



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

***COUNCIL CHAMBER***  
**June 4, 2018**

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

Brent McCurdy  
Mark Pennink  
Aurelle Genzlinger

ALSO: Victoria S. Trost, Bradley E. Cranch, Stephen Gray, Reid Heinrichs, Derek Zecher, R. Scott Cooper, Mayor Ken Schauder, Solicitor R. Rex Herder. Councilman Duane D. Hyatt was excused.

**SWEAR-IN PART-TIME POLICE OFFICER**

Mayor Kenneth Schauder administered the Oath of Office to Kevin Green who was appointed to the position of Part-time Police Officer for the Bryn Athyn Police Department.

**MINUTES**

Mr. Pennink asked that the last sentence of the Public Works report on page 7, "*Mr. Pennink will seek additional quotes.*" be stricken from the minutes.

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

**TREASURER’S REPORT**

Treasurer Vikki Trost reported General Fund Revenue for May was \$107,066.06. General Fund Expenses were \$54,592.74. Net Income was \$52,473.32.

Sewer Fund Revenue for May was \$89,102.16. Sewer Fund Expenses were \$24,086.91. Net Income was \$65,015.25.

Today PLGIT paid 1.52%. PLGIT I-Class paid 1.69%.

Included in the General Fund cash receipts were:

\$	39,977.77	in Real Estate Tax receipts
\$	41,074.73	in Earned Income Tax receipts
\$	5,149.90	in Transfer Tax receipts
\$	9,401.70	in Local Services Tax receipts
\$	3,527.00	in Building Permit receipts
\$	1,161.75	in Fines
\$	475.00	in Zoning Permit receipts
\$	1,881.04	in Comcast Cable Franchise Fees
\$	3,205.89	in Verizon FIOS Franchise Fees
\$	30.00	in Police Report receipts
\$	1,000.00	in Grading Permit receipts
\$	120.75	in Class Action Lawsuit Proceeds (JWD Automotive)
\$	40.00	in Fingerprinting Fees

Included in the Sewer Fund Cash Receipts were:

\$	7,449.16	in Masons Mill Business Park Usage Pass-through receipts
\$	27,368.00	in Category 2 Sewer Usage receipts
\$	44,952.00	in Category 3 Sewer Usage receipts
\$	9,333.00	in Category 4 Sewer Usage receipts

**TAX COLLECTOR**

Tax Collector, Bradley Cranch reported \$98,271.61 in Real Estate Taxes collected in May; \$41,495.86 remains uncollected.

**BILLS**

*On a motion by Brent McCurdy, 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**

PUBLIC HEARING - Resolution 2018-02 Club Liquor License

President Jeff Elsing reported that Cairnwood Estate is seeking to obtain a liquor license. Solicitor Rex Herder explained that Pennsylvania permits the transfer of a liquor license from anywhere in the state; Cairnwood has located an available license. A Public Hearing was advertised for this resolution.

President Jeff Elsing opened the Public Hearing for Resolution 2018-02 to approve the transfer of Catering Club License #CC6273 from Pius IX Knights of Columbus to Cairn Club LLC. Mr. Herder stated that although Cairnwood will have a liquor license, nothing will change at Cairnwood. Mr. Herder added that the Borough would be required to prove harm to the safety and welfare of the public to prevent this transfer. The Hearing was opened to discussion by members of Borough Council. It was confirmed that there is no liability to the Borough as a result of the license transfer.

Hearing no further discussion, the hearing was opened to comments from members of the audience. Hearing no questions or comments from the public, 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.

*Resolution 2018-02 was approved unanimously in favor by show of hands.*

**BOROUGH OF BRYN ATHYN  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2018-02**

**A RESOLUTION OF THE BOROUGH OF BRYN ATHYN, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF CATERING CLUB LIQUOR LICENSE NO. CC6273 INTO THE BOROUGH OF BRYN ATHYN BY CAIRN CLUB LLC**

*WHEREAS, Act 141 of 2000 (the “Act”), which amends the Commonwealth’s Liquor Code, authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if, as in the Borough of Bryn Athyn, sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and*

*WHEREAS, the Act requires the receiving municipality to issue a resolution approving the inter-municipal transfer of the liquor license from outside the receiving municipality to within its borders prior to submission of an application for such transfer to the Pennsylvania Liquor Control Board; and*

*WHEREAS, amendments to the Liquor Code stipulate that, prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting interested parties to state their concerns regarding the transfer of a liquor license into the receiving municipality.*

*NOW, THEREFORE, BE IT RESOLVED, that Cairn Club LLC has properly requested the approval of the Borough Council of the Borough of Bryn Athyn for the proposed transfer of Pennsylvania catering club liquor license no. CC6273, to 1005 Cathedral Road, Bryn Athyn, PA 19009; and*

*BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Bryn Athyn has held a public hearing to receive comments on the proposed liquor license transfer and, after consideration of the issues, finds that the transfer of catering club liquor license no. CC6273 into the Borough of Bryn Athyn by Cairn Club LLC will benefit the residents and local economy, and that there will be no detrimental impact on the health, welfare, peace or morals of Borough of Bryn Athyn or its residents; and*

*BE IT FURTHER RESOLVED, that the Borough of Bryn Athyn approves, by adoption of and for the reasons stated in this Resolution, the proposed transfer of catering club liquor license no. CC6273 into the Borough of Bryn Athyn to 1005 Cathedral Road, Bryn Athyn, PA 19009.*

**RESOLVED and ADOPTED** this fourth day of June, 2018.

**BOROUGH OF BRYN ATHYN**

Resolution 2018-03 Authorizing Borough Representative for BAFC and HVFC Merger

Mr. Elsing reported that the Bryn Athyn Fire Company and Huntingdon Valley Fire Company are moving forward with a merger of the companies. A conference call was held on May 25 at Lower Moreland Township between Bryn Athyn Borough, Lower Moreland Township and PA DCED. In order to proceed with the merger, PA DCED requires and will conduct a study of fire services for both companies through a third party. PA DCED requires a signed agreement for this service. PA DCED has requested that Vikki Trost be appointed spokesman by Borough Council to participate in the conversation and to execute the necessary agreements to move forward with the proposed merger.

*On a motion by Brent McCurdy, seconded by Aurelle Genzlinger, Council voted unanimously in favor to adopt Resolution 2018-03.*

**BOROUGH OF BRYN ATHYN  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2018-03**

*WHEREAS, the Borough Council of the Borough of Bryn Athyn (hereinafter “Bryn Athyn”) desires to enter into an agreement between the Commonwealth of Pennsylvania, Department of Community and Economic Development, Governor’s Center for Local Government Services (hereinafter the “Center”), and the Township of Lower Moreland, Montgomery County, Pennsylvania (hereinafter “Lower Moreland”), and an agent of the Center, in order to receive technical assistance to conduct an administrative, management and problem-solving study of the Bryn Athyn and Lower Moreland fire services and a report and recommendation resulting from the said study (hereinafter the “Study and Report”); and*

*WHEREAS, it is necessary that a point of contact within the Borough be designated and authorized to represent the Borough in communications with the Center, the Center’s agent, and Lower Moreland, to gather and provide such information as may be requested by the Center or the Center’s agent, and to execute Articles of Agreement between Bryn Athyn, Lower Moreland and the Center in the form attached hereto as Exhibit “A” (the “Articles of Agreement.”)*

**NOW, THEREFORE,** the Borough Council of the Borough of Bryn Athyn hereby **RESOLVES** as follows:

- 1. Borough Manager Victoria S. Trost is hereby designated as the point of contact within Bryn Athyn for Lower Moreland, the Center and the Center’s agent for all communications relating to the preparation of the Study and Report, including the gathering and providing of such information as may be requested by the Center or its agent.*

2. *Borough Manager Victoria S. Trost is hereby authorized to execute the Articles of Agreement on behalf of Bryn Athyn.*

3. *Borough Manager Victoria S. Trost shall keep Borough Council informed, through periodic written reports as shall be directed or requested by the Borough Council of the Borough of Bryn Athyn, of communications and exchange of information by and between Bryn Athyn, Lower Moreland, the Center and the Center’s agent, the progress of the Study and Report, and the conclusion of the Study and Report.*

4. *The designation and authorization as the point of contact as set forth in this Resolution shall be effective immediately.*

**RESOLVED and ADOPTED** this fourth day of June, 2018.

**BOROUGH OF BRYN ATHYN**

**MAYOR’S REPORT - None**

**POLICE CHIEF’S REPORT**

Chief Stephen Gray reported the following activity for May 2018:

Citations Issued: Traffic: 41 Non-Traffic: 00	41
Alarms	12
Animal complaints	03
Assist Bryn Athyn Fire / Ambulance	06
Assist other Police Agencies	55
Assist Citizens / Public Service calls	08
Miscellaneous Complaints	100
Special Traffic Details	27
Suspicious Circumstance Investigations	08
Vehicle Accidents	04
Vehicle Investigations / Warnings Issued	84

On Wednesday, May 2<sup>nd</sup> at 1:05pm, police responded to the sewer plant to investigate a report of a 74 year old Philadelphia resident, who was loading his vehicle with rocks. The elderly male put the rocks back and apologized to the complainant, who was a representative for the Academy. The rocks are used by the Academy for projects throughout the campus. At the request of the complainant, a warning was issued to the offender.

On Sunday May 6<sup>th</sup> at 4:01am, police investigated a 15 year old male who was observed hiding behind bushes in the 900 block of Fetters Mill Road. The male stated that he was hiding from police because he snuck out of his home in the middle of the night to go to a friend's home. The juvenile was transported to his home in Lower Moreland Township where he was released to his Aunt.

On Sunday May 27<sup>th</sup> at 1:34pm, police responded to the 3100 block of Creek Road in the area of the entrance to the Pennypack Trail to check on a report of a large tree that had fallen and in the process snapped a telephone pole in half while also taking down live electric and phone wires. The roadway was blocked until PECO could respond to de-energize the wires.

On Tuesday, May 29<sup>th</sup> at 1:50am, police observed a vehicle swerving and crossing over the double yellow lines while driving Northbound on Huntingdon Pike. The vehicle came to a stop at the green traffic light at Huntingdon Pike and Tomlinson Road at which time Police conducted a vehicle stop. The driver was identified as a 44 year old female resident of the State of Delaware. The driver failed field sobriety tests and was arrested for DUI.

On Wednesday May 30<sup>th</sup>, we received our new 2018 Police Interceptor Vehicle. This replaces our 27-2 Vehicle that had over 114,000 patrol miles on it.

Chief Gray reported that a donation was received to purchase two new laptops for the police cars, replacing units that were eleven years old. Chief Gray expressed appreciation to Borough Council for providing the department with the tools to do the job.

## **FIRE CHIEF'S REPORT**

Chief Derek Zecher reported 18 Fire Calls in May, 3 in Bryn Athyn; and 124 EMS Calls, 7 in Bryn Athyn; 95 patients were transported to hospitals.

Chief Zecher reported that these numbers are higher than this time last year. BAFC assisted HVFC with a kitchen fire and a tar pot fire in Lower Moreland, and assisted Southampton FC with a fire in a building on James Way.

Chief Zecher reported that he, Vikki Trost, David Jaslow and Chris Hoffman (LM Manager) participated in the fire study conference call with Sean Sanderson (PA DCED) and Robert Hedden (Consultant) last Friday, May 25, 2018. The Chief added that it was a positive meeting and that PA DCED is impressed that both BAFC and HVFC are initiating the merger. The study will tell a lot of what we already know but should spell out costs for the merger. Grant money is available from PA DCED for the merger.

**EMERGENCY MANAGEMENT REPORT**

EM Coordinator, Ken Schauder reported that the Committee received a donation to purchase 50 tourniquet kits which would be utilized in an active shooter scenario. They are working to get the school boards and local businesses on board. Mr. Schauder noted that nothing in the 50 kits will expire.

**MAYOR**

Mayor Ken Schauder reported that David Robertson, Executive Director of Pennypack Ecological Restoration Trust is retiring after 30 years in the position. Mr. Schauder will invited his replacement to a future meeting of Borough Council.

**SOLICITOR’S REPORT - None**

**BOROUGH MANAGER’S REPORT**

COVANTA TRASH TO STEAM PLANT

Vikki Trost reported that she, Stephanie Doman and Tina Epstein toured the Covanta facility in Conshohocken last month. This is the trash to steam plant built in the early 1990’s and operated by the Montgomery County Waste System Authority. After the 25 year agreement ended in 2016, we were permitted to contract with another facility for trash disposal. Mr. Pennink asked if there is information on recycling. Mayor Schauder expressed interest in touring the recycling facility that handles our current contract.

WORKERS COMPENSATION AUDIT

Our insurance company conducted an audit for the workers compensation policy for the year 2017. There were no findings.

ZONING HEARING BOARD

The Zoning Hearing Board met to hear an application requesting a variance to permit a free-standing carport in a front yard on South Avenue. The request was denied by the Zoning Hearing Board.

## **PUBLIC SAFETY COMMITTEE**

### Woodland Road

Chairman Jeff Elsing reported that a resident complaint was received regarding parking on Roehner Road (connecting Alden Road to Woodland Road). There were also drainage concerns voiced. Mr. Elsing asked if Woodland Road cartway has narrowed. Mr. Pennink responded that it has not, but the cartway is actually in the ROW on Kent Wille's side (2465 Woodland Road). Borough Engineer Nick Rose explained that the road was not constructed in the center of the right-of-way, one side is all in the ROW and the other side is not in the ROW at all. Bradley Cranch added that there are also problems during snow plowing on Woodland Road. There is an issue with the tenants in an apartment in the Schoenberger house parking on the street. Chief Gray will visit the site with Mr. Schauder and will then review the problem with Nick Rose. Vikki Trost will check on zoning requirements and compliance. Nick Rose will provide a map of the Woodland Road cartway which was already surveyed.

### Alnwick Road Loop Complaint

A complaint was received about the Right Turn Keep Moving sign on Alnwick Road at Station Hill. A suggestion was made to remove the sign and add a Stop Sign at Fetters Mill Road because of speeding concerns. Mr. Pennink needs to redo the speed humps on the loop.

Mr. Schauder reminded Council to think ahead to traffic issues when the Fetters Mill Bridge reopens, especially with increased truck weight on the roads.

### Ashley Road Sidewalks

Mr. Elsing reported that there were several comments and concerns from residents as a result of the letter sent to residents about Ashley Road safety. A letter was received from Vera Glenn urging signage to prevent turns onto the road during school hours. Mr. McCurdy stated that neighborhoods should have sidewalks and that it's the right thing to do. Mr. Pennink will stake out the proposed sidewalk area next month. The Police will continue regular enforcement. Mr. Elsing will respond to Vera Glenn and the original resident requesting the sidewalks.

### July 4<sup>th</sup>

Roads will be closed prior to the fireworks on July 4<sup>th</sup>.

## **PUBLIC WORKS COMMITTEE**

### 2018 Paving Project

Mr. Pennink has not yet heard from Steve Woerner at Lower Moreland about the paving contract. The plan is to pave Buck Road and one College Park Road. Buck Road edges which are breaking up will be repaired.

Alden Road Drain

Franc Environmental will continue working on clearing the clogged drain on Alden Road. A video camera will be inserted on June 6 to determine the extent of the clog.

**FINANCE COMMITTEE - None**

**LAND USE AND NATURAL RESOURCES/ SHADE TREE COMMITTEE - None**

**PUBLIC RELATIONS COMMITTEE - None**

**ADMINISTRATIVE COMMITTEE - None**

**PLANNING COMMISSION REPORT**

Chairman Russ Cooper asked if the Zoning Ordinance Update was ready for review. Mr. Herder reported that Article 8 has been amended to permit Farming and Keeping of Animals as a Conditional Use using language similar to the “A” Residential District article. The 5 animal limit has been removed in Article 8. Mr. Herder added that the allowed Accessory Building Customarily Incidental to the permitted use would encompass farm buildings. Mr. Herder will ask the Zoning Ordinance Committee to finalize. Russ Cooper reported that the BA Planning Commission is in favor of making the change only to the “MD” Mixed Dwelling District.

On a motion by Aurelle Genzlinger, seconded by Mark Pennink, Council voted unanimously to incorporate the amended Article 8 into the May 19, 2018 draft and authorize the amended ordinance be sent to the Montgomery County Planning Commission.

**ZONING OFFICER**

Vikki Trost reported three (3) Zoning Permit applications approved in May.

Nine (9) Building Permits were issued.

One (1) Grading Permit was issued.

### **SEWER ADMINISTRATOR**

Reid Heinrichs reported that materials are being purchased for the Sycamore Road Pump Station shed.

The Sewer Committee will meet to discuss an ultimatum from PA DEP regarding the on-lot system at 2800 Quarry Road. The Borough was given 90 days to reply. The ultimatum stated that the Borough must extend sewers to Quarry Road or take over the system at 2800 Quarry Road.

### **BOROUGH ENGINEER - None**

### **OLD BUSINESS - None**

### **NEW BUSINESS - None**

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

There being no further business presented, the meeting was adjourned at 8:18pm.

Council's next regular meeting will be held on Monday, July 2, 2018 at 7:00pm in the Borough Hall.

Victoria S. Trost  
Secretary