



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

COUNCIL CHAMBER
December 2, 2019

The meeting was called to order by President Jeffrey Elsing at 7:04p.m. The following were present:

MEMBERS OF COUNCIL

Glenn Gurney
Jeffrey Elsing
Mark Pennink

Duane D. Hyatt
Aurelle Genzlinger

ALSO: Victoria S. Trost, Bradley E. Cranch, Stephen Gray, Solicitor R. Rex Herder. Councilmen Ric Asplundh and Brent McCurdy were excused.

MINUTES

On a motion by Glenn Gurney, seconded by Aurelle Genzlinger, Council voted unanimous approval of the November 4, 2019 minutes.

TREASURER'S REPORT

Treasurer Vikki Trost reported General Fund Revenue for November was \$53,187.87. General Fund Expenses were \$185,887.61. Net Income was -\$132,699.74.

Sewer Fund Revenue for November was \$90,721.52. Sewer Fund Expenses were \$33,797.02. Net Income was \$56,924.50.

Today PLGIT paid 1.55%. PLGIT I-Class paid 1.69%.

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

\$	8,425.95	in Real Estate Tax receipts
\$	31,336.30	in Earned income Tax receipts
\$	8,290.08	in Local Services Tax receipts
\$	1,764.58	in Comcast Franchise Fee receipts
\$	3,049.34	in Verizon FIOS Franchise Fee receipts
\$	166.62	in Fines
\$	120.00	in Road Opening Permit receipts
\$	20.00	in Fireworks Contributions
\$	15.00	in Police Report receipts

Included in the Sewer Fund cash receipts were:

\$	29,177.00	in Category 2 Sewer Usage receipts
\$	47,413.00	in Category 3 Sewer Usage receipts
\$	9,546.00	in Category 4 Sewer Usage receipts
\$	4,267.07	in UMHJSA Sewer Usage Pass-thru receipts
\$	155.00	in Lower Moreland Sewer Usage Pass-thru receipts
\$	113.45	in Finance Charges
\$	50.00	in Sewer Certification receipts

TAX COLLECTOR

Tax Collector, Bradley Cranch reported that five tax bills remain unpaid.

BILLS

GENERAL FUND BILLS

Academy of the New Church	2,352.57
Aqua PA	16.24
Armour & Sons Electric, Inc.	110.00
Susan Asplundh - Tax Refund	1,136.45
Building Inspection Underwriters, Inc.	120.00
Courier Times	421.06
Cranch Landscapers, LLC	1,280.00
Davidheiser's Inc.	30.00
DeLage Landen Financial Services	137.14
DeSabatino Contracting, LLC	725.00
Eastburn & Gray PC	2,137.50
Elyse/Bergen Insignia	108.50
Fishers Ace Hardware	17.77

Jane Ann Saile, Treasurer	5.00
Lower Moreland Township	90,231.00
McDonald Uniform Company	149.96
NAPA Weldon Auto Parts	219.76
Petty Cash RX	101.00
Petty Cash – Steve Gray	397.67
Petty Cash – Victoria Trost	11.69
PSAB	175.00
Schauder Incorporated	400.00
Standard Insurance Co.	1,289.66
TW Reiss Inc.	413.20
TGI Office Automation	95.64
The Vanguard Group	987.72
USA Payroll	112.52
Verizon Wireless	173.64
Victoria Trost	50.00
Wawa – Wright Express	636.65
Wilmington Trust	<u>520.00</u>

Total \$104,562.34

SEWER FUND BILLS

Academy of the New Church	1,158.20
DeLage Landen Financial Services	112.21
Deckman Electric Inc.	20.00
Home Depot	233.76
Kenneth J Schauder Inc.	135.00
MJ Reider Associates Inc.	321.00
Mac Medical Gases Inc.	3.50
Peco Energy – Feters Mill Pump Station	534.26
Peco Energy – Sycamore Pump Station	128.30
TGI Office Automation	78.24
USA Blue Book	546.08
USA Payroll	86.46
Verizon – Feters Mill Pump Station	40.06
Verizon – Sycamore Pump Station	42.54
Verizon Wireless	55.67
Wawa – Wright Express	<u>106.74</u>

Total \$3,602.02

POLICE PENSION BILLS

Duda Actuarial Consulting, Inc.	<u>\$2,050.00</u>
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On a motion by Aurelle Genzlinger, seconded by Jeff Elsing, Council unanimously voted to authorize payment of the bills as shown on the attached lists, which are made a part of these minutes.

PRESIDENT'S REPORT

Proposed Ordinance #689 Water Shut-Off

President Jeff Elsing reported that Council discussed the need for the proposed ordinance to collect delinquent sewer usage bills. Solicitor Rex Herder explained that the proposed water shut-off ordinance would only be implemented for accounts delinquent for one year and collection efforts have been unsuccessful. Mr. Herder noted that this is a last resort drastic step and that it is very unusual that water is actually turned off.

On a motion by Mark Pennink, seconded by Glenn Gurney, Council voted unanimously in favor to instruct the Secretary to advertise a Public Hearing at the January 6, 2020 meeting for proposed Ordinance #689.

Property Maintenance Code

Mr. Elsing suggested that Council consider adopting the Property Maintenance Code which is part of the Pennsylvania Uniform Construction Code. Mr. Elsing noted that there are several properties in the Borough needing clean-up and currently, the Borough has no authority to require clean-up of properties. Solicitor Rex Herder reported that Bryn Athyn is the only municipality that has not adopted the Property Maintenance Code, adding that implementing the Code is a public safety issue – i.e. rodents, insects, etc. Unfortunately, it is sometimes necessary to get a property owner to clean up their property. Mr. Herder stated that the Code is straightforward and that the Borough has the option to adopt parts to customize the Code. The national code is recognized in all jurisdictions. Discussion followed on identifying specific complaints and looking into the options to customize the Code. Mr. Elsing volunteered to review the Code and the process to create the Code, cite issues and enforce the Code. Mr. Herder stated that the BOCA National Property Maintenance Code is a good place to start. Mr. Gurney stated that Borough Council owes it to the Borough residents to investigate further.

Zoning Issues – Bed & Breakfast

President Elsing noted that Solicitor Herder recently distributed a memo to Council Members with regard to possibly amending the Zoning Ordinance. Mr. Herder explained that the process to amend the Zoning Ordinance is the same process used to adopt the ordinance last year. Council must prepare the ordinance amendment to its satisfaction and then forward the proposed amendment to the Montgomery County Planning Commission and the Bryn Athyn Planning Commission for review, prior to holding a Public Hearing for public input. Discussion included how often the property owner wishes to hold events; does the special exception permitting the Bed & Breakfast follow the property after a property transfer; can the number of attendees or parking be limited; the community needs this type of venue; are personal events permitted since other residents are permitted to hold family events.

Mr. Herder recommended that Council choose a course to move forward. Council authorized Solicitor Herder to prepare a draft ordinance amendment permitting events at the Bed & Breakfast. A public hearing will be advertised inviting all interested parties to participate in the discussion.

Zoning Issues – College Dormitory Transient Use

Mr. Elsing reported that Solicitor Herder is working with Nick Rose, who is representing Bryn Athyn College, on an amendment to the Zoning Ordinance to permit rentals of the College Cottages dormitory buildings. Mr. Herder will distribute a draft ordinance amendment to Council. Council discussed amending the Zoning Ordinance for Bed & Breakfast events and College Cottage rentals at the same time.

MAYOR’S REPORT - None

POLICE CHIEF’S REPORT

Alarms	22
Animal Complaints	03
Assist Bryn Athyn Fire / Ambulance	05
Assist Other Police Agencies	36
Assist Citizens / Public Service Calls	07
Miscellaneous Complaints	87
Special Traffic Details	19
Suspicious Circumstance Investigations	05
Traffic Citations	24
Vehicle Accidents	04
Vehicle Investigations / Warnings Issued	59

On Sunday November 3rd at 12:32pm, Police conducted a vehicle stop in the area of Tomlinson Road and Huntingdon Pike to investigate expired inspection and emission stickers that were displayed on a vehicle. Upon further investigation, police charged a 20-year-old female resident of Huntingdon Valley with possession of drugs and also for driving with the expired inspection and emissions.

On Tuesday November 5th at 3:44pm, police conducted a vehicle stop in the area of 1800 Byberry Road to investigate an expired vehicle registration. Further investigation resulted in the arrest of a 51-year-old male resident of Horsham for DUI (Blood Alcohol Content was 0.18%) and his passenger, a 53-year-old female resident of Huntingdon Valley for drug possession.

On Wednesday November 20th at 3:54am, Bryn Athyn Police were requested to assist the Lower Moreland Police Department in the 900 block of Cardinal Lane for a report of a Domestic In-Progress involving a 24-year-old male, who had bitten his mother. While

on-scene, Bryn Athyn Police Officer Kevin Green received a bite to his arm, which required medical treatment at Abington Memorial Hospital and a Lower Moreland Officer suffered a sprained wrist that was received during a confrontation with the out of control male. Officer Green was treated and released from AMH and cleared for full-duty with no restrictions.

On Saturday November 23rd at 2:32am, police conducted a vehicle stop in the 1800 block of Byberry Road to investigate a suspended registration plate that was displayed on the vehicle. Further investigation resulted in the DUI arrest of a 20-year-old male resident of Philadelphia. The driver was also charged with possession of drugs, which included methamphetamines and drug paraphernalia.

FIRE CHIEF'S REPORT - None

EMERGENCY MANAGEMENT REPORT - None

SOLICITOR'S REPORT - None

BOROUGH MANAGER'S REPORT

Huntingdon Pike Speed Limit Change

Manager Vikki Trost reported that she received an email from Lower Moreland Township this morning notifying the Borough that the Township requested a speed limit change on Huntingdon Pike from 35MPH to 30 MPH from Philmont Ave/Welsh Road to Cathedral Road. This change was suggested and approved by PennDOT and so Lower Moreland has asked if Borough Council has any concerns about the change. They are offering to provide the sign changes at their expense. Council discussed the implications of the speed limit change, but had no objections to the change.

Montgomery County Boroughs Association Holiday Dinner

Mrs. Trost reported that the Boroughs Association will host their annual Holiday Dinner on Thursday, December 12 at the Presidential Caterers in East Norriton.

January 2020 Reorganization Meeting Reminder - Judge Friedenbergh has agreed to perform the Swearing-In Ceremony for Council at the January meeting, however, he cannot get here until 7:30, so the meeting time will be changed for that meeting.

Meeting Schedule

Members of Council reviewed the proposed 2020 Meeting Schedule with no changes.

Borough Council Meetings are held the first Monday of each month,
except if it is a holiday, at 7:00 PM, in Borough Hall*

Monday, January 6 at 7:30PM
Monday, February 3
Monday, March 2
Monday, April 6
Monday, May 4
Monday, June 1
Monday, July 6
Monday, August 3
Monday, September 14
Monday, October 5
Monday, November 2
Monday, December 7

Year End 2019

Committee Heads were asked to submit all approved invoices for payment from the 2019 Budgets by December 20.

Affidavits of Residency

Vikki Trost distributed Affidavits of Residency for members of Council who will be sworn in at the January meeting. Mrs. Trost can notarize the affidavits.

PUBLIC SAFETY COMMITTEE

Chairman Jeff Elsing reported that Nick Rose, ProTract Engineering, is working for the Bryn Athyn College on the improvements to the handicap ramp in front of the Brickman Center on the Campus.

PUBLIC WORKS COMMITTEE

Chairman Mark Pennink reported that the roads were salted today due to freezing rain.

Mr. Pennink reported that the Lower Moreland bill for the paving project was only \$90,000 though he had \$130,000 budget for paving. Mr. Pennink noted that he could have done more paving but it is difficult to estimate how much to pave. Mr. Pennink would like to have the remaining \$40,000 roll over into the 2020 Public Works budget. Mr. Hyatt noted that this could be done after the year-end review to determine if there are surplus funds.

FINANCE COMMITTEE

Chairman Duane Hyatt reported that the 2020 Budgets were reviewed last month by Council. Since Council preferred no tax increase, the 2020 General Fund Budget is set at \$1,638,784 with the same millage rate as 2019, 10.876 mills. Mr. Hyatt did note that since the Police Contract is not yet completed there may be a change.

Mr. Hyatt reported that the Sewer Fund 2020 Budget requires a 2.5% rate increase for a modest increase in the budget.

Mr. Hyatt explained that the Debt Service Budget is funded entirely by the General Fund to pay the principal and interest for the General Obligation Bonds and TD Bank Loan.

Mr. Hyatt thanked the members of the Finance Committee for their efforts on the Budgets.

On a motion by Mark Pennink, seconded by Jeff Elsing, Council voted unanimously in favor to adopt the 2020 General Fund Budget in the amount of \$ 1,638,784.

On a motion by Aurelle Genzlinger, seconded by Jeff Elsing, Council voted unanimously in favor to adopt the 2020 Sewer Fund Budget in the amount of \$396,336.

On a motion by Mark Pennink, seconded by Glenn Gurney, Council voted unanimously in favor to adopt the 2020 Debt Service Budget in the amount of \$133,411.

On a motion by Aurelle Genzlinger, seconded by Mark Pennink, Council voted unanimously in favor to instruct the Secretary to advertise a Public Hearing at the January 6, 2020 meeting to set the Real Estate Tax Rates for 2020 and the set the Sewer Usage Rates for 2020.

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 no Building Permits, no Zoning Permits and no Grading Permits were issued in November.

SEWER ADMINISTRATOR

Glenn Gurney reported that the replacement back-up blower has been ordered, noting that the Equalization Project came in under-budget and the Academy of the New Church financially supports the replacement of the back-up blower.

Mr. Gurney reported that the Sewer Department has retained Bill Brown, from EEMA to prepare an analysis of the cost the treatment process. It will take three months to complete the analysis. The results may indicate a billing calculation change for 2021.

BOROUGH ENGINEER - None

OLD BUSINESS - None

NEW BUSINESS - None

QUESTIONS OR COMMENTS FROM THE FLOOR

A resident requested an update on the Fetters Mill Bridge reopening. The current information is that construction will begin Fall 2020.

Mr. Lee Moorhead supports the Property Code enforcement.

Resident Mrs. Janice Roscoe was opposed to lowering the speed on Huntingdon Pike.

There being no further business presented, the meeting was adjourned.

Council's next regular meeting will be held on Monday, January 6, 2020 at 7:30pm in the Borough Hall.

Victoria S. Trost
Secretary