



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

COUNCIL CHAMBER
August 7, 2023

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

MEMBERS OF COUNCIL

Jeffrey Elsing
Duane D. Hyatt

Glenn Gurney
Ric Asplundh

ALSO: Victoria S. Trost, Mayor Ken Schauder, Solicitor R. Rex Herder. Councilmembers Brent McCurdy, Mark Pennink and Aurelle Genzlinger were excused.

MINUTES

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

TREASURER'S REPORT

General Fund Revenue for July was \$49,444.94. General Fund Expenses were \$386,092.47. Net Income was -\$336,647.53.

Sewer Fund Revenue for July was \$833.05. Sewer Fund Expenses were \$21,035.64. Net Income was -\$20,202.59.

Today PLGIT paid 4.99%. PLGIT Prime paid 5.32%.

Included in the General Fund cash receipts were:

\$	5,683.33	in Real Estate Tax receipts
\$	9,127.58	in Earned Income Tax receipts
\$	2,069.26	in Local Services Tax receipts
\$	8,346.24	in Fireworks Contributions
\$	75.00	in Grading Permit Fees
\$	1,819.78	in Fines
\$	90.00	in Police Report fees
\$	50.00	in Zoning Permit Fees
\$	2,954.60	in Building Permit Fees
\$	17,414.03	in Class Action Settlement – Monsanto PCB’s
\$	1,797.12	in Insurance Dividends

Included in the Sewer Fund Cash Receipts were:

\$	187.00	in Category 2 Usage
\$	176.00	in Lower Moreland Pass-through Usage receipts
\$	470.05	in Reimbursement for Verizon Termination Fee from BACES

TAX COLLECTOR - None

BILLS

GENERAL FUND BILLS

Academy of the New Church	\$1,975.39
Armour & Sons Electric, Inc.	596.80
Auto Spa Xpress	20.00
Bryn Athyn Fire Company	214.66
Building Inspection Underwriters, Inc.	138,914.40
Cranch Landscapers, LLC	1,195.00
Davidheiser’s Inc.	60.00
DeLage Landen	175.00
Doug Hotchkiss	110.20
Eastburn & Gray PC	2,227.50
Frank A. Malizia, Jr. Inc.	2,350.00
Independence Blue Cross	6,840.29
International Fireworks Mfg. Co., Inc.	12,250.00
Lower Moreland Township	27,879.96
Weldon Auto Parts	45.58
NJS Concrete LLC	24,920.00
Paychex of New York LLC	262.71
Peco Energy Company	1,357.09
Petty Cash – Steve Gray	330.15
Petty Cash – Victoria Trost	45.49
ProTract Engineering, Inc.	3,903.00

S2Verify, LLC	25.00
T & G Industries Inc.	279.00
TCCI Excavation	84,197.75
TGI Office Automation	29.07
The Vanguard Group	1,112.43
TruGreen Processing Center	1,022.08
Verizon Wireless	242.04
Victoria Trost	50.00
Wawa – Wright Express	1,127.94
<u>Woodrow & Associations</u>	<u>1,121.41</u>
TOTAL	\$314,879.94

SEWER FUND BILLS

Academy of the New Church	495.85
Berardelli Pool Supplies, LLC	1,572.95
Geroge Allen Wastewater Management	2,555.00
Home Depot	503.72
Independence Blue Cross	658.51
Keystone Engineering Group	5,249.24
MJ Reider Associates, Inc.	1,141.65
Mac Medical Gases, Inc.	3.50
PA Dept. of Environmental Protection	65.00
Paychex of New York LLC	141.43
Peco Energy Company	514.82
Schauder Incorporated	300.00
Verizon	82.21
Verizon Wireless	82.10
<u>Wawa-Wright Express</u>	<u>151.65</u>
TOTAL	\$13,517.63

POLICE PENSION BILLS

Duda Actuarial Consulting, Inc.	\$1,200.00
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BMO MasterCard

Sewer Fund

Google Workspace	\$3.00
eBay.com	326.83
<u>Amazon.com</u>	<u>253.66</u>
TOTAL	\$583.49

General Fund

Adobe AcroPro	\$19.99
Google Workspace	57.00
Amazon.com	961.96
Microsoft 360	74.19
Café Carmela	87.50

Miss Philly Grill	73.22
21 st Century PA Newspapers	14.00
TOTAL	1,287.86

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

PRESIDENT’S REPORT

Solicitation Ordinance

President Elsing reported that the sample solicitation ordinance that he referred to at the July meeting has been distributed to members of Council for discussion. Mayor Schauder stated that he was in favor and was not sure why there were negative comments last month. Mr. Elsing noted that we currently have a loose procedure for solicitation and that there would be no additional onus put on anyone with the proposed ordinance. The Mayor added that Lower Moreland Township has a solicitation ordinance; Mr. Asplundh commented that it would be worthwhile to ask Lower Moreland about their experiences with solicitation. Mr. Gurney recommended continuing the discussion with the full Council. Mr. Hyatt was not really concerned about solicitation, while Mayor Schauder expressed concern about scams on the elderly residents. It was agreed to keep the Solicitation Ordinance discussion on the agenda for the September meeting.

Bryn Athyn Thrift Shop

Mr. Elsing referred to a letter dated July 31, 2023 from Nick Rose regarding the extra hours of operation proposed for the new thrift shop. A previous letter from Nick Rose dated June 30, 2023 included all hours of operation, including the extra hours. A motion is needed to incorporate the hours into the Council’s approval of the Thrift Shop Land Development application.

Mr. Herder recommended a motion to adopt Nick Rose’s June 30, 2023 letter as a condition to the approval granted on June 5, 2023 for the Thrift Shop. Mr. Elsing read the June 30, 2023 letter aloud. Mr. Gurney asked if the hours were discussed by the Planning Commission and Zoning Hearing Board, prior to approval of the Land Development application. Mr. Herder explained that the Zoning Hearing Board granted only zoning relief for a non-conforming use and that the hours were not Planning Commission criteria to decide. Chief Schauder noted that the Bryn Athyn Fire Company made recommendations to the applicant for the proposed building to which the Academy of the New Church agreed.

On a motion by Ric Asplundh, seconded by Jeff Elsing, Council voted unanimously in favor to approve the Academy of the New Church request to amend the Land Development approval for the Thrift Shop building as set forth in the letter from Nick Rose, P.E. to the Borough dated June 30, 2023.

Proposed Amendments to the Bryn Athyn Zoning Ordinance

President Elsing explained that an amendment may be needed to Article 16, Sections 1607.1 and 1607.2 with regard to the minimum lot size for Two-Family Dwellings. Currently, Section 1607.1 requires a minimum of 25,000 square feet lot size for a two-family dwelling in “B” Residential, where Section 602.1 in “B” Residential has a minimum lot size of 20,000 square feet. Similarly, Section 1607.2 requires a minimum of 25,000 square feet for a two-family dwelling, where Section 702.1 I “C” Residential has a minimum lot size of 10,000 square feet. Mr. Elsing went on to explain the procedure to amend the zoning ordinance.

Mr. Hyatt asked if there are larger lots than the minimum requirement in each residential zoning district, noting his concern for street parking. Mr. Elsing then referred to the Table 1401 in the Zoning Ordinance which lists required parking for various uses. Mr. Elsing recommended adding “Two-Family Dwelling” required parking spaces on the table. Mr. Hyatt responded that there is currently not enough parking in some areas and he may not agree in making a change to the table. Mr. Gurney suggested going back to study the parking issues. Mr. Elsing proposed that Solicitor Herder prepare a draft to see what the proposed ordinance would look like. Mr. Elsing also noted that there are two references to “In-Law Suite” in error and that they should be changed to “Relative Quarters” to align with the ordinance. This proposed ordinance would be for discussion only.

The last amendment proposed by Mr. Elsing relates to Article 12, Section 1200.8 in the “IN” Institutional District which was amended in August, 2020. There was recently an ad in the Bryn Athyn Post offering the BA College cottages for long term rentals. The Zoning Officer questioned this use and contacted the College. The 2020 amendment was intended to permit short-term rental of the cottages in connection with events held by the Church and schools. Mr. Hyatt stated that the College is experiencing a financial deficit as dormitory enrollment is far below current capacity. There are costs associated with vacant buildings that the College would like to cover with rentals. Mr. Hyatt suggested that long term rentals would only be used until they could fill the dorms with students. Vikki Trost was asked to explain that the long-term rental is not a permitted use in the “IN” District and that permitting long-term rental would open the campus housing to the public for these rentals.

POLICE CHIEF’S REPORT

Chief Steve Gray reported the following activity for July:

Alarms	10
Assist Bryn Athyn Fire / Ambulance	08
Assist Other Police Agencies	30
Miscellaneous Activity	75
Public Service Calls / Assist Citizens	01
Special Traffic Details	02
Suspicious Circumstance Investigations	11
Traffic Citations	38
Vehicle Accidents	04
Vehicle Investigations	01

On Friday July 7th police took four (4) thefts from vehicle reports that occurred overnight on Alden Road and one (1) theft from vehicle report that occurred on South Avenue. All vehicles had been left unlocked. The items taken from the vehicles consisted of gift cards and loose change. The same night that this occurred, Lower Moreland Township had two vehicles that were reported stolen, one which had a firearm in it.

On Saturday July 8th at 11:00pm, police were flagged down by a pedestrian who was walking in the 3000 block of Huntingdon Pike. The male told police that he was walking to Southampton but had gotten lost. Police learned that the 28-year-old male had two active warrants for him from the City of Philadelphia. The wanted person was detained by police and subsequently turned over to the Philadelphia Warrant Division.

On Thursday July 13th at 11:32am, police responded to the Urology Center at 1800 Byberry Road in the Masons Mill Business Park for a report of a disturbance. Upon arrival, police were advised by the manager that there was a male (identified as being a 32-year-old resident of Philadelphia) who was upset with staff and said that he was “going to make a scene” if his female companion was unable to be seen without an appointment. Police spoke to all parties involved. The male and his female companion left without any further incident and police resumed patrol.

On Monday July 17th at 12:15am, police conducted a vehicle stop in the 3000 block of Huntingdon Pike that had been driving into the opposing lane of traffic. The driver, a 21-year-old male resident of Trenton, New Jersey who was detained for suspicion of DUI, agreed to submit to a blood test. The lab results showed that the driver was impaired due to being under the influence of drugs. DUI charges have since been filed.

On Thursday July 20th at 9:05pm, police conducted a vehicle stop in the 1800 block of Byberry Road which resulted in the arrest of the passenger, a 32-year-old male resident of Philadelphia due to Warrants that had been issued for him by Upper Moreland Township, Plymouth Township, Bensalem Township, and the Bucks County Sheriff's Office in reference to charges ranging from DUI to Retail Thefts. The passenger was turned over to Upper Moreland Police.

On Monday July 24th at 10:25pm, police stopped a vehicle that was traveling in the Northbound Lane of Buck Road at a very low rate of speed while traveling in and out of

the opposing lane at Buck Road and Campus Drive. Further investigation resulted in the driver; a 48-year-old male resident of Cheltenham being detained for suspicion of DUI. The driver agreed to submit to a blood test. Police are still awaiting the lab results of the blood test.

FIRE CHIEF'S REPORT

Chief Ken Schauder reported that statistics would be available next month.

EMERGENCY MANAGEMENT REPORT

EM Coordinator Ken Schauder reported that there were seven incidents on July 14 as a result of storms involving property damage from heavy rain and high winds.

MAYOR'S REPORT - None

SOLICITOR'S REPORT - None

BOROUGH MANAGER'S REPORT

Liquid Fuels Audit

Vikki Trost reported that the Office of the PA Auditor General conducted an audit of the Liquid Fuels Fund for 2022. There were no findings.

Employee Handbook

Vikki Trost has been working on creating an employee handbook and with the assistance of Rex Herder. A draft for Council review in the next few weeks is expected.

PUBLIC SAFETY COMMITTEE

Chief of Emergency Services

Chairman Jeff Elsing expressed thanks to the Bryn Athyn Fire Company, Huntingdon Valley Fire Company, and Lower Moreland Board of Commissioners and Reed Asplundh for participating in the interviews for the four candidates selected for the Chief of Emergency Services position. A closing meeting with David Sirken and Chris Hoffman is scheduled for tomorrow.

Chief of Police Retirement

Mr. Elsing reported that Chief Steve Gray has submitted his notice of retirement. His last day will be Friday, October 6, 2023. Corporal Hotchkiss is planning a “Last Ride” from the Chief’s home through the Borough and neighboring municipalities. Chief Gray has accepted a position with the Montgomery County Sheriff’s Department. Chief Gray expressed his thanks to Borough Council for supporting him over his career with the Borough.

PUBLIC WORKS COMMITTEE

Municipal Building Area Drainage Project – Change Order PCO No: 05

In the absence of Chairman Mark Pennink, President Jeff Elsing reported that Twining Construction Company submitted the final change order for the project. The change order is for additional costs due to a delay caused by Peco Energy requiring their crew to support the utility pole in the project area. There was a credit for wearing course in the parking lot that Mark Pennink agreed would not be needed.

On a motion by Ric Asplundh, seconded by Glenn Gurney, Borough Council voted unanimously in favor to approve Change Order PCO No: 05 in the amount of \$3,520.91.

Aqua PA Alden Road Water Main Replacement

Mayor Schauder noted that Aqua PA has installed the requested fire hydrant on Alden Road. The letter from the Borough accepting responsibility for the additional cost was sent to Aqua PA today. Aqua PA did agree to relocate the hydrant if it happens to be in the way of a future sidewalk that Mr. Pennink would like to build on Alden Road.

FINANCE COMMITTEE

Chairman Duane Hyatt reported that the Finance Committee met in July. The agenda included the Municipal Building Area Drainage Project. The original contract was \$135,190; the project total including all change orders, is \$185,190. American Rescue Plan Act funds will be used to pay for this project. The total ARPA fund is \$153,148. The additional funds to pay for this project can be paid from Borough Reserves.

Mr. Hyatt reported that Mr. Gurney is continuing work on this project, noting that the project has grown and that additional engineering is needed. Borough Council previously

approved \$6,500 for engineering; the Finance Committee recommends that Council approve up to a total \$20,000 for engineering work.

On a motion by Jeffrey Elsing, seconded by Duane Hyatt, Council voted unanimously in favor to increase the budget for engineering work for a new generator at the Sewage Treatment Plant not to exceed \$20,000.

It was estimated that the installation of a new gas line to the Sewage Treatment Plan could cost up to \$200,000.

Mr. Hyatt reported that the new sidewalk on Alden Road was completed for just above the original contract for \$24,920.

The needs and safety of the proposed Tomlinson Road Sidewalk project was discussed.

Mr. Hyatt reported that the Police Pension Plan is in good shape in light of Chief Gray's retirement announcement.

A candidate search is underway to replace Chris Carter on the Finance Committee.

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 one (1) Zoning Permit applications approved in July. Four (4) Building Permits were issued. Two (2) Grading Permits were issued.

SEWER ADMINISTRATOR

Reid Heinrichs reported that cleanup at the Sewage Treatment Plant is underway; the dumpster is filling up. Testing and reporting is going well. Several small projects have been completed.

Chairman Glenn Gurney reported that the Borough needs to apply to Peco Energy for the new gas line for the STP.

BOROUGH ENGINEER - None**OLD BUSINESS - None****NEW BUSINESS**

President Elsing reported that concerns were expressed by Bryn Athyn residents about the new construction projects in Lower Moreland, which include 176 townhomes and 219 apartments. It was suggested by residents that Bryn Athyn roads be shut down to avoid excess traffic in Borough neighborhoods. Solicitor Herder noted that the Borough cannot shut down roads that go into other municipalities. Mr. Herder noted that in order to close a road, the Borough must petition the Court of Common Pleas if the municipalities can agree. Mr. Elsing added that the traffic studies for those projects will be reviewed, noting that a proposed roundabout is planned for the Philmont Avenue-Tomlinson Road intersection in the near future. Mr. Elsing will respond to the residents' inquiries.

A discussion ensued about the use of traffic calming bumps and stop signs. It was reported that the existing speed bumps and ditches work well to slow traffic down. Mr. Elsing noted that the Public Safety Committee is collecting statistics for speed and traffic volume on Buck and Tomlinson Roads.

QUESTIONS OR COMMENTS FROM THE FLOOR

A question was raised about the status of the Fetters Mill Bridge. Mr. Elsing responded that the bridge is owned by the County and that there is no new information.

Mrs. Roscoe expressed concern for street parking, noting that her next-door neighbor does not seem to have the required off-street parking.

Brenna Synnestvedt reported that 90% of vehicles slow down for the "Your Speed Is" sign on southbound Buck Road.

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

There being no further business presented, the meeting was adjourned at 8:32pm.

Council's next regular meeting will be held on Monday, September 11, 2023 at 7:00pm in the Borough Hall.

Victoria S. Trost
Secretary