Company	375.00

Home Depot	861.49
Keystone Health Plan East	977.81
Lower Moreland Township	158.00
PIRMA	5,404.00
SCP Distributors, LLC	1,703.90
USA Payroll	21.88
TOTAL	<u>\$13,132.09</u>

JANUARY 2020 BMO MASTERCARD BILLS

Sewer Fund

Acme	\$9.52
Amazon.com	57.66
Amazon.com	5.99
<u>Harbor Freight Tools</u>	<u>494.91</u>
TOTAL	<u>\$568.08</u>

General Fund

Adobe.com	\$9.99
Amazon.com	8.99
Amazon.com	59.98
Amazon.com	13.91
Amason.com	13.98
Amazon.com	249.40
<u>Amazon.com</u>	<u>103.96</u>
TOTAL	<u>\$460.21</u>

On a motion by Duane Hyatt, seconded by Jeffrey Elsing, Council unanimously voted to authorize payment of the January 2020 bills as shown on the above list.

PRESIDENT’S REPORT

2020 Operations List

President Jeff Elsing noted that there are several vacancies on the 2020 Borough Operations List: Public Relations, Auditor and Civil Service Commission. Secretary Trost will advertise the vacant positions in the Bryn Athyn Post.

On a motion by Aurelle Genzlinger, seconded by Ric Asplundh, Council voted unanimously in favor to adopt the 2020 Borough Operations List.

<i>Board/Committee/Dept/Name</i>	<i>Term</i>	<i>Term Ends</i>	<i>E-Election C-Council P-President</i>
BOROUGH COUNCIL			
<i>Jeffrey E. Elsing, President</i>	4	2021	E
<i>Duane Hyatt, Vice President</i>	4	2021	E
<i>Mark Pennink</i>	4	2021	E
<i>Brent McCurdy</i>	4	2023	E
<i>Aurette Genzlinger</i>	4	2023	E
<i>Glenn Gurney</i>	4	2023	E
<i>Eric Asplundh</i>	4	2023	E
<i>Kenneth Schauder, Mayor</i>	4	2021	E
<i>Rex Herder, Solicitor</i>			C
<i>Vikki Trost, Manager</i>			C
ADMINISTRATIVE COMMITTEE			
<i>Brent McCurdy, Chair</i>			P
<i>Rex Herder</i>			P
<i>Jeff Elsing</i>			P
<i>Vikki Trost, Trustee, Police Pension Fund</i>			P
<i>Duane Hyatt, Trustee, Police Pension Fund</i>			P
BUDGET AND FINANCE COMMITTEE			
<i>Duane Hyatt, Chair</i>			P
<i>Glenn Gurney</i>			P
<i>Vikki Trost</i>			P
<i>Chris Carter</i>			P
<i>Jeffrey Elsing</i>			P
LAND USE/NATURAL RESOURCES			
<i>Ric Asplundh, Chair</i>			P
<i>Debra Lermite</i>			P
<i>Bradley Cranch</i>			P
PUBLIC SAFETY			
<i>Jeffrey Elsing, Chair</i>			P
<i>Steve Gray</i>			P
<i>Derek Zecher</i>			P
<i>Kenneth Schauder</i>			P
PUBLIC WORKS			
<i>Mark Pennink, Chair</i>			P
<i>Ric Asplundh</i>			P
<i>Nick Rose</i>			P

Aurelle Genzlinger *P*

AUDITORS

<i>Austin Rose</i>	6	2025	<i>E</i>
<i>VACANT</i>	6	2021	<i>E</i>
<i>Steve Huntzinger</i>	6	2023	<i>E</i>

BOROUGH ENGINEER

Nick Rose, P.E. *C*

CIVIL SERVICE

<i>Jeffrey E. Elsing</i>	6	2025	<i>C</i>
<i>Kyle Genzlinger</i>	6	2023	<i>C</i>
<i>Ingrid Herder</i>	6	2021	<i>C</i>
<i>Alex Rogers, Alternate</i>			<i>C</i>
<i>VACANT, Alternate</i>			

EMERGENCY MANAGEMENT

Kenneth Schauder, Coordinator *P*
R. Scott Cooper, Deputy Coordinator *P*
Steve Gray, Police Chief *P*
Reed Asplundh, Public Information *P*

FIRE/AMBULANCE DEPARTMENT

Lach I Brown, President *Assent*
Kira Schadegg, Vice President *Assent*
Kenneth J. Schauder, Treasurer *Assent*
R. Scott Cooper, Secretary *Assent*
Derek Zecher, Fire Chief *C*
Tim Weiss, Deputy Fire Chief *Assent*
Ryan Synnestvedt, Asst. Fire Chief *Assent*
Kenny McQueen, Fire Lieutenant *Assent*
Rev. Thomas Rose, Chaplain *Assent*
David Jaslow, EMS Chief *Assent*
Kenneth Schauder, Asst. Chief *Assent*
Joseph Canale, EMS Deputy Chief *Assent*

MUNICIPAL FACILITIES

Ken Schauder *C*
Scott Cooper *C*
Jeffrey Elsing *C*
Vikki Trost *C*

PLANNING COMMISSION

<i>Russell Cooper, Chair</i>	5	2021	<i>C</i>
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<i>Richard Tate</i>	5	2020	C
<i>Bill Grubb</i>	5	2023	C
<i>Jon Hoffman</i>	5	2024	C
<i>Brian Horigan</i>	5	2022	C

POLICE DEPARTMENT

<i>Stephen Gray, Chief</i>			C
<i>R. Kenneth Johnson, Officer</i>			C
<i>Douglas Hotchkiss, Officer</i>			C
<i>Kevin Green, Officer</i>			C
<i>Alessandro Cricelli PT Officer</i>			C
<i>Sean Perry, PT Officer</i>			C

POLICE PENSION COMMITTEE

<i>Duane Hyatt, Trustee</i>			P
<i>Vikki Trost, Trustee</i>			P
<i>Jeffrey Elsing</i>			P
<i>Ray Doman</i>			P

PUBLIC RELATIONS COMMITTEE

<i>Aurette Genzlinger</i>			P
VACANT			P
<i>Vikki Trost</i>			P
<i>Ken Schauder, PERT Liaison</i>			P

TAX COLLECTOR

<i>Bradley Cranch</i>	4	2021	E
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EARNED INCOME TAX AGENCY

<i>Berkheimer Associates</i>			C
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LOCAL SERVICES TAX AGENCY

<i>Berkheimer Associates</i>			C
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ZONING OFFICER

<i>Charles Pluguez, Building Inspection Underwriters</i>			C
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ZONING HEARING BOARD

<i>Mark Arrimour, Chair</i>	3	2020	C
<i>Bill Buick</i>	3	2021	C
<i>Drew Nehlig</i>	3	2022	C
<i>Vikki Trost, Secretary</i>			C
<i>Joseph Bresnan, Solicitor</i>			C

SEWER ADMINISTRATION

- Mark Pennink P
- Glenn Gurney, *Chair* P
- Ric Asplundh P
- Rex Herder P
- Richard Greer P
- Drew Nehlig P
- Reid Heinrichs P

SAFETY COMMITTEE

- Robert Genzlinger (Fire), *Chair*
- Stephanie Doman (Admin), *Vice Chair*
- Vikki Trost (Admin Mgmt)
- Reid Heinrichs (Sewer Mgmt)
- Gerry Bostock (P Works Mgmt)
- Steve Gray (Police Mgmt)
- Lach Brown (Fire)
- Doug Hotchkiss (Police)

VACANCY BOARD

- All Council Members
- Janice Roscoe C

RIGHT TO KNOW OFFICER

- Vikki Trost

BUILDING CODE OFFICIAL

- Building Inspection Underwriters

Resolution No. 2020-01 Police Pension Contribution

President Elsing read Resolution #2020-01 setting the employee contribution rate, 3.5%, for 2020 to the Police Pension Fund. There is no change to the rate from the previous year.

On a motion by Ric Asplundh, seconded by Brent McCurdy, Council voted unanimously in favor to adopt Resolution No. 2020-01 setting the employee contribution rate to the police pension plan at 3.5% for the year 2020.

**BOROUGH OF BRYN ATHYN
RESOLUTION NO. 2020-01**

A RESOLUTION OF THE BOROUGH OF BRYN ATHYN SETTING THE MEMBER CONTRIBUTION TO THE BRYN ATHYN POLICE PENSION PLAN FOR THE YEAR 2020.

Whereas, the Borough of Bryn Athyn has established a pension plan, known as the Bryn Athyn Police Pension Plan (“the Plan”), and;

Whereas, the Borough Council sets the annual contribution rate for members of the Plan;

Now Therefore, Be It Resolved, that the Borough Council of the Borough of Bryn Athyn has set the annual member contribution rate for the year 2020 at 3.50%.

Resolved, this sixth day of January, 2020.

BOROUGH OF BRYN ATHYN

Pennsylvania REAL ID

Mr. Elsing reminded everyone that effective October 1, 2020 a Pennsylvania REAL ID or US Passport will be required to travel within the United States.

PUBLIC HEARING – ORDINANCE NO. 689 WATER SHUT-OFF FOR DELINQUENT SEWER BILLS

President Elsing opened the Public Hearing, which was duly advertised in local newspapers. Mr. Elsing read the text of the proposed Ordinance aloud. The hearing was then opened to Borough Council for discussion.

Mr. Asplundh asked if the conditions of Paragraph 2.a. and 2.b. regarding the amount of time the payments must be delinquent, are concurrent. Mr. Herder responded that yes, they are concurrent and it is redundant.

Mr. Hyatt suggested that the name of the water company, Aqua PA, may change in the future and asked if that should be addressed. Mr. Herder noted that that is not necessary, it would carry on to the new water company.

Hearing no further comments, the public hearing was opened to the floor for public comment.

Mr. Bill Buick, resident, asked about the Borough’s responsibility if a house burns because the water was shut off. Mr. Herder noted that there is a safety net for that situation. Aqua PA has a list of properties that rely on water for heat, medical conditions, etc. Aqua PA’s list would supersede the Borough in those situations.

Hearing no further comments or questions, the public comment portions of the hearing was closed. The discussion was brought back to the Council table.

Hearing no further comments or questions from members of Borough Council, the public hearing was closed. Mr. Elsing called for a motion to adopt the Ordinance.

On a motion by Aurelle Genzlinger, seconded by Duane Hyatt, Council voted unanimously in favor, by show of hands, to adopt Ordinance No 689. (Mark Pennink, yes; Aurelle Genzlinger, yes; Eric Asplundh, yes; Duane Hyatt, yes; Jeffrey Elsing, yes; Brent McCurdy, yes; Glenn Gurney, yes)

**BOROUGH OF BRYN ATHYN
MONTGOMERY COUNT, PENNSYLVANIA
ORDINANCE NO. 689**

AN ORDINANCE OF THE BOROUGH OF BRYN ATHYN AUTHORIZING THE SHUTTING OFF OF WATER SUPPLY IN ORDER TO COLLECT DELINQUENT SANITARY SEWER USER FEES; SETTING PROCEDURES TO BE FOLLOWED FOR SHUTTING OFF WATER SUPPLY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Borough of Bryn Athyn (the Borough) provides sanitary sewer collection, conveyance and treatment (taken together, “Sewer Services”) to some of properties located in the Borough; and

WHEREAS, the Borough, pursuant to ordinance, lawfully charges the owners of such properties (“Property Owners”) quarterly user fees (“User Fees”); and

WHEREAS, certain Property Owners fail and refuse to pay lawfully billed User Fees (such residents hereinafter referred to as “Delinquent Users”), despite all efforts of the Borough to collect such fees; and

WHEREAS, those residents who pay their User Fees for Sewer Services are paying for Sewer Services provided to Delinquent Users; and

WHEREAS, Pennsylvania law authorizes public water suppliers, including Aqua Pennsylvania, Inc., which provides public water in the Borough, at the request of a municipality supplying sewer services, to shut off the water supply to their customers who are delinquent in the payment of user fees for sanitary sewer services.

NOW, THEREFORE, the Borough Council of the Borough of Bryn Athyn does hereby ENACT and ORDAIN as follows:

- 1. The Borough Manager, or the Borough Manager’s designee, is hereby authorized and directed to contact Aqua Pennsylvania, Inc., to arrange for shutting off the water supply to properties owned by Delinquent Users in the Borough.*

2. *The Borough shall request that Aqua Pennsylvania shut off the water supply to properties owned by Delinquent Users only if the following criteria are met:*

- a. *User Fee payments for the property have been delinquent, in whole or in part, for a period of at least one (1) year.*
- b. *Legal proceedings have been instituted by the Borough to collect the delinquent User Fees and have remained pending for a period of at least one (1) year, but have been unsuccessful in securing payment.*
- c. *The Delinquent User has not entered into a payment plan, with and satisfactory to the Borough, to bring the delinquent account current.*

3. *The Borough shall give the Delinquent User at least ten (10) days' written notice of its intention to shut off the water supply to the property by (a) sending the notice, by first class United States mail, to the Delinquent User at the address on file with the Borough, and (b) posting the notice on the property, either on the main entrance or at a place on the property reasonably calculated to be obvious and conspicuous to the Delinquent User.*

4. *If someone other than the owner of the property has agreed to be responsible for payment of the User Fees, the Borough shall provide notice to that person by the same means as set forth in paragraph 3, above. Notwithstanding such an agreement, the owner of the property shall remain responsible for the payment of all User Fees, as provided by Pennsylvania law.*

5. *If at any time between the delivery and posting of the notice and the actual shutting off of the water supply, the owner of the property or any other person liable for the payment of User Fees submits a written statement, under oath or affirmation, averring that there is a just defense to all or part of the Borough's claim for delinquent User Fees, and that the statement was not executed for the purpose of delay, water service shall not be terminated until the claim has been judicially determined.*

6. *Severability. In the event that any section, sentence, clause or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.*

7. *Effective Date. This Ordinance shall take effect the 1st day of January, 2020.*

ENACTED and ORDAINED this sixth day of January, 2020.

BOROUGH OF BRYN ATHYNArtis Senior Living

Mr. Elsing reported that the Borough was approached recently by Artis Senior Living of Huntingdon Valley, a memory-care facility. A wing of the facility will be dedicated on February 19, 2020 at 4:00pm as the “Bryn Athyn” wing.

MAYOR’S REPORT

Mayor Ken Schauder reported that he has been reappointed to the Pennypack Ecological Restoration Trust (PERT) Board. The Mayor would like to invite Executive Director Christopher Mendel to the April or May meeting of Borough Council.

POLICE CHIEF’S REPORT

Chief Steve Gray reported the following activity for December:

Alarms	17
Animal Complaints	01
Assist Bryn Athyn Fire / Ambulance	06
Assist Other Police Agencies	34
Assist Citizens / Public Service Calls	05
Miscellaneous Complaints	76
Special Traffic Details	28
Suspicious Circumstance Investigations	02
Traffic Citations	31
Vehicle Accidents	06
Vehicle Investigations / Warnings Issued	53

On Wednesday December 4th at 7:26pm, police took a theft report that occurred at the Mitchell Performing Arts Center sometime between 6:45pm and 9:00pm on that date where the victim last saw her credit card, which was subsequently used at a New Jersey Target for a \$400 purchase. Police obtained video footage from the Target store. The case is still under investigation.

On Friday December 6th at 11:15pm, Police investigated a report of a suspicious person trespassing in the area of the Mitchell Performing Arts Center. Upon arrival, police located the person who was trespassing, identified as a 36-year-old male resident of Philadelphia. Further investigation resulted in the arrest of the subject on a warrant for Dangerous Drugs out of Bensalem.

On Monday December 9th at 7:51pm, Police stopped a vehicle in the area of 1800 Byberry Road due to the registered owner being listed as wanted for a probation violation

in the City of Philadelphia. Police took the 46-year-old Darby Borough resident into custody and turned him over to the Philadelphia Sheriff's Department.

On Friday December 13th at 9:54am, Police conducted a vehicle stop in the area of Huntingdon Pike and Cathedral Road to investigate counterfeit inspection stickers that were displayed on the vehicle. Upon further investigation, police learned that the 33-year-old resident of Huntingdon Valley was wanted on a warrant issued by the Upper Southampton Police Department. The subject was taken into custody and turned over to Southampton PD.

On Saturday December 14th at 1:00am, police conducted a vehicle stop for violations observed in the area of Huntingdon Pike and Cathedral Road. Further investigation resulted in the DUI arrest of a 41-year-old resident of Philadelphia. The subject's BAC (Blood Alcohol Content) was 0.135%

On Friday December 20th at 1:23am, police conducted a vehicle stop in the area of 1800 Byberry Road. Further investigation revealed that the driver, a 42-year-old resident of Philadelphia was wanted on a warrant out of the City of Philadelphia. The subject was taken into custody and subsequently turned over to the Philadelphia Sheriff's Department.

On Tuesday December 31st at 11:52am, police took a report of vandalism at the Junge' Skating Rink at 3002 Cairnwood Drive. Electrical wires to a cleaning machine were cut, which made the device inoperable. The device that was damaged cost \$2,430.00 – The case is still under investigation.

On Tuesday December 31st at 8:59pm, police conducted a vehicle stop in the area of 1800 Byberry Road which resulted in the DUI arrest of a 23-year-old male resident of Langhorne, PA for being under the influence of a controlled substance.

Chief Gray reported that the new police car is expected to be delivered tomorrow.

Mayor Schauder noted that the BA Ambulance has received \$22,000 (net \$18,000) in revenue from Blood Draws to various police departments in 2019.

Chief Gray reported that former Officer Joe DeCarlo will come back as a part-time officer.

FIRE CHIEF'S REPORT

Mr. Schauder reported that the Fire Company is in the process of a major reorganization which will be reported on next month.

EMERGENCY MANAGEMENT REPORT

Mr. Schauder reported that no meeting was held in December.

SOLICITOR’S REPORT - None

BOROUGH MANAGER’S REPORT - None

PUBLIC SAFETY COMMITTEE - None

PUBLIC WORKS COMMITTEE

Chairman Mark Pennink reported that there were no snow events in December. Mr. Pennink reported that Lower Moreland Township plans to do the road paving bids earlier in 2020.

Mr. Pennink would like to schedule the meeting to discuss road improvements with Alden Road property owners in February or April.

Chairman Pennink asked for Council’s opinion on whether to spend money this year to repair or pave sections of Alden Road. Council agreed that the bad sections of Alden Road should be re-paved.

FINANCE COMMITTEE

PUBLIC HEARING – ORDINANCE NO. 690 SET TAX RATES FOR 2020

Chairman Duane Hyatt opened the public hearing to discussion by members of Council. Mr. Hyatt presented a balanced budget in the amount of \$1,638,784.00 and explained that no tax rate is proposed for 2020.

Hearing no further comments or questions, the public comment period was opened to the public. Since there were no comments or questions, the public comment period was closed. The discussion was brought back to the Council. Hearing no further comments or questions, the public hearing was closed.

On a motion by Ric Asplundh, seconded by Jeffrey Elsing, Council voted unanimously in favor, by show of hands, to adopt Ordinance No. 690 setting the tax rates for 2020. (Mark Pennink, yes; Aurelle Genzlinger, yes; Eric Asplundh, yes; Duane Hyatt, yes; Jeffrey Elsing, yes; Brent McCurdy, yes; Glenn Gurney, yes)

**Borough of Bryn Athyn
Montgomery County, Pennsylvania
ORDINANCE #690**

AN ORDINANCE OF THE BOROUGH OF BRYN ATHYN FIXING THE TAX RATE FOR THE FISCAL YEAR 2020.

THE COUNCIL OF THE BOROUGH OF BRYN ATHYN HEREBY ENACTS AND ORDAINS:

SECTION 1 **SUMMARY OF TAX REVENUE.** *That a tax rate be and is hereby levied on all property within the said Borough subject to taxation for Borough purposes for the Fiscal Year 2020 as follows:*

- A. Tax Rate for General Borough Purposes, the sum of Ten and eight Hundred and Seventy-Six Thousandths (10.876) mills on each dollar of assessed valuation, making a total tax rate for all Borough purposes of Ten and Eight Hundred and Seventy-Six Thousandths (10.876) mills.*
- B. That a tax at the rate of one percent (1%) on each dollar is hereby imposed on all earned income and net profits earned by residents of the Borough of Bryn Athyn and non-residents of the Borough of Bryn Athyn for work done or services performed or rendered in the Borough.*
- C. That a Local Services Tax is imposed on all residents and non-residents employed in the Borough of Bryn Athyn in the amount of \$52.00.*

SECTION 2 *That any ordinance or part of any ordinance, conflicting with this Ordinance be, and the same is hereby repealed, insofar as the same affects this ordinance.*

SECTION 3 **SEVERABILITY.** *The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance, for any reason, is declared to be unconstitutional, illegal or invalid, said unconstitutionality, illegality and invalidity shall not impair any of the remaining provisions or sections of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clauses, or sections not been included herein.*

This Ordinance shall take effect and be in force immediately.

Approved by the Council of the Borough of Bryn Athyn, this sixth day of January, in the year of Our Lord 2020.

BOROUGH OF BRYN ATHYN

PUBLIC HEARING – ORDINANCE NO. 691 SET SEWER USAGE RATES FOR 2020

Chairman Duane Hyatt opened the public hearing to discussion by members of Council. Mr. Hyatt presented a balanced budget in the amount of \$396,336.00 with a 2.5% Usage Rate increase.

Hearing no comments or questions, the public comment period was opened to the public. Since there were no comments or questions, the public comment period was closed. The discussion was brought back to the Council table. Hearing no further comments or questions, the public hearing was closed.

On a motion by Glenn Gurney, seconded by Aurelle Genzlinger, Council voted unanimously, by show of hands, to adopt Ordinance No. 691 setting the Sewer Usage Rates for 2020. (Mark Pennink, yes; Aurelle Genzlinger, yes; Eric Asplundh, yes; Duane Hyatt, yes; Jeffrey Elsing, yes; Brent McCurdy, yes; Glenn Gurney, yes)

***Borough of Bryn Athyn
Montgomery County, Pennsylvania
ORDINANCE NO. 691***

AN ORDINANCE OF THE BOROUGH OF BRYN ATHYN SETTING SEWER RATES FOR THE FUNDING OF THE BOROUGH WASTEWATER TREATMENT SYSTEM FOR THE FISCAL YEAR 2020.

The Council of the Borough of Bryn Athyn does hereby ORDAIN as follows:

- 1. The Borough does hereby set sewer rates for the funding of the operation and maintenance of the Borough Wastewater Treatment System.*

<i>Category 2 – Rate per 100 gallons of water used</i>	<i>\$1.06108</i>
<i>Category 3 – Rate per 100 gallons of water used</i>	<i>\$2.1280</i>
<i>Category 4 – Rate per 100 gallons of water used</i>	<i>\$2.1280</i>

- 2. This Ordinance shall take effect immediately.*

Approved by the Council of the Borough of Bryn Athyn, this sixth day of January, in the year of Our Lord 2020.

BOROUGH OF BRYN ATHYN

Chairman Hyatt reported that following the annual audit, any surplus funds in the General Fund can be allocated to Public Works for planned projects.

LAND USE AND NATURAL RESOURCES/ SHADE TREE COMMITTEE - None

PUBLIC RELATIONS COMMITTEE - None

ADMINISTRATIVE COMMITTEE - None

PLANNING COMMISSION REPORT - None

ZONING OFFICER

Vikki Trost reported one (1) Zoning Permit application approved in December. Four (4) Building Permits were issued. One (1) Grading Permit was issued.

SEWER COMMITTEE

Chairman Glenn Gurney reported that the committee is reviewing specifications for the new blower; Bill Brown is reviewing data for the revised billing calculation for users.

Mrs. Genzlinger asked about the status of the air-scrubber installed at the Sycamore Road Pump Station. Mr. Gurney reported that the odor problem has been resolved. Mr. Gurney did note that the committee is reviewing the life expectancy of the air-scrubber.

Mr. Pennink asked for an update of the ANC shared improvements to the Sewage Treatment Plant. Mr. Gurney reported that the project came in under budget and that ANC agreed to contribute to the replacement of the old blower (circa 1964) which is used as the backup blower. We will still be under budget after installation of the third blower and the committee is reviewing plans to automate the valve for the newly installed equalization tanks.

Mayor Schauder asked about other planned projects. Mr. Gurney reported that they are still finishing the PA DEP project and that some experimental projects and safety protocol items are underway.

BOROUGH ENGINEER - None

OLD BUSINESSZoning Ordinance Amendments

President Jeff Elsing reported that last month Council discussed two amendments to the Zoning Ordinance of 2018. Shannon Good, owner of a bed & breakfast on South Avenue (“B” – Medium Density Residential District) requested permission to hold social events such as business meetings, small parties and weddings. Currently, the Zoning Ordinance does not permit these events. Mr. Elsing explained that Borough Council expected to make adjustments to the new Zoning Ordinance when it was adopted. At this first issue, Mr. Herder explained that Borough Council can say no, and the property owner can apply for a variance which will be difficult to obtain. A change of zoning can be requested but there is no right of appeal. Mr. Herder said that the Zoning Committee gave a great deal of consideration to bed & breakfasts in the Borough. Mr. Elsing noted that the committee had to consider the neighbors, parking and safety concerns. He added that Shannon Good has approached neighbors for each matter that she has requested for her property. Mr. Pennink asked what happens when Ms. Good no longer owns the property. Mr. Herder replied that a condition was agreed upon with the Zoning Hearing Board that the bed & breakfast use will terminate when Ms. Good sells the property or passes on. Mr. Asplundh added that if a new bed & breakfast meets the criteria, they would be permitted with the amendment. Mr. Asplundh was in favor of the amendment permitting social events, noting that other neighbors have parties that have no restrictions and the effect is the same. Mr. Elsing noted that neighbors can give their opinion at the public hearing which will be held.

Mr. Herder explained that the next step is to forward the proposed ordinance amendment to the Bryn Athyn Planning Commission and the Montgomery County Planning Commission for their review, and then a public hearing will be scheduled. Secretary Trost was directed to forward the proposed ordinance amending Article 6, “B” Medium Density Residential District to the Bryn Athyn Planning Commission and the Montgomery County Planning Commission for review.

Mr. Elsing reported that the proposed amendment to the Article 12 – “IN” Institutional District relating to renting out dormitory buildings has been reviewed by Bryn Athyn College and can also be forwarded to the Bryn Athyn Planning Commission and the Montgomery County Planning Commission for review. Secretary Trost will forward the proposed amendment to Article 12 as directed.

NEW BUSINESS- None**QUESTIONS OR COMMENTS FROM THE FLOOR**

Resident Lee Moorhead reported that Peco/Asplundh Company have taken down seven trees along Feters Mill Road. Residents have been hoping for a sidewalk down Feters

Mill Road with the moving of the old Peco poles. Mrs. Genzlinger noted that the area discussed was in Lower Moreland Township.

There being no further business presented, the meeting was adjourned at 8:49pm.

Council's next regular meeting will be held on Monday, February 3, 2020 at 7:00pm in the Borough Hall.

Victoria S. Trost
Secretary