



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

COUNCIL CHAMBER
September 11, 2017

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
Aurelle Genzlinger

ALSO: Victoria S. Trost, Bradley E. Cranch, Glenn A. Coffin, Reid Heinrichs, Derek Zecher, R. Scott Cooper, Mayor Ken Schauder, Solicitor R. Rex Herder. Councilman Brent McCurdy was excused.

EXECUTIVE SESSION

President Jeffrey Elsing reported that Borough Council held an Executive Session immediately following the August 7, 2017 meeting to discuss a personnel issue.

President Elsing announced that Borough Council would hold an Executive Session immediately following this meeting to discuss a personnel matter.

SWEAR-IN PART-TIME POLICE OFFICER

Mayor Ken Schauder administered the oath of office to new Part-time Police Officer Sean M. Perry. Officer Perry was welcomed to Bryn Athyn Borough.

MINUTES

On a motion by Glenn Gurney, seconded by Ric Asplundh, Council voted unanimous approval of the August minutes.

TREASURER’S REPORT

Treasurer Vikki Trost reported General Fund Revenue for August was \$69,289.48. General Fund Expenses were \$130,445.19. Net Income was -\$61,155.71.

Sewer Fund Revenue for August was \$102,399.29. Sewer Fund Expenses were \$33,246.24. Net Income was \$69,153.05.

Today PLGIT paid .76%. PLGIT I-Class paid .92%.

Included in the General Fund cash receipts were:

\$	17,150.00	in Transfer Tax receipts
\$	7,870.42	in Local Services Tax receipts
\$	29,351.62	in Earned Income Tax receipts
\$	8,624.00	in Building Permit receipts
\$	45.00	in Police Report receipts
\$	50.00	in Zoning Permits receipts
\$	15.00	in Fireworks donations
\$	95.00	in Fireworks Permit receipts
\$	50.00	in Grading Permit receipts
\$	537.35	in Fines
\$	2,026.07	in Comcast Franchise Fee receipts
\$	3,331.01	in Verizon Franchise Fee receipts
\$	144.01	in Interest Income

Included in the Sewer Fund Cash Receipts were:

\$	29,897.31	in Category 2 Sewer Usage Receipts
\$	63,299.00	in Category 3 Sewer Usage Receipts
\$	8,747.00	in Category 4 Sewer Usage Receipts
\$	420.98	in Finance Charges
\$	35.00	in Sewer Certification receipts

TAX COLLECTOR - None

BILLS

On a motion by Duane Hyatt, seconded by Jeffrey Elsing, Council unanimously voted to authorize payment of the bills as shown on the attached list, which is made a part of these minutes.

PRESIDENT’S REPORT

Bryn Athyn School Tax

President Elsing reported that the Bryn Athyn School Board has adopted a budget for 2017-2018 with no school tax to be collected.

Resolution 2017-03 Anti-Gerrymandering

Mr. Elsing opened the discussion on the proposed resolution in support of a citizens’ commission for legislative and congressional redistricting. A previous motion for approval of the proposed resolution failed at the June 5, 2017 meeting of Borough Council. Councilmembers reviewed the proposed resolution during the summer.

On a motion by Aurelle Genzlinger, seconded by Ric Asplundh, the motion to adopt Resolution No. 2017-03 in support of a citizens’ commission for legislative and congressional redistricting passed by a vote of four for and two against. Councilmembers Aurelle Genzlinger, Ric Asplundh, Mark Pennink and Glenn Gurney voted in favor; Councilors Duane Hyatt and Jeffrey Elsing voted against.

***Borough of Bryn Athyn
Montgomery County, Pennsylvania
Resolution No. 2017-03***

A RESOLUTION IN SUPPORT OF A CITIZENS’ COMMISSION FOR LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

WHEREAS, the citizens of the Borough of Bryn Athyn and of the Commonwealth of Pennsylvania deserve a fair, fully transparent, impartial, and depoliticized process for the decennial drawing of state legislature and federal congressional districts of near equal population; and

WHEREAS, legislative and congressional redistricting has often resulted in the gerrymandering of districts to favor one political party or the other; and

WHEREAS, *such gerrymandering of legislative and congressional districts has worked at times to the detriment of our representative democracy by impeding action on critical issues of importance to the people; and*

WHEREAS, *the creation of a truly independent citizens' redistricting commission devoid of political motivation and partisanship will help to ensure a fair and accurate legislative and congressional redistricting process that respects political subdivisions, prohibits districts from being drawn to favor or discriminate against a political party or candidate, promotes transparency and the use of impartial and sound methodology when setting district boundaries, allows for public input, and fully complies with the constitutional requirement that "no county, city, incorporated town, borough, township or ward" be divided "unless absolutely necessary"; and*

WHEREAS, *recent legislation has been introduced in the current legislative session to amend the Pennsylvania Constitution to reform the decennial legislative and congressional redistricting process with the intent of using fairness and sound methodology in a non-partisan fashion;*

NOW THEREFORE BE IT RESOLVED *that the Bryn Athyn Borough Council does hereby support legislative efforts to secure expeditious action to create a constitutional amendment that would, among other reforms, assign the decennial task of both legislative and congressional redistricting to an independent citizens' redistricting commission; and*

BE IT FURTHER RESOLVED *that we call upon all those elected officials in the Commonwealth of Pennsylvania who represent the citizens of the Borough of Bryn Athyn, in the list below, to publicly announce their support of such legislative efforts and their commitment to work toward passage thereof; and that a copy of this resolution be delivered to each of them.*

*Governor Tom Wolf
Lieutenant Governor Mike Stack
Attorney General Josh Shapiro
United States Senator Bob Casey
United States Senator Pat Toomey
United States Representative Brendan Boyle
Pennsylvania Senator Stewart Greenleaf
Pennsylvania Representative Tom Murt
County Commissioner Chair Valerie Arkoosh
County Commissioner Vice Chair Ken Lawrence
County Commissioner Joe Gale
Mayor Kenneth Schauder*

Approved, this eleventh day of September, in the year of Our Lord, 2017.

BOROUGH OF BRYN ATHYN

Police Department Staffing

Mr. Elsing reported that Officer Sean Perry is getting started with training this week and Officer David O’Neill is finishing up his training. Officer Michelle Williamson is performing well, filling in as needed. Police Officers are spotlighted each week in the Bryn Athyn Post to introduce them to the community.

MAYOR’S REPORT - None

POLICE CHIEF’S REPORT

Acting Chief Steve Gray reported the following activity for August:

Citations Issued	Traffic: 26 / Non-Traffic: 2	28
Alarms		18
Assist to Bryn Athyn Fire/Ambulance		07
Assist other Police Agencies		35
Assist Citizens		14
Complaints concerning Animals		05
Reports of Suspicious Circumstances		17
Special Traffic Details		10
Miscellaneous Complaints		83
Vehicles checked for Ownership or warned for Motor Violations		63
Vehicle Accidents		01

On Friday August 11, 2017 at 12:03am, Police arrested a 19-year-old Feasterville resident for suspected DUI involving drugs in the area of Byberry and Masons Mill Road.

On Saturday August 12, 2017 at 9:03pm, police responded to the 2600 block of Alden Road for a report of a domestic disturbance. Police found all to be calm and in order while on location. No charges were filed.

On Thursday August 17, 2017 at 1:00pm, Bryn Athyn Police conducted Drug Awareness training at the Doering Science Center for the Bryn Athyn College Resident Advisors. Acting Chief Gray commended Officer Michelle Williamson for her presentation.

On Thursday August 17, 2017 at 7:23pm, Police responded to the Swedenborg Library for a fire alarm. Upon arrival, Police and BA Fire Company found a smoke condition inside of the library, which was caused by a broken compressor belt.

On Friday August 18, 2017 at 9:35pm, Police responded to the 1700 block of Huntingdon Road to investigate a report of shots fired. It was determined through witnesses that the popping sound that was heard was due to a large tree that had fallen behind the property inside of the Pennypack Watershed.

On Saturday August 19, 2017 at 3:46 am, Police arrested a Lambertville, New Jersey resident for suspected DUI in the area of Huntingdon Pike and Cathedral Road.

On Saturday, August 19th, 2017, at 11am police cited a 40-year-old Horsham resident for cruelty to animals for leaving their dog locked inside of a vehicle that was parked directly in the sunlight in the 500 block of Tomlinson Road for over 30 minutes with the inside car temperature reaching over 130 degrees.

On Monday August 21, 2017 at 1:52am, Police investigated trespassers in the Cathedral parking lot, which resulted in a 24-year-old Warminster resident being cited for Public Drunkenness.

On Thursday August 24, 2017 at 1:13pm, Police responded to the 2500 block of Woodland Road to take a report of attempted Fraud.

On Thursday August 24, 2017 at 7:02pm, Police responded to the Pennypack Watershed Trail, just north of the Bryn Athyn Post Office, for a report of a Disturbance In-Progress. Upon arrival, police were advised that a bicyclist had driven into a resident's dog that ran in front of his bicycle, which caused him to flip head over heels off the bike and onto the ground. The fall from the bicycle resulted in a broken bicycle helmet and cuts to the bicyclist's arms and legs. An argument ensued between the bicyclist and the dog owner, which resulted in the bicyclist punching the dog owner in the face. Both parties refused to press charges against one another.

On Sunday August 27, 2017 at 7:58am, one of our department members received an electrical shock while attempting to turn on the school zone flashers at Tomlinson and Ashley Road that had been deactivated during the summertime. Armour & Sons responded to fix the defective light on Monday August 28, 2017.

On Thursday August 31, 2017 at 1:30pm, Bryn Athyn Police Officers provided a safety talk to the BACS Kindergarten class.

FIRE CHIEF’S REPORT

Ken Schauder reported 21 Fire Calls in August, 14 in Lower Moreland and 7 in Bryn Athyn; 107 Ambulance Calls in August, 71 in Lower Moreland, 11 in Bryn Athyn and 25 in other municipalities. Sixteen (16) DUI Blood Draws were performed.

EMERGENCY MANAGEMENT REPORT

Scott Cooper reported that the Safety Committee will meet on Tuesday, September 12 at 9:00am.

Mr. Cooper noted that the present Emergency Management Team was formed as a result of the events of September 11, 2001. He thanked Ken Schauder, Deputy Emergency Management Coordinator, the Bryn Athyn Police Department, the Bryn Athyn Fire Department and the Bryn Athyn Public Works Department for their participation on the team and commended them for their readiness to respond when needed.

Scott Cooper reported that the Bryn Athyn College fireworks display on September went smoothly and may be an annual event.

SOLICITOR’S REPORT - None

BOROUGH MANAGER’S REPORT

Fireworks Permit

Vikki Trost reported that a fireworks permit application for the Bryn Athyn College fireworks display on September 1 was approved in August. Mrs. Trost noted that Fire Chief Derek Zecher has requested that the Fire Company receive \$200 per event for their services as part of future fireworks permits. The Fire Company and Ambulance crews must stand-by during this event. Having the fireworks on a holiday weekend caused difficulty which scheduling personnel. Vikki suggested that the permit fee be increased to take police and fire services into consideration and that the permit application be received at least 30 days prior to the event.

Sewer Delinquencies

Letters were sent to ten property owners with sewer usage account past due 90 days or more. To date, four have paid their past due balances. The deadline for payment is

September 15. Delinquencies on that date will be turned over to Portnoff Associates for collection.

Mini Library

State Representative Tom Murt has offered to donate a “Little Free Library” to the Borough. This is a personal donation from Representative Murt. He has asked where the Borough Council would like to install the mini library. Council was appreciative of the offer and will decide where to put the mini library in the Borough Park.

Montgomery County Boroughs Association

The next meeting will be on September 28 at Normandy Farms in Blue Bell. Bryn Athyn is scheduled to co-host in February 2018 with Rockledge, Hatboro and Jenkintown.

2018 Minimum Municipal Obligation

The 2018 Minimum Municipal Obligation for the Police Pension Fund is \$69,531. This amount may be amended following a meeting to be scheduled with the actuary, Joe Duda. Joe may recommend lowering the interest rate again next year. Mr. Pennink urged Council to continue to be very conservative in relation to the fund.

Woodhaven Road Extension

Mrs. Trost reported that the City of Philadelphia Planning Commission is urging the city and PA DOT to resurrect the Woodhaven Road Extension plans to direct traffic onto Philmont Avenue in Lower Moreland.

PUBLIC SAFETY COMMITTEE - None

PUBLIC WORKS COMMITTEE

Road Paving 2017

Chairman Mark Pennink reported that milling has begun on the roads scheduled for paving this year – Alnwick, South, Orchard and Marlin. Mr. Pennink has approved an extra one (1”) inch of material to help the roads last longer. Frank Malizia has been hired to replace Belgium blocks around the Loop during the project.

Snow Plowing

Mr. Pennink reported that Lach Brown is looking for a salt spreader for the GMC pick-up truck. The truck is being prepped to back up the dump truck this winter.

FINANCE COMMITTEE

2018 Budget

Chairman Duane Hyatt reported that it is budget time and requested that committee heads submit proposed 2018 budgets by October 2, 2017.

Mr. Hyatt noted that the budget preparation schedule has been revised as follows:

- October 2, 2017 Budget Submission Deadline
- October 17, 2017 Department Head Budget Presentations to Finance Committee
- October 31, 2017 Finance Committee Finalizes Proposed Budget
- November 6, 2017 First Draft of Proposed Budget Reviewed at Borough Council
- November 16, 2017 Advertise Proposed Budget in Newspaper
- November 21, 2017 Resolve Budget Issues
- December 4, 2017 2018 Final Budget Adopted by Borough Council

Police Pension Letter

The Finance Committee has prepared a letter to Pennsylvania State Senators and State Representatives urging the PA Legislature to allow municipalities to set up Defined Contribution pension plans as opposed to the mandated Defined Benefit pension plans for future hires. Defined Benefit plans are very expensive and are the reason many plans throughout the state are in distress.

Borough Council approved the proposed letter and agreed to send the letter to PA State Senators and State Representatives.

LAND USE AND NATURAL RESOURCES/ SHADE TREE COMMITTEE

Chairman Ric Asplundh reported that he has instructed Ridgewood Tree Service to take down two trees in Borough Park.

PUBLIC RELATIONS COMMITTEE - None

ADMINISTRATIVE COMMITTEE - None

PLANNING COMMISSION REPORT - None

ZONING OFFICER

One (1) Zoning Permit application was approved in August.

Seven (7) Building Permits were issued.

One (1) Grading Permit was issued.

ZONING ORDINANCE COMMITTEE

Solicitor Herder reminded the Council that the proposed Ordinance is not yet a public record, but that the public is invited to hear Council's discussions during their meetings.

Mr. Elsing opened the discussion on the revised Zoning Ordinance presented to Council by the Zoning Ordinance Committee on May 19, 2017. Mr. Elsing asked Council to refer to the recommendations of the Bryn Athyn Planning Commission who reviewed the proposed ordinance at their June 20, 2017 meeting.

The Planning Commission made recommendations on four issues.

1. Article 8, Section 800 Mixed Dwelling Residential District
In response to Councilman Duane Hyatt's request that farming be permitted in this district, the Planning Commission recommended that this use be considered as a Conditional Use in Section 801.8, but only if structures were not allowed. Also, setbacks, acreage and other criteria would need to be written into the ordinance.
2. Article 9, Section 900 Commercial District
Clubs, lodges or fraternal organizations were removed from the revised ordinance. The Planning Commission recommended this change for the Connelly property which is the only commercial district in the Borough. This did not appear to be a practical area for these types of activates.
3. Article 12, Section 1200.4 Institutional District
Medical and surgical hospitals, sanitarium and charitable institutions was removed. The Planning Commission noted that the Zoning Committee recommended removing, such that actual patient care would not be allowed. The Planning Commission recommends that the verbiage not restrict medical training or education.
4. Chickens
The Zoning Ordinance Committee recommends permitting chickens in "A" Residential only on lots with a minimum of five (5) acres. The Planning Commission recommends that if chickens are considered in residential districts, a limit of 4 to 6 chickens on a property would be reasonable. No roosters and any

chicken coop or shelter should be considered a shed and have the same permit or setback requirements as a shed.

Council reviewed the Planning Commission recommendations and asks the Zoning Ordinance Committee to review the following comments:

- Council discussed the suggestion to permit farming in the Mixed Dwelling Residential District, Institutional District and Natural Preservation with a minimum of 5 acres, possible as a Conditional Use and would like the Zoning Committee to revisit this issue.
- Council agreed to put the Club, Lodge or Fraternal Organizations back in as a permitted use in Article 9, Commercial District.
- Council does not want to prohibit medical use on the College campus, but would not want to have a hospital in the middle of campus.
- Council agreed to ask the Zoning Ordinance Committee for additional guidelines.

It was noted that the Academy of the New Church owns most of the IN – Institutional zoned land and may sell some land in the future.

- Regarding chickens, Solicitor Herder has distributed to council a separate, stand-alone ordinance regulating the keeping of chickens which Council may want to consider. The chicken ordinance would regulate the lot size, permitting chickens only on lots greater than one-half (1/2) acre; coops; free-range not permitted; and cleanup requirements, as well as other requirements. Mr. Elsing noted that Greg Jackson has requested that Council consult with chicken owners on this issue.

Zoning Map

Nick Rose noted that he is looking into the zoning for the sliver of land in the Borough along Carriage Lane.

SEWER ADMINISTRATOR

College Park Pump Station Update

Reid Heinrichs reported that the Air Scrubber was installed on August 31, 2017. Mr. Heinrichs reported that he has checked on the operation of the air scrubber several times and has not detected the faintest odor, noting that this is still a test period and he is optimistic.

Sewage Treatment Plant

The Blower Installation is complete and the entire blower project is 90% complete. The new blowers have been running and performing well for two weeks.

Mr. Heinrichs and Mr. Gurney will meet with the engineer, Bill Brown, on September 20 to review the plans for the equalization tank project.

BOROUGH ENGINEER

Nick Rose reported that he is conducting a survey at the Sycamore Pump station to determine the area of the Borough easement.

OLD BUSINESS

Mrs. Marty Nash thanked Council for the current efforts to address the odor problem at the Sycamore Pump Station, stating that her family has been patient for fifteen years. Mrs. Nash played a video recording of the new air scrubber demonstrating the very loud motor. She stated that she regrets allowing the easement to the Borough for the pump station. Mrs. Nash requested that Council resolve the noise issue as soon as possible and install a nice shed with landscaping to camouflage the air scrubber which is twelve feet tall. This should be a two-story shed with sound insulation. Mrs. Nash stated that the pump station has hurt the value of her house and that she will ask for compensation for the value of her house.

- It was agreed that Mrs. Nash will continue to monitor the odor and that Charter Day (October 21, 2017) will be the real test for the air scrubber. Reid Heinrichs explained that the air scrubber system is a sealed system to prevent odor.
- The shed will be installed after Charter Day.
- Mrs. Nash also noted that there is a vibrating noise at the top of the scrubber; Mr. Heinrichs said that he added a cover to keep rain water out and he will secure it to stop the vibration.

NEW BUSINESS - None

QUESTIONS OR COMMENTS FROM THE FLOOR

Lisa Hyatt Cooper thanked Borough Council for approving the Anti-gerrymandering Resolution.

There being no further business presented, the meeting was adjourned at 8:50pm.

Council's next regular meeting will be held on Monday, October 2, 2017 at 7:00pm in the Borough Hall.

Victoria S. Trost
Secretary