



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

COUNCIL CHAMBER
April 1, 2024

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

MEMBERS OF COUNCIL

Glenn Gurney
Mark Pennink
Jeffrey Elsing

Brent McCurdy
Duane D. Hyatt
Steven Huntzinger

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

MINUTES

On a motion by Glenn Gurney, seconded by Brent McCurdy, Council voted unanimous approval of the March minutes.

TREASURER'S REPORT

General Fund Revenue for March was \$527,528.35. General Fund Expenses were \$159,746.53. Net Income was \$367,548.74.

Sewer Fund Revenue for March was \$2,721.86. Sewer Fund Expenses were \$26,884.71. Net Income was -\$24,162.88.

Today PLGIT paid 5.13%. PLGIT Prime paid 5.45%.

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

\$	366,530.32	in Real Estate Tax receipts
\$	10,030.68	in Earned Income Tax receipts
\$	4,998.00	in Transfer Tax receipts
\$	171.59	in Local Services Tax receipts
\$	1,219.70	in Fines
\$	75.00	in Police Report receipts
\$	565.10	in Building Permit receipts
\$	150.00	in Beverage Permit receipts
\$	5.00	in Fireworks Contributions
\$	50.00	in Zoning Permit receipts
\$	13,392.68	in Professional Review Fee Reimbursements (BACES/Woodrow)
\$	48,273.00	in Contributions from Woodmount Properties
\$	36,674.59	in Insurance Claims (BAFC Toyne)

Included in the Sewer Fund Cash Receipts were:

\$	912.00	in Category 2 Usage receipts
\$	900.00	in Category 4 Usage receipts
\$	275.96	in Finance Charges
\$	633.90	in Late Fees

TAX COLLECTOR

Tax Collector, Bradley Cranch reported \$683,944.48 in Real Estate Taxes collected in February and March; \$255,546.78 remains uncollected. Mr. Cranch noted that the discount period ended today.

BILLS

GENERAL FUND BILLS

21 st Century Media	\$121.03
Academy of the New Church	5,564.16
Armour & Sons Electric, Inc.	260.00
Auto Spa Xpress	17.00
Bruce S. Morrison, DO	523.08
Bryn Athyn Fire Company	52,050.86
Building Inspection Underwriters	1,662.00
Cranch Landscapers LLC	175.00
DeLage Landen	175.00
Eastburn & Gray PC	1,822.50
Fishers Ace Hardware	34.98

Independence Blue Cross	8,741.44
Kimberly Kleinguenther	1,856.25
LexisNexis Matthew Bender	67.08
Lower Moreland Township	28,745.27
McDonald Uniform Company	654.19
Montgomery County Treasurer	1,080.00
NAPA Auto Parts	48.32
Nobre Computer Services LLC	120.00
Peco Energy	1,514.02
Postmaster	272.00
PSAB	250.00
Quick Lot, LLC	1,000.00
T & G Industries Inc.	279.00
TGI Office Automation	119.74
The Vanguard Group	1,114.97
US Municipal Supply	2,182.00
Verizon Wireless	244.29
Victoria Trost	593.70
Wawa – Wright Express	691.02
Woodrow & Associates	7,966.00
TOTAL	\$119,944.90

SEWER FUND BILLS

Academy of the New Church	\$2,330.71
Berardelli Pool Supplies, LLC	1,520.00
Delaware River Basin Commission	749.00
Eastburn & Gray	30.00
EEMA	1,655.00
Home Depot	58.43
Independence Blue Cross	680.58
Kimberly Kleinguenther	431.25
MJ Reider Associates Inc.	574.85
Mac Medical Gases Inc.	3.50
McGovern Environmental LLC	17.17
Peco Energy	522.67
Petty Cash – Reid Heinrichs	61.59
Pump Products	3,466.15
SCP Distributors LLC	2,612.50
Verizon	86.03
Verizon Wireless	82.53
Wawa – Wright Express	128.34
TOTAL	\$15,010.30

BMO MasterCard – General Fund

Google Workspace	\$111.46
Adobe AcroPro	19.99

21 Century Media	14.00
PSAB	250.00
Reservations Hershey PA	5.00
USPS Bryn Athyn PA	182.00
Staples.com	15.09
<u>Amazon.com</u>	<u>1,536.27</u>
TOTAL	\$2,133.81

BMO MasterCard – Sewer Fund

Google Workspace	\$6.21
Amazon.com	107.94
eBay.com	43.13
Mike’s Lock Shop	15.00
<u>Harbor Freight Tools</u>	<u>222.79</u>
TOTAL	\$413.66

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

PRESIDENT’S REPORT

Fourth of July Fireworks

President Jeffrey Elsing reported that he found a fireworks company, Celebration Fireworks, that will give the Borough a fireworks display on July 4th at a premium fee. The fireworks show will only be 18 minutes and they will only launch cakes. International Fireworks will give the Borough our usual 30-minute show for \$6,000 less and will launch both shells and cakes, but they are not available on July 4th. They are available on July 3rd. Council agreed to go with the International Fireworks proposal on July 3. Councilman McCurdy offered to contact another fireworks company this week for a quote.

Zoning Amendment Petition by the Lord’s New Church

Mr. Elsing reported that the Zoning Committee (*Jeff Elsing, Glenn Gurney, Drew Nehlig, Ken Schauder, Steve Huntzinger*) has met and discussed the petition submitted by the Lord’s New Church to amend the Bryn Athyn Zoning Ordinance Article 12, Section 1200.8.b. President Elsing reported that the original request by the Lord’s New Church was based on an older version of the Zoning Ordinance. LNC wanted to add “churches” to Paragraph 1200.8.b. The Committee reviewed the spirit of the request, noting that the LNC would like to use the Pitcairn House for rentals (6 rooms) for people who would attend activities or events at the LNC or in Bryn Athyn. The biggest concerns of the committee are:

1. That it is a residence, not purposely built like the dormitories and cottages are, and the LNC would need to have all of the proper permits, inspection and review by zoning so that safety regulations are met.
2. We want to keep it away from long term rentals.

Mr. Elsing noted that last July a couple of iterations came at the request of the college for the cottages and rental of the dormitories. Rex Herder worked on some good verbiage that took 1200.8.b which referred only to colleges, and separated it into 1200.8.b.i. and 1200.8.b.ii. Trying to separate the schools and college in the Institutional Districts and the Lord’s New Church, being a church purpose-built but also school and college in the Institutional District. After a lot of discussion, the Committee came up with a way with the first bullet (1200.8.b.i) to break it down to separate schools with dormitories on the campus and the second bullet (1200.8.b.ii) to include the LNC property for churches to rent residential properties. The Committee would like to talk to Len Rose at the LNC to see what they are thinking. Mr. Elsing asked Council members to review the proposed change in the handout.

Current language Article 12, Section 1200 to 1200.8 Bryn Athyn Zoning Ordinance of 2018 Amended August 3, 2020:

ARTICLE 12

“IN” – Institutional Districts

Section 1200. Use Regulations. *A building or combination of buildings may be erected or used, and a lot may be used or occupied for any of the following purposes and no other:*

- 1200.1 *Churches, chapels and other places of worship and their adjunct residential dwellings.*
- 1200.2 *Colleges, universities and theological schools.*
- 1200.3 *Institutional headquarters for educational, fraternal, professional, religious and other non-profit organizations.*
- 1200.4 *Institutions for the care of the aged or children.*
- 1200.5 *Schools – private, nursery, elementary, junior high and high schools.*
- 1200.6 *Charitable uses affiliated with a college, university, theological school, or other school located in the Borough*
- 1200.7 *Cemetery.*
- 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.**

(PROPOSED CHANGE TO 1200.8.b)

- b. In addition to those accessory uses identified in section 1200.8.a, above:
 - i. **Schools colleges** in the Institutional District may allow individuals and/or groups attending functions at the **school college** or in the Borough to stay in the school **college** dormitories for not more **thirty (30)** consecutive nights. Any dormitory to be used for this purpose must meet all applicable federal, state and local laws, 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 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 buildings may not be utilized as apartment dwellings.

Mr. Elsing would like to include this on the agenda for the next meeting and explained that any amendments to the Zoning Ordinance will need to be reviewed by the Bryn Athyn Planning Commission, the Montgomery County Planning Commission and then the amending ordinance must be advertised for a public hearing.

Mr. Gurney noted that in the spirit of the code, this amendment actually helps to clean up the way the Academy of the New Church uses their secondary school dormitories, where before the ordinance only referred to the college dormitories. Mr. Hyatt asked why the

proposed amendment reads that school dormitories may not be used as apartment dwellings. Mr. Gurney explained that if they are turned into apartments there may be tax implications. Mayor Schauder noted that there is a reference to employees that may use the dormitory as an apartment. It was noted that the Academy can apply separately for that use to the Zoning Hearing Board.

POLICE CHIEF’S REPORT

Chief Brigdon Odhner reported the following activity for March:

Alarms	6
Assist Bryn Athyn Fire / Ambulance	7
Assist Other Police Agencies	28
Public Service Calls / Assist Citizens	5
Special Traffic Details	11
Traffic Stops	55
Traffic Citations	36
Vehicle Accidents	6
Lost Dog	1
Fraud	1
Domestic	0
Disturbance	2
Warrants	1
Prisoner Transport	0
Suspicious Circumstance Investigations	6
Trespassing	0
Community policing	1
Theft	0

1. Creative Writing with Kindergarten

- I attended a creative writing workshop with the kindergarten.

2. Attendance at New Elementary School Last Beam Ceremony and Good Friday Church service

- The police department assisted at the "last beam" placement ceremony of the new elementary school and their good Friday walk to the cathedral These types of events are part of our on-going introduction to the children and teachers to the police department to build a strong relationship between the police and the school.

3. Active Shooter Response Plan Discussion

- In coordination with school security and principals, the department-initiated talks on adopting an active shooter response strategy, tailored from Montgomery County's universal active shooter plan.

4. School Walk-Throughs Strategy Refinement

- The department spoke with school principals to optimize the frequency and approach of police walk-throughs in schools. The objective was to maintain a reassuring police presence without being intrusive, ensuring a safe and comfortable environment for learning.

5. FBI Detective School Attendance by Corporal Hotchkiss

- Corporal Hotchkiss participated in an intensive weeklong FBI detective school. This training is to help the entire department's investigative proficiency. The class focused on Crime scene investigation/ photographing, interviewing techniques, online scams, and others.

These are just a few highlighted items of our growing community presence and continued police education.

President Elsing reported that he is working on a spreadsheet to determine the costs for an additional full-time police officer which he will bring to the Finance Committee in two weeks. Mr. Elsing commented that sending Corporal Hotchkiss to detective school will be a great asset. Mr. Elsing is also investigating how we handle days due to police officers.

FIRE CHIEF'S REPORT

Chief Ken Schauder reported 31 Fire Calls in March, 21 in Lower Moreland, 2 in Bryn Athyn and 8 in other municipalities; 167 EMS Calls in March, 100 in Lower Moreland, 11 in Bryn Athyn and 56 in other municipalities. EMS transported 93 patients in March, 63 in Lower Moreland, 6 in Bryn Athyn and 24 in other municipalities.

Chief Schauder reported that the "float truck" pilot program, which runs the second ambulance, was dispatched 10 times, and provided 7 transports. There were 7 DUI blood draws. The Chief noted that at 3 times last month, both ambulances were out, and once there were 4 ambulance calls within a 20-minute period. The trial started on January 15, 2024 for a 4-month period ending in April. On May 1, the truck will be available for all calls, including fire calls. Chief Mark Showmaker will review the program with BAFC. Chief Schauder also noted that 17 calls were reported in one 24-hour period last month.

EMERGENCY MANAGEMENT REPORT

Chief Schauder reported that the team will meet in April on the second Wednesday at 10:30 in Borough Hall. Topics will include active shooter details and the 4th of July activities.

MAYOR’S REPORT

Mayor Schauder reported that he is the Borough’s representative on the Pennypack Ecological Trust Board (PERT). PERT has an active agreement with Jefferson Hospital to purchase the June Fete Fairgrounds in Upper Moreland Township.

SOLICITOR’S REPORT - None

BOROUGH MANAGER’S REPORT

Montgomery County Boroughs Association

Bryn Athyn will co-host the April meeting of the Association with Hatboro, Jenkintown, and Rockledge at the Pennypack Community Center in Hatboro on Thursday, April 25, 2024.

Safety Committee

Vikki Trost expressed thanks to the BAFC for sharing the video equipment allowing the Safety Committee to conduct training sessions during monthly meetings.

PUBLIC SAFETY COMMITTEE

Part-Time Police Officer

Chairman Jeff Elsing reported that the Borough is seeking part-time police officers. Alex Shaffer has been recommended to fill a position for Part-Time Police Officer. Alex has worked at Temple University since 2021. More part-time officers will allow full-time officers to take time off. Part-timers do not receive benefits and the hourly rate was recently raised.

On a motion by Steven Huntzinger, seconded by Brent McCurdy, Council voted unanimously in favor to extend a conditional offer of employment to Alex Shaffer.

LM-BA Emergency Services Department

Chief of Emergency Services Mark Showmaker reported the following activity for March:

There were many special projects and assignments that were advanced to the next step such as the approval Fire apparatus purchase and the Intergovernmental Cooperative Agreement Approval. The gathering of information regarding the Fire Apparatus and the finalization of the Pre-Build has consumed a great deal of my time this month. In addition, there has been a large amount of time and effort put into preparing a presentation to be presented to the Bryn Athyn Council at a special March 25th meeting regarding the Intergovernmental Cooperative Agreement. 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 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 and training*
- *Review and approve the Huntingdon Valley Fire Shift Program time sheets*
- *Conducted a comprehensive review of the DCED Fire Protection Analysis of both HVFC and BAFC*
- *Reviewed Final Pre-build specs and prints of new Tower ladder and Engine*
- *Attended training and walk through of Carson Terrace with Fire Department personnel*
- *Meeting with Pierce Fire Apparatus Representative in regards to Tower Ladder Specs*
- *Began work on Presentation for Bryn Athyn Council Special meeting regarding agreement*
- *Attended Bryn Athyn Fire Company Training Handline Deployment*
- *Review updated truck specification of new Pumper Apparatus for acceptance.*
- *Reviewed Updated Junior Fire Fighter regulations sent by State*

Week 3 and 4

- *Reviewed proposed policy of Bryn Athyn Fire Company*
- *Reviewed Brindlee / Glick Fire Truck Trade agreement*
- *Attended Municipal Fire Chiefs of Montgomery County Meeting*
- *Continued direction to Both Fire Companies regarding standard seating and function positions for fire apparatus. Both were notified that this will become an operational standard in the future and that they need to start to train and prepare for this.*
- *Conducted a meeting with the Emergency Service Committee to update and discuss the Intergovernmental Agreements and to review information to be presented at special Council meeting*
- *Met with BAFC Chief and President for update and briefing*
- *Conducted employment interviews with BAFC*
- *Attended Continuing Education Class for Fire Dampers and Codes*
- *Prepared memo to Manager regarding the Trade of Fire Apparatus and the Mutual Aid coverage during time between this and delivery of new trucks*
- *Attended Zoning officers meeting PAZO*

- Meeting with Manager and Northampton Township Officials regarding the new Fire Stations being constructed in their Township
- Finalized power point presentation for Bryn Athyn Council meeting
- Follow up Meeting with LM Manager and Labor Attorney (Informational)
- Attended Montgomery County EMT Graduation Ceremony with BAFC
- Conducted research regarding fire station standards for NFPA
- Review HVFC Shift Program time sheets second half of month
- Conducted employment interviews BAFC
- Met with Glick regarding potential Ambulance purchase for information gathering.

Fire Calls of Interest:

- 3-8-24 Responded to a building fire 2550 Huntingdon Pike for small fire on third floor.
- 3-10-24 Responded to a residential building fire investigation 1166 Willard Rd which resulted in a fire under a Kitchen Counter involving an instant hot water heater unit.
- 3-13-24 Both BAFC and HVFC mutual aid provided to Rockledge Fire on serious structure fire
- 3-21-24 Responded to a fire reported out/investigation 1100 building Mason Mills Office Park. Fire was out and involved a Commercial Hot Water heater unit that went undetected and burned itself out.
- 3-23-24 Numerous water rescues throughout Lower Moreland Twp. and Bryn Athyn Borough

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

BAFC Emergency Medical Calls in BA 6
 BAFC Emergency Medical Calls in LM 78
 BAFC Emergency Medical Calls other 26
 Year to date EMS Calls 412

BAFC Fire Calls in BA	2	HVFC Fire Calls in LM	22
BAFC Fire Calls IN LM	17	HVFC Fire Calls in BA	2
BAFC Fire Calls Other	3	HVFC Fire Calls Other	3
Year to Date Fire Calls	93	Year to Date Fire Calls	99

Resolution 2024-03 Intergovernmental Cooperation Agreement

Chairman Elsing reported that a special meeting of Borough Council was held on Monday, March 25, 2024 and at Council’s request a letter explaining the proposed intergovernmental cooperation agreement was mailed to every resident in the Borough. Mr. Elsing thanked the Bryn Athyn Fire Company, particularly Charles Radcliffe, for assistance in getting the letters out very quickly. Mr. Elsing noted that the Huntingdon Valley Fire Company posted a response after the meeting on their Facebook page and the Bryn Athyn Fire Company responded after the meeting to members of Council via email.

Mr. Elsing again explained what the agreement does and does not do.

1. The agreement does not set terms, it does not set funding, it does not set financing, it locks the Borough in to nothing.
2. It is an intergovernmental cooperation agreement whereby two municipalities, Lower Moreland and Bryn Athyn, can work together with two independent fire companies, Huntingdon Valley and Bryn Athyn, under an umbrella organization driven by Chief Mark Showmaker in the field and the Emergency Services Committee to report back to Finance.
3. There is an “out” clause should anything go sideways or either party does not like something, with a written letter everything is dissolved.
4. It is a document that gives Chief Showmaker, under the direction of the Emergency Services Committee, authority to provide the financials, the background, the what if scenarios, the cost modeling and allows him to go through the P & L of both fire companies and the Township and the Borough to lay out all the numbers. It is up to the Chief to assemble all those numbers. This agreement does not say we will merge with Huntingdon Valley Fire Company, it says we are investigating the possibilities because over a long term and over time our current operations models of two independent fire companies, not less than a mile apart, with the duplication of countless items, trucks, people cannot sustain themselves. Both fire companies are receiving funding from their respective municipalities, Lower Moreland is contributing to Bryn Athyn as well. There is funding in place now and we are helping to sustain the operations of the fire company. This is just a way so that we collectively, as joint citizens of both the Township and the Borough can work on providing the best of breed single fire company if the numbers work. We have got to go through this cooperation agreement as we are directed for a first-class township and as a home rule municipality. It is not a binding document, it is not a pledge to merge, it is not a fix of a 75/25 split and a cost model. It is a framework to allow Mark Showmaker and our municipalities and fire companies, cooperatively, to do the math and figure out if it will work.

Mr. Gurney asked what the Borough’s obligation is, once the agreement is signed, financially and timewise. Mr. Elsing explained that the Borough’s responsibility right now is to contribute no more funding than what we already have contributed and budget in the prior document that was signed, the Memorandum of Understanding (MOU). That was a two-year contract for Mark Showmaker’s employment. Mr. Elsing noted that the fire trucks that Chief Showmaker mentioned must be purchased by Lower Moreland regardless of any type of agreement. If the Borough and Township agreed moved forward, the Borough would not have any obligation toward those trucks until 2025.

Mr. Pennink questioned Paragraph 6 in the regarding financing. Mr. Herder explained that the funding formula referred to in the Agreement is for the Emergency Services Department, which is Chief Showmaker’s department. The formula was set in the MOU

adopted in 2023. Mayor Schauder noted that both fire companies agreed to sign a document, following the adoption of this Intergovernmental Cooperation Agreement, that would give Chief Showmaker and the Lower Moreland / Bryn Athyn Emergency Services Department authority to do what he needs to do to provide services to the communities. Mr. Hyatt noted that Bryn Athyn Borough supports Bryn Athyn Fire Company financially and Lower Moreland Township supports Huntingdon Valley Fire Company financially and nothing in this agreement changes that.

Mr. Elsing read the Whereas sections of the Agreement aloud for clarification, noting that the Agreement formally creates the Emergency Services Department under the direction of Chief Showmaker and nothing else.

The discussion was opened to the public for questions.

Chuck McDade, Lower Moreland resident stated that Chief Showmaker was hired by Lower Moreland Township as a consultant and asked when that changed where he became a full-time employee. Mayor Schauder responded that the position was never discussed as a consultant position, the intention was always to hire a full-time employee from the very beginning. Mr. Elsing confirmed the intention of the committee was always to hire a full-time employee.

Lee Moorhead, Bryn Athyn resident, stated that as an old member of the Bryn Athyn Fire Company, he thoroughly approved of Council's letter to residents and the thought process of what needs to be done to survive. He asked who would be the fire chief of the new fire company? Mayor/Fire Chief Schauder responded that Mr. Moorhead is way ahead of the process and we don't know yet what the new department would look like. Chief Schauder stated that once this agreement is signed, as Bryn Athyn Fire Chief, he will report to Chief Showmaker. Mr. Elsing restated that both fire companies will retain their chiefs who will report to Chief Showmaker. Mr. Moorhead asked if a new name has been decided yet. Mr. Huntzinger replied that there is no plan to move forward joining until Chief Showmaker has done his investigations.

Lach Brown, Bryn Athyn Fire Company President and Lower Moreland resident, offered a short history of the discussions between the fire departments and the municipalities over the past 10 years. The fire companies began the discussions and when that process fell apart, and then the municipal governments got involved and formed a committee with the President and the Manager of each municipality and the President and Chief of both fire companies and they went through a process to see if they could move forward. When that failed, the Presidents and Managers of the two municipalities formed the Emergency Services Committee who then took the process in the direction which has resulted in the hiring of Mark Showmaker and to this Agreement today. Mr. Brown explained that we have an interesting situation in the Borough in that usually government subsidizes all of the services that you receive. For the last 10 years, the Bryn Athyn Fire Company has been subsidizing the government. They have been running a \$1.6 million operation and the Borough has given the BAFC about \$160,000 allocation, which is up this year, though it has averaged about \$120,000 per year for the past 10 years. Every year BAFC

goes to Lower Moreland Township for support of the ambulance, and they have enjoyed a very good relationship with Lower Moreland Commissioners for years. One wonders how a small fire company can run a \$1.6 million operation and service both communities when they only get \$200,000-\$250,000 from both municipalities. The leadership before Mr. Brown, back when they ran the volunteer ambulance service, could bill for calls and the labor was free. They took that money and invested and built a reserve that any volunteer fire company would love to have. They have been able to maintain superior equipment, to hire very effective medical care, care that is second to none. That is the background and the leaders of BAFC now admit that they can't keep doing this, they need to plan for the future so that Borough Council doesn't wonder one day where the funds will come from to run a fire department. Bryn Athyn Fire Company believes it can offer a superior level of service to both communities and have a joint organization providing this level of service. Mr. Brown stated that they aren't going to fail tomorrow, but we know at some point the model becomes unsustainable. Mr. Brown will retire soon and would like to leave something better. Mr. Brown acknowledged the value of individual freedoms, but it makes sense to be part of a process because Lower Moreland will change the way they do their fire service whether Bryn Athyn participates or not. Mr. Brown would like to be part of that process working as good neighbors because they will be good neighbors to us. BAFC would like to be proactive to share the costs and maintain the level of service we can provide. The days of the volunteers don't work anymore. The response time out the door is extremely critical, not just to rescue you, but to keep from killing our firefighters.

Mr. Huntzinger reiterated Mr. Brown's statement that it is not an immediate danger, but the lack of volunteers is not easily resolved. This Agreement is to learn more to find the most efficient way to provide services. Things may have to change and it's going to cost money. This will be less expensive than trying to go it on our own. There are ways to finance these services. We are not the only communities going through this, it's across the country. These agreements between municipalities are one of the most recommended ways to ensure more efficient service and the survival of these services.

Bradley Cranch asked if there wasn't a study was done on this a few years ago which made a recommendation to join with Lower Moreland. Council confirmed that a PA DCED report in 2019 recommended joining fire companies.

Mr. Elsing called for a motion to approve Resolution 2024-03 authorizing the Agreement and authorizing the President to sign. Solicitor Herder recommended a roll-call vote on the resolution.

A motion to approve Resolution 2024-03 and the Intergovernmental Cooperation Agreement attached to that resolution as an exhibit was made by Steven Huntzinger and seconded by Jeffrey Elsing. A roll call vote was taken.

*Mark Pennink – Yes
Steven Huntzinger – Yes
Eric Asplundh – ABSENT*

*Jeffrey Elsing – Yes
Glenn Gurney – Yes
Brent McCurdy – Yes*

Duane Hyatt - Yes

The motion passed.

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

RESOLUTION 2024-03

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF BRYN
ATHYN APPROVING AN INTERGOVERNMENTAL COOPERATION
AGREEMENT WITH LOWER MORELAND TOWNSHIP TO CREATE A JOINT
FIRE AND EMERGENCY SERVICES DEPARTMENT**

WHEREAS, the Borough of Bryn Athyn (“Bryn Athyn”) is a home rule municipality, operating under the Borough of Bryn Athyn Home Rule Charter (the “Home Rule Charter”), which became effective on January 1, 1978; and

WHEREAS, prior to January 1, 1978, Bryn Athyn was a borough operating under the Pennsylvania Borough Code and other applicable laws; and

WHEREAS, section 43.2-204 of the Home Rule Charter provides, in relevant part, that “all powers of the Municipality . . . unless otherwise specifically set forth in this charter shall be vested in the Municipal Council, hereinafter referred to in this charter as ‘Council;’” and

WHEREAS, section 43.2-201 of the Home Rule Charter provides that “[t]he Municipality shall have, and at all times may exercise any power and may perform any function not specifically denied it by the Constitution of Pennsylvania, by this charter or by the General Assembly of Pennsylvania;” and

WHEREAS, section 43.2-202 of the Home Rule Charter provides, in relevant part, that “[a]t no time and in no respect shall the Municipality have less power and authority than it would have had, had it not adopted this charter, except to the extent that this charter in itself may limit any specific power or authority now or hereafter granted by the Constitution of laws of Pennsylvania;” and

WHEREAS, section 1202(56) of the Pennsylvania Borough Code, in relevant part, grants to boroughs the specific power “[t]o ensure that fire and emergency medical services are provided within the borough by the means and to the extent determined by the borough, including the appropriate financial and administrative assistance for these services;” and

***WHEREAS**, section 43.2-204 of the Home Rule Charter provides that “[t]he Municipality may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the United States of America or any agency thereof, and/or the Commonwealth of Pennsylvania and any political subdivision or agency thereof, and may accept services from or provide services to any such entity; and*

***WHEREAS**, section 43.2-204 of the Home Rule Charter permits Bryn Athyn to enter into agreements pursuant to the Intergovernmental Cooperation Act, 53 Pa. C. S. Ch.23 Subchapter A to perform governmental powers, duties, and functions; and*

***WHEREAS**, the Council of the Borough of Bryn Athyn has determined that it is in the Borough’s best interests to establish a joint fire and emergency services department with Lower Moreland Township to provide both fire services and emergency services to Borough residents.*

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

*1. An Intergovernmental Cooperation Agreement between the Borough of Bryn Athyn and Lower Moreland Township to establish a joint fire and emergency services department, in the form attached hereto and made a part hereof and marked **Exhibit “A”** (the “Agreement”) shall be and hereby is authorized.*

2. The President of the Council of the Borough of Bryn Athyn is hereby authorized to execute the Agreement on behalf of the Borough, thereby binding the Borough to the terms of the Agreement.

3. This Resolution shall be effective as of the date adoption by the Council of the Borough of Bryn Athyn.

***RESOLVED and ADOPTED** by the Council of the Borough of Bryn Athyn this first day of April, 2024.*

BOROUGH OF BRYN ATHYN

EXHIBIT “A”

INTERGOVERNMENTAL COOPERATION AGREEMENT FOR A JOINT FIRE AND EMERGENCY SERVICES DEPARTMENT FOR LOWER MORELAND TOWNSHIP AND BRYN ATHYN BOROUGH

***THIS AGREEMENT** is entered into this _____ day of _____, 2024, by and between Lower Moreland Township, 640 Red Lion Road, Huntingdon Valley, PA 19006, and Bryn Athyn Borough, 2835 Buck Road, Huntingdon Valley, PA 19006.*

WHEREAS, Lower Moreland Township (“Township”) and Bryn Athyn Borough (“Borough”) established the office of Chief of Emergency Services to coordinate and oversee all emergency services within both Lower Moreland Township and Bryn Athyn Borough pursuant to Resolution No. 23-01 of the Township and Resolution 2023-02 of the Borough; and

WHEREAS, the Township and Borough approved a Memorandum of Understanding (“MOU”) creating the office of Chief of Emergency Services and establishing an Emergency Services Committee thereby establishing a funding formula and administrative oversight for the office; and

WHEREAS, the Huntingdon Valley Fire Company currently services Lower Moreland Township for fire services and the Bryn Athyn Fire Company currently services Bryn Athyn Borough for fire services as well as emergency medical services for both Lower Moreland Township and Bryn Athyn Borough with both providing automatic mutual aid fire response to each municipality; and

WHEREAS, the Township and Borough desire to establish a joint Fire and Emergency Services Department (“Department”) under the supervision of the Chief of Emergency Services to coordinate and oversee all fire and emergency medical services within Lower Moreland Township and Bryn Athyn Borough; and

WHEREAS, while the two Fire Companies shall continue to operate independently under the oversight and coordination of the Chief of Emergency Services, the two municipalities will continue to strive towards a joint operations model for fire and EMS services; and

WHEREAS, pursuant to the provisions of Ch. 23, Subchapter A, Intergovernmental Cooperation, of the General Local Government Code, 53 PA.C.S. 2301, et seq., local governments may enter into intergovernmental cooperation agreements upon the passage of a Resolution by the respective governing bodies.

NOW, THEREFORE, the Township and Borough, intending to be legally bound, do hereby establish a joint Fire and Emergency Services Department under the supervision of the Chief of Emergency Services and hereby agree as follows:

1. The above recitals are incorporated herein by reference.
2. Term. This agreement shall continue until terminated by either party upon providing six (6) months written notice to the other party.
3. There is hereby established a joint municipal department which shall be known as the Lower Moreland/Bryn Athyn Fire and EMS Department (the “Department”).

4. Purposes. *The purpose of the Department is to provide both fire services and emergency medical services to Lower Moreland Township residents and Bryn Athyn Borough residents through the coordination and management of the existing Bryn Athyn Fire Company (“BAFC”) and the existing Huntingdon Valley Fire Company (“HVFC”), both as those two fire companies are presently constituted or as they may hereafter be combined, merged or reconstituted.*

5. Supervision. *The Department shall be under the supervision and management of the Chief of Emergency Services.*

6. Financing of the Department. *The financing of the Department shall be in accordance with the funding formula for the office of Chief of Emergency Services for the Borough and Township as set forth in the MOU, which is adopted herein by reference.*

7. Organizational Structure. *The Department shall be under the supervision and direction of the Chief of Emergency Services who shall supervise and coordinate the fire and emergency medical services of both Huntingdon Valley Fire Company and Bryn Athyn Fire Company and shall provide guidance and recommendations to the Township and Borough regarding fire protection and emergency medical services in both communities. In the event that the Chief is unable to provide supervision to HVFC and BAFC, or in the event of a vacancy in the Chief position, the existing officers of the fire companies shall assume operational and supervisory control.*

8. Acquisition of Real or Personal Property. *Both the Township and Borough retain the right, jointly or severally, to acquire, manage or dispose of real or personal property necessary to provide fire-fighting and emergency services; but neither municipality shall have the right to acquire, manage, or dispose of real or personal property owned by, or hereafter acquired by, either of the fire companies, without the express, written consent of that fire company.*

9. Insurance. *Both the Township and Borough retain their respective power to enter into contracts of insurance deemed necessary for the Department. Where such insurance is mutually agreed upon by the Township and the Borough, funding thereof shall be in accordance with the funding formula set forth in the parties MOU.*

10. Compliance. *The Department shall comply with all applicable federal, state and local laws, statutes, ordinances, regulations and laws.*

11. Effective date. *This agreement shall be effective upon adoption of an Intergovernmental Cooperation Resolution by both parties.*

***THE PARTIES HERETO**, intending to be legally bound hereby, do hereunto set the signatures of their duly authorized representatives on the date and year first above written.*

LOWER MORELAND TOWNSHIP

Attest:

Christopher R. Hoffman, Secretary

By: _____
*Denise A. Kuritz, President
Board of Commissioners*

BOROUGH OF BRYN ATHYN

Attest:

Victoria S. Trost, Secretary

By: _____
*Jeffrey E. Elsing, President
Borough Council*

PUBLIC WORKS COMMITTEE

Line Painting

Chairman Mark Pennink reported that thermal plastic crosswalks were painted on Masons Mill Road.

Alden Road Committee

Mr. Pennink reported that the Committee met last week. The plans are nearly finished that include new drainage, curbs, and sidewalks, as well as an option to improve the current road. The Committee will meet again in April and then the plans will be ready for administrative review and hopefully put out to bid in June. Mr. Pennink noted that parking will be along the north side of the road and expressed concerns about mailboxes going in on that side. The mailman will not deliver if the boxes are blocked.

Braden Bostock, Alden Road resident, commented that he prefers to have curbing with or without sidewalks on Alden Road and that the crown of the road should be removed. Mr. Bostock just installed a mailbox and the crown will make it difficult for the mailman to access the mailboxes.

Mr. Pennink noted that several soft digs will be done on Alden Road to locate utilities in the next week.

Mr. McCurdy referenced the resident survey and assumed that the road would stay the same. Mr. Pennink answered that is the reason it will be bid two ways, so Council will have a choice. Mr. Pennink explained that it doesn't make sense to spend a million dollars on a road and still have the crown which can't be plowed and not have a sidewalk. Mr. McCurdy noted that this will affect property owners on the north side who may want to have a say in it. Mr. Elsing said that the Borough should do the best thing for the community which includes sidewalks for children to walk to school safely.

Tomlinson Road Sidewalks

Chairman Pennink expects that bids for 2 to 3 blocks of sidewalk and curbing from Ashley Road to Cherry Lane along Tomlinson will be advertised in May. The plan is for half of the work to be budgeted in 2024 and the second half budgeted in 2025. This will coordinate with the elementary school construction and sidewalk project.

2024 Paving

The plan is to pave a section of Buck Road at the Fire House.

Peter Mergen asked when the work might be done on Alden Road. Mr. Pennink would prefer to pour concrete in the fall, but timing is not set.

FINANCE COMMITTEE - None

LAND USE AND NATURAL RESOURCES/ SHADE TREE COMMITTEE - None

PUBLIC RELATIONS COMMITTEE - None

ADMINISTRATIVE COMMITTEE - None

PLANNING COMMISSION REPORT - None

ZONING OFFICER

One zoning permit was issued in March. Five building permits were issued and no grading permits issued.

SEWER ADMINISTRATOR

Reid Heinrichs reported that the PA DEP Chapter 94 Report was submitted last month. Mr. Heinrichs is in the process of writing an OEM Manual to run the sewage treatment plant with our engineering firm. Research is ongoing to replace 4 pumps.

Chairman Glenn Gurney reported on a meeting with Whiting-Turner regarding the new sewer main to the plant which appears to have an elevation discrepancy, so Whiting-Turner will be digging up a section or two of the 8” main and replacing it as it runs along the gravel access road which will need to be closed for one to two weeks during the process. The elementary school project will be paying for the work, no cost to the Borough. Mr. Gurney reported that they are still trying to sort out the gas line to the sewage treatment plant, waiting on direction from Peco on how that will get from behind the new school building down to the plant. Mr. Hyatt asked that Mr. Gurney clarify that only the access road will be closed to the plant, the plant will not be closed.

Mr. Gurney asked Mr. Herder to explain the process and status of the generator project bids. Mr. Herder reported that two bid packages were prepared and that we will go with the Woodrow Associates version would be used, with Woodrow’s permission. Mr. Herder noted that a motion is not needed to put out to bid.

Mr. Herder asked the Sewer Committee to schedule a meeting later this month.

BOROUGH ENGINEER - None

OLD BUSINESS - None

NEW BUSINESS - None

QUESTIONS OR COMMENTS FROM THE FLOOR

Mrs. Mergen asked about the Fetters Mill Bridge status. Mr. Elsing reported that we have received no information. Construction was supposed to start this spring and he will reach out to the County on any updates. Our latest information is from four years ago. There are concerns about the trail and increasing traffic on both sides of the bridge. We will post information on the website when we have it.

Jane Bostock reported that she met with Keith Dranzik at the Huntingdon Valley Post office last week and he has put together a route and distributed forms to residents who have expressed interest in mail delivery. Keith Dranzik is the contact at Huntingdon Valley Post Office. Mr. Huntzinger has spoken with Mr. Dranzik and will post information on the Borough website for anyone interested.

Gwen Rhodes added that Mr. Dranzik indicated that it would take one to two months to get mail delivery and that mail will be forwarded for a year. Mrs. Rhodes commented that when she went to the Bryn Athyn Post Office there were 27 cars parked in the parking lot and along the road for people applying for passports at the post office. There were no parking spaces for Bryn Athyn residents to pick up their mail. Mrs. Rhodes wondered what the maximum occupancy in the building is. Mrs. Rhodes asked Chief Odhner to investigate the parking situation at the post office.

There being no further business presented, the meeting was adjourned at 8:35pm.

Council's next regular meeting will be held on Monday, May 6, 2024 at 7:00pm in the Borough Hall.

Victoria S. Trost
Secretary