



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

***COUNCIL CHAMBER***  
**June 10, 2024**

The meeting was called to order by President Jeffrey Elsing at 7:00p.m. The following were present:

**MEMBERS OF COUNCIL**

Glenn Gurney  
Ric Asplundh  
Jeffrey Elsing

Duane D. Hyatt  
Mark Pennink  
Steven Huntzinger

ALSO: Victoria S. Trost, Mayor Ken Schauder, Solicitor R. Rex Herder. Councilman Brent McCurdy was excused.

**MINUTES**

*On a motion by Glenn Gurney, seconded by Duane Hyatt, Council voted unanimous approval of the May minutes.*

**TREASURER’S REPORT**

General Fund Revenue for May was \$157,835.80. General Fund Expenses were \$123,407.90. Net Income was \$34,427.90.

Sewer Fund Revenue for May was \$101,260.15. Sewer Fund Expenses were \$29,518.57. Net Income was \$71,741.58.

Today PLGIT paid 5.12%. PLGIT Prime paid 5.40%.

Included in the General Fund cash receipts were:

\$	44,819.02	in Real Estate Tax receipts
\$	78,564.07	in Earned Income Tax receipts
\$	11,338.39	in Local Services Tax receipts
\$	967.88	in Fines

\$	90.00	in Police Report receipts
\$	6,858.50	in Building Permit receipts
\$	50.00	in Zoning Permit receipts
\$	1,500.00	in Contributions to Police Department
\$	1,648.89	in Comcast Franchise fees
\$	2,576.31	in Verizon Franchise fees
\$	9,409.24	in Pass-through Professional Fees

Included in the Sewer Fund Cash Receipts were:

\$	40,801.00	in Category 2 Usage receipts
\$	43,182.00	in Category 3 Usage receipts
\$	9,059.00	in Category 4 Usage receipts
\$	8,218.15	in Masons Mill Pass-thru Usage receipts

**TAX COLLECTOR**

Tax Collector, Bradley Cranch reported \$10,776.69 in Real Estate Taxes collected in May; \$63,939.63 remains uncollected.

**BILLS**

**GENERAL FUND BILLS**

A & T Auto and Truck Repair	\$771.44
Academy of the New Church	2,445.22
Armour & Sons Electric	260.00
Auto Spa Xpress	42.00
Berkheimer	1,076.93
Borough of Hatboro	567.75
Brigdon Odhner	522.65
Bryn Athyn Fire Company	221.28
Building Inspection Underwriters	662.00
Concours Automotive	380.00
DeLage Landen	175.00
Eastburn & Gray PC	2,520.00
Frank A. Malizia, Jr. Inc.	6,800.00
George Allen Portable Toilets	630.00
Independence Blue Cross	7,409.04
Kenneth J. Schauder Incorporated	445.00
McDonald Uniform Company	561.94
Mira Yardumian	113.31
Peco Energy	1,330.81
Petty Cash – Brigdon Odhner	114.60
Petty Cash – Victoria Trost	177.41
Pioneer Auto Body & Repair	116.16
ProTract Engineering	9,730.00

Standard Insurance Company	813.55
T & G Industries	212.82
TGI Office Automation	102.43
The Vanguard Group	1,326.45
Township of Upper Moreland	500.00
Verizon Wireless	250.32
Victoria Trost	574.10
Wawa – Wright Express	1,235.28
Woodrow & Associates	4,651.34
<b>TOTAL</b>	<b>\$46,738.83</b>

**SEWER FUND BILLS**

Academy of the New Church	\$933.14
Aquaflow Pump & Supply Co.	157.26
Arnold’s Towing	302.52
Eastburn & Gray PC	1,867.50
EEMA	1,472.50
Independence Blue Cross	680.58
MJ Reider Associates Inc.	698.85
Mac Medical Gases Inc.	7.00
McGovern Environmental LLC	556.72
Peco Energy	912.05
Schauder Incorporated	200.00
UMHJSA	8,218.15
Verizon	130.28
Verizon Wireless	82.51
Wawa – Wright Express	102.19
<b>TOTAL</b>	<b>\$16,321.25</b>

**BMO MASTERCARD – General Fund**

Google Workspace	\$129.60
Adobe AcroPro	19.99
21 Century Media	28.00
Staples	138.13
Amazon.com	240.45
eBay.com	-15.83
Ring.com	49.99
Slice Huntingdon Valley	42.78
Goin Postal	26.24
Notary.org	105.66
Gannett Newspapers	14.99
OpticsPlanet, Inc.	338.99
<b>TOTAL</b>	<b>\$1,118.99</b>

**BMO MASTERCARD – Sewer Fund**

Google Workspace	\$7.20
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Amazon.com	136.53
USPS	13.60
Harbor Freight Tools	51.98
eBay.com	34.98
Lowes	38.80
<u>PVC Fittings Online</u>	<u>87.45</u>
TOTAL	\$370.54

*On a motion by Duane Hyatt, seconded by Jeffrey Elsing, Council unanimously voted to authorize payment of the bills as listed.*

**PRESIDENT’S REPORT**

Proposed Amendment to Bryn Athyn Zoning Ordinance Article 12, Section 1200.8

President Elsing continued the discussion from last month on the proposed changes to the Zoning Ordinance requested by the Lord’s New Church, to be permitted to offer short-term rentals in the Pitcairn House. Mr. Elsing presented the proposed amendment which would separate provisions for churches and schools into separate sections. Section 1200.b would be replaced with Section 1200.8.b.i and Section 1200.8.b.ii. Section 1200.b currently reads:

- 1200.8 a. Accessory uses customarily incidental to any of the above uses including but not limited to offices of staff, doctors, residences of institutional employees, recreational facilities and dormitories, thrift shops, art galleries and the like when affiliated with a school or church located in the Borough, and outpatient medical facilities that do not admit patients on an overnight basis and do not provide emergency medical care, provided that such outpatient medical facilities are affiliated with a school located in the Borough, rental of institutional facilities for uses similar to the use of the facility by the institution.*
- b. In addition to those accessory uses identified in section 1200.8.a, above, colleges in the Institutional District may rent their residence buildings to individuals and/or groups connected to the college and its affiliated institutions. Such individuals and groups shall include, but shall not be limited to, individuals and groups using the facilities of the college or related institutions, out-of-town guests attending weddings at related institutions, and groups or individuals attending conferences or camps or similar activities.*

The proposed Sections 1200.8.b.i and 1200.8.b.ii:

- 1200.8. a. Accessory uses customarily incidental to any of the above uses including but not limited to offices of staff, doctors, residences of institutional employees, recreational facilities and dormitories, thrift shops, art galleries and the like when affiliated with a school or church located in the Borough, and outpatient medical facilities*

that do not admit patients on an overnight basis and do not provide emergency medical care, provided that such outpatient medical facilities are affiliated with a school located in the Borough, rental of institutional facilities for uses similar to the use of the facility by the institution.

- b. In addition to those accessory uses identified in section 1200.8.a, above:
  - i. Schools in the Institutional District may allow individuals and/or groups attending functions at the school or in the Borough to stay in the school's dormitories for not more than thirty (30) consecutive nights. Any dormitory to be used for this purpose must meet all applicable state and local laws, codes and regulations, including, without limitation, building codes and fire codes. School dormitories may not be utilized as apartment dwellings.
  - ii. Churches in the Institutional District may allow individuals and/or groups attending functions at the church or in the Borough to stay in the church's residential buildings located on the church's property and in the Institutional District, for not more than thirty (30) consecutive nights. Any structure to be used for this purpose must meet all applicable federal, state and local laws, including, without limitation, building codes and fire codes. The church's residential properties may not be utilized as apartment dwellings.

Solicitor Rex Herder noted that this use is not the same as a Bed & Breakfast. Bed & Breakfasts are not permitted in the IN – Institutional District.

President Elsing reiterated that the rental units would be required to comply with current building and fire codes and that the minimum rental period is thirty (30) days. Mr. Hyatt stated that he had no other questions on the proposed amendment.

Solicitor Herder explained that the next step would be to refer the proposed amendment to both the Bryn Athyn Planning Commission and the Montgomery County Planning Commission for review and recommendations. This is a thirty (30) day review period.

Council agreed to move the ordinance amendment forward to the review by both planning commissions.

Resolution 2024-04

President Elsing reported that a resolution has been presented to permit the destruction of the recordings that Mrs. Trost makes of Council meetings for the purpose of preparing the monthly meeting minutes. Mr. Elsing read the proposed resolution aloud.

***On a motion by Ric Asplundh, seconded by Glenn Gurney, Council voted unanimously in favor to adopt Resolution 2024-04 establishing a policy for the intended use and destruction of the audio and/or video recordings of the meetings of the Borough Council.***

**RESOLUTION NO. 2024-04**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BRYN ATHYN, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING A POLICY FOR THE INTENDED USE AND DESTRUCTION OF THE AUDIO AND/OR VIDEO RECORDINGS OF THE MEETINGS OF THE BOROUGH COUNCIL.**

*WHEREAS, the Borough Council of the Borough of Bryn Athyn intends to record its regular public meetings with the intent to use such recordings in the preparation of the minutes and following the approval of the minutes the Borough Council intends to dispose of such recordings.*

*NOW, THEREFORE, be it RESOLVED that the Borough Council of the Borough of Bryn Athyn, Montgomery County, Pennsylvania, establishes the following policy for the intended use and destruction of audio and/or video recordings of the regular public meetings of the Borough Council.*

*Section 1. Purpose. The purpose of this policy is to give the Borough Council and Borough staff a clear understanding of the intent behind recording the Borough Council’s meetings and direction of how long the audio and/or video recordings from the meetings should be maintained by the Borough.*

*Section 2. Definitions. Audio and/or video recording – Any audio and/or video recording includes tape, digital or any other means used for the purpose of creating minutes of the regular public meetings of the Borough Council.*

*Section 3. Policy. The audio and/or video recordings are intended to be used in the preparation of the meeting minutes. The audio and/or video recordings are only intended to be maintained until the official meeting minutes are prepared and approved. The Borough will maintain the recordings for no more than sixty (60) days after the minutes have been approved by the Borough Council.*

*Section 4. Procedure. After sixty (60) days have lapsed from the approval of the minutes, it is the Borough Council’s intent to have the audio and/or video recording medium recorded over, erased, or destroyed.*

*Section 5. This Resolution shall neither obligate the Borough to maintain audio and/or video recordings for any specific period of time, nor shall it guarantee the existence of any audio and/or video recordings of meetings of the Borough Council. This Resolution is solely intended to provide guidance on the intended use and destruction of the recordings.*

*Section 6. All resolutions or parts of resolutions that are inconsistent herewith are hereby repealed.*

**SO RESOLVED, this tenth day of June, A.D., 2024**

**BOROUGH OF BRYN ATHYN**

Application for Traffic Signal Approval Masons Mill Road Trail Crossing

President Elsing reported that the Cross County Trail runs through Masons Mill Park in Upper Moreland Township and crosses Masons Mill Road to connect with the County’s Pennypack Trail. A flashing signal is proposed on Masons Mill Road at the trail crossing. The signal will be placed on the Bryn Athyn side of Masons Mill Road due to obstructions on the Upper Moreland side. Mr. Elsing noted that the County will install the signal but that Bryn Athyn Borough will be responsible for future repairs and maintenance. Responsibility for repairs and maintenance are a requirement of the Traffic Signal Maintenance Agreement that the Borough entered into with PA Dot in 2023.

Before Council acts on the request, they requested:

1. an estimate of the cost to replace the signal if damaged
2. can the County take responsibility for the maintenance?
3. if Council decides against accepting responsibility will the signal not be installed?
4. can the costs be split with Upper Moreland Township?
5. is the signal in the flood area of Masons Mill Road?

Mr. Elsing will consult with Lower Moreland Township on the responsibilities for the pedestrian crossing signal at Terwood Road.

**POLICE CHIEF’S REPORT**

President Jeff Elsing read the report for May in the absence of Chief Odhner:

All Police Activities done in the month of May	1377
Warrants	2
Alarms	8
Assist Bryn Athyn Fire / Ambulance	9
Assist Other Police Agencies	20
Public Service Calls / Assist Citizens	6
Special Traffic Details	16
Suspicious Circumstance Investigations	9
Traffic Citations	17
Vehicle Accidents	5
Animal Complaints	2
Traffic Stops	54
Domestic	5

- On May 11th, the Bryn Athyn police held a volunteer day where they put down mulch, cleared walls for painting, and built a large shelf in the garage, resulting in a successful event that improved the station's appearance. Mr. Elsing noted that the garage door needs repair.

- The Bryn Athyn police and Lower Moreland police held a successful fundraiser at Cannonball Storage, featuring food and exotic cars, raising \$3,000 for their departments.
- On May 18th, Orchard Art Works was burglarized. Bryn Athyn Police were able to close the incident with an arrest after the male turned himself in later that night.
- On May 19th, after receiving two reports of a male driving around Bryn Athyn committing indecent exposure, Officer Johnson and Corporal Hotchkiss pieced together the story through excellent police work and made an arrest.
- The Bryn Athyn police handled two separate pedestrian-vehicle accidents at Buck and Tomlinson Rd. In one of the incidents, Officer Green witnessed a vehicle striking two teenagers on bikes and did a great job assessing and handling the situation.
- A speed study was conducted on Alden Road, and the results are as follows: The speed study was conducted over a period of 16 days. The speed limit on this road is 25 miles per hour. The 50th percentile speed, which represents the median speed, was 19.77 miles per hour, indicating that half of the vehicles were traveling at or below this speed.
  - The recorded speeds ranged from a minimum of 15 miles per hour to a maximum of 41 miles per hour.
  - On average, 117.5 cars traveled on Alden Road each day, resulting in a total volume of 1,880 vehicles over the 16-day period.

Mayor Schauder suggested that the speed sign be set up for a study only to record data without lighting and then set up again with lights to compare the difference. Mr. Elsing agreed that the speed study and be redone.

## **FIRE CHIEF'S REPORT**

Chief Ken Schauder reported 177 EMS Calls in May, 121 in Lower Moreland, 18 in Bryn Athyn and 38 in other municipalities; 27 Fire Calls in May, 23 in Lower Moreland, 2 in Bryn Athyn and 2 in other municipalities. Chief Schauder reported that in May the second ambulance was switched to be dispatched anywhere. One time in May, both ambulances were out of both Bryn Athyn and Lower Moreland.

## **EMERGENCY MANAGEMENT REPORT**

Ken Schauder reported that the EM Team will meet on Wednesday, June 12 for July 4<sup>th</sup> planning. Mr. Schauder noted that BACES contractor, Whiting-Turner, has concerns that embers from the fireworks may float on to the unfinished roof of the new school. A fire watch will be discussed at the meeting on Wednesday. Mr. Schauder noted that the fire trucks cannot access the construction site and suggested that they may be able to gain access before July 3.



## **MAYOR'S REPORT**

Mayor Ken Schauder reported that he attended the 2024 PSAB Conference in Hershey last week with Manager, Vikki Trost. Mayor Schauder noted that it was an excellent conference and that they spoke with people from all over the state, adding that we all have the same issues.

## **BRYN ATHYN/LOWER MORELAND EMERGENCY SERVICES DEPARTMENT**

Chief Mark Showmaker reported that he is compiling a report pulled from both fire company reports on response times, manpower, stats for the past five years and apparatus, and that both governing bodies need to be aware for budget season. Mayor Schauder noted that negotiating the Bryn Athyn percentage of contribution is the most important part of the report, adding that it needs to be fair.

Chief Showmaker reminded Council that there are national standards to measure against for response time. The standard response time to meet is 4 personnel in 9 minutes. The Chief reported that Huntingdon Valley Fire Company has met this standard once in the past five years, while Bryn Athyn Fire Company meets this standard most of the time, but manpower is light.

The Chief noted that the fire companies are still having difficulty in agreeing on a name for the new joint organization.

### *May Monthly Report*

*Please find my activity for the month of May outlined and up to the date of this report. There were many special projects and assignments that were advanced to the next step including the departure of the KME Tower Ladder and the Intergovernmental Cooperative Agreement Approval and the signing of these agreements by all parties. The following will briefly cover some of these assignments as well as others.*

#### *Weeks 1 and 2*

- *I attended both the Bryn Athyn Borough Council meeting and summited my report for the Lower Moreland Township Commissioner meetings.*
- *Updated both Boards regarding the Fire Apparatus Purchase of a Pierce Mid Mount Tower Ladder as well as a Pierce Engine Pumper.*
- *Reviewed the monthly Bryn Athyn Fire Company and response statistics.*
- *Reviewed the monthly Huntingdon Valley Fire Company financial and response statistics.*
- *Attended the County Fire Marshals monthly meeting.*
- *Review and approve the Huntingdon Valley Fire Shift Program time sheets for the month*
- *Meeting with LM Manager to bring him up to speed with Department progress.*
- *Meeting with Pierce Fire Apparatus Representative regarding Tower Ladder chassis progress*

- *Met with All Chiefs of both Fire Companies to bring them up to date on items and progress including them forwarding names for future organization.*
- *Attended meeting with BET reps regarding land development.*
- *Picked up Chief Vehicle at Havis Corp after completion of upfit emergency warning devices.*
- *Met with Officer manager of BAFC to design statics report for their reporting software*
- *Attended EDIAFC conference in Mount Laurel NJ*

*Week 3 and 4*

- *Continued to review statistics of both HVFC and BAFC and started to prepare report information*
- *Reviewed proposed policy of Bryn Athyn Fire Company*
- *Began reviewing training levels of HVFC members*
- *Current Tower Ladder was picked up by vendor and trade info completed*
- *Attended Municipal Fire Chiefs of Montgomery County Meeting*
- *Met with BAFC Chief and President for update and briefing*
- *Conducted employment interviews with BAFC*
  - *Attended HVFC Fire Fighters Graduation Ceremony at Bucks Community College.*
- *Conducted research regarding fire station standards for NFPA*
- *Attended Bryn Athyn Fire Company Officer Meeting*
- *Review HVFC Shift Program time sheets second half of month*
- *Met with Glick regarding potential Ambulance purchase for information gathering.*
- *Began review of both organizations reporting programs*
- *Continued review and information compilation of data from records regarding response*
- *Conducted consolidation and regionalization research*
- *Conducted Stipend programs in PA research*
- *Meeting with Montco Communications Technology Department regarding MDT usage and requirements*
- *Met with Montco 911 regarding questions pertaining to future consolidation requirements*
- *Met with HVFC membership to update them on current status*
- *Site inspection of New Bryn Athyn Elementary School*

*Fire Calls of Interest:*

*Emergency Response Data for the month as of the date of this report:*

<i>BAFC Emergency Medical Calls in BA</i>	<i>18</i>
<i>BAFC Emergency Medical Calls in LM</i>	<i>121</i>
<i>BAFC Emergency Medical Calls other</i>	<i>38</i>
<i>BAFC Monthly total EMS Calls</i>	<i>177</i>
<i>Year to date EMS Calls</i>	<i>837</i>

<i>BAFC Fire Calls in BA</i>	<i>2</i>	<i>HVFC Fire Calls in LM</i>	<i>26</i>
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<i>BAFC Fire Calls IN LM</i>	23	<i>HVFC Fire Calls in BA</i>	2
<i>BAFC Fire Calls Other</i>	2	<i>HVFC Fire Calls Other</i>	1
<i>BAFC Monthly Fire Calls</i>	27	<i>HVFC Monthly Fire Calls</i>	29
<i>Year to Date Fire Calls</i>	162	<i>Year to Date Fire Calls</i>	171

**SOLICITOR’S REPORT - None**

**BOROUGH MANAGER’S REPORT**

Safety Committee

The Safety Committee met last month and completed training on Summer Safety.

PSAB Annual Conference

Manager Vikki Trost attended the PSAB Annual Conference with Mayor Schauder from June 2-5 participating in numerous informative sessions and meetings. PSAB will submit 11 resolutions as proposed legislation in Harrisburg. Updates on current legislation are in the folders for Council.

**PUBLIC SAFETY COMMITTEE**

Chairman Jeff Elsing reported that the committee will meet with the Emergency Management Team on Wednesday, June 12 to plan for Independence Day activities. Information has been posted on the Borough website and final details will be posted in the Bryn Athyn Post.

Mr. Elsing reported that the volunteering day at the police department last month was a great family day for employees and their families. There were donated refreshments and activities for children.

Chairman Elsing reported that the chief has found some great uses for the old police car, one use being covering policing during community events.

**PUBLIC WORKS COMMITTEE**

Chairman Mark Pennink reported that the fire house paving was cancelled because it could not be included on the Lower Moreland bid since Liquid Fuels funds cannot be used for the parking lot.

Mr. Pennink listed projects for the month of May:

- Drainage repairs on Sycamore Road
- Sinkhole repaired on Quarry Road
- Woodland Road – Peco gas project – Vikki Trost will check on completion date

- College Park – Aqua PA water main project – Aqua will close the trenches but paving will be done next year with funding from Aqua PA
- Fence along Tomlinson Road Damaged – it was suggested that the damage was caused by Aqua PA trucks. Council discussed who will pay for repairs. Vikki Trost will contact Aqua PA to determine if the damage was done by Aqua PA. It was suggested that BACS pay for repairs.

#### Alden Road Improvements Project

Chairman Pennink reported that the project is moving along. The committee will meet in early July to finalize the bid specs. Mr. Pennink met with several residents of Alden Road to answer questions. A plan was distributed to Council showing intersections, driveway cut-ins and proposed walls.

#### Tomlinson Road Sidewalks

Mr. Pennink reported that the Tomlinson Road Sidewalk project is ready to bid. Mr. Pennink noted that his budget has \$140,000 for this project. The project encompasses three blocks, but each will be bid separately. This way the scope of the project will depend on the bids received. We may be able to afford one, two or all three blocks. Mr. Herder added that there is language in the bid specs that specifies that only one contractor will be selected for the project.

Mr. Elsing proposed the following project schedule: Post bid specs on PennBid on June 24, schedule pre-bid meeting on July 1, close window for contractor questions on July 8, and hold bid opening on July 15. Bids will then be reviewed by Rex Herder and Nick Road, and Council will take action on the bids at the August 5, 2024 regular meeting.

Nick Rose will include the project dates in the bid specs and Vikki Trost will obtain prevailing wage rates for the project.

***On a motion by Ric Asplundh, seconded by Jeffrey Elsing, Council voted unanimously in favor to direct the Borough Secretary to advertise and post the bid specs on PennBid for the Tomlinson Road Sidewalk project.***

## **FINANCE COMMITTEE**

Chairman Duane Hyatt reported that the Finance Committee met in May. Chief Odhner petitioned the Committee to consider recommending retaining the old police car to be used as a ghost car, transports, and other uses. Mr. Hyatt explained that the Committee had previously decided against keeping the car due to costs and a shortage in the police car reserve.

Mr. Hyatt reported that the Sewage Treatment Plant Generator project is almost ready to bid. The Committee is looking into financing for the Alden Road Improvements project. The Committee is gathering information on adding a fifth police officer to the Police Department.

**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 that there was (1) Zoning Permit applications approved in May. Three (3) Building Permits were issued. No (0) Grading Permits were issued.

**SEWER ADMINISTRATOR**

Chairman Glenn Gurney reported that annual maintenance is happening at the plant.

Mr. Gurney reported that the Generator project should be ready to bid. The bid schedule will be decided via email and the project will go out to bid soon. Mr. Gurney noted that it could take six months for delivery of the generator.

**BOROUGH ENGINEER - None**

**OLD BUSINESS**

Lach Brown reported that he spoke with the project manager for the Feters Mill Bridge Rehabilitation project. The project will go out to bid in September 2024, bids will be approved in December and construction should begin in late January 2025. The trail will be rerouted through the Connelly property. The project will take one year to complete.

**NEW BUSINESS**

Ken Schauder asked Council to consider broadcasting Council meetings now that we have the ability to broadcast.

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

There being no further business presented, the meeting was adjourned at 8:24pm.

Council's next regular meeting will be held on Monday, July 1, 2024 at 7:00pm in the Borough Hall.

Victoria S. Trost  
Secretary