



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

***COUNCIL CHAMBER***  
**October 1, 2018**

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  
Aurrelle Genzlinger

ALSO: Victoria S. Trost, Bradley E. Cranch, Stephen Gray, R. Scott Cooper, Mayor Ken Schauder, Solicitor R. Rex Herder, Bill Buick, Russell Cooper, Gerald Bostock, Nick Rose. Councilman Ric Asplundh was excused.

**PLEDGE OF ALLEGIANCE**

Borough Council stood and recited the Pledge of Allegiance.

**WELCOME**

President Jeff Elsing welcomed all to the meeting and announced that a Public Hearing would be held at the end of this meeting and all should sign the Attendance Sheet.

**MINUTES**

*On a motion by Aurelle Genzlinger, seconded by Glenn Gurney, Council voted unanimous approval of the September minutes.*

**TREASURER’S REPORT**

Treasurer Vikki Trost reported General Fund Revenue for September was \$52,416.12. General Fund Expenses were \$82,112.69. Net Income was -\$29,696.57.

Sewer Fund Revenue for September was \$1,177.30. Sewer Fund Expenses were \$58,746.03. Net Income was -\$57,568.73.

Today PLGIT paid 1.83%. PLGIT I-Class paid 2.01%.

Included in the General Fund cash receipts were:

\$	20.00	in Fireworks contributions
\$	6,872.48	in Earned Income Tax receipts
\$	147.36	in Local Services Tax receipts
\$	1,700.00	in Building Permit receipts
\$	8,000.00	in Sewer Administrative Support
\$	1,925.69	in Fines
\$	1,902.46	in Interest Income
\$	3,000.00	in Contributions for Shade Trees
\$	45.00	in Police Report receipts
\$	10,500.00	in Contributions to Police Department
\$	18,268.63	in Police Pension State Aid

Included in the Sewer Fund Cash Receipts were:

\$	105.00	in Category 2 Usage receipts
\$	565.60	in Finance Charge receipts
\$	506.70	in Late Fee receipts

**TAX COLLECTOR**

Tax Collector, Bradley Cranch reported \$69.16 in Real Estate Taxes collected in September; \$39,144.72 remains uncollected.

**BILLS**

*On a motion by Mark Pennink, seconded by Brent McCurdy, 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 - None**

**MAYOR’S REPORT - None**

**POLICE CHIEF’S REPORT**

Chief Stephen Gray reported the following activity for September:

Citations Issued: Traffic: 30 Non-Traffic: 01	31
Alarms	24
Animal complaints	01
Assist Bryn Athyn Fire / Ambulance	09
Assist other Police Agencies	51
Assist Citizens / Public Service calls	09
Miscellaneous Complaints	76
Special Traffic Details	22
Suspicious Circumstance Investigations	08
Vehicle Accidents	09
Vehicle Investigations / Warnings Issued	77

On Thursday, September 13<sup>th</sup>, Bryn Athyn Police participated in an active shooter drill, along with the Lower Moreland Police Department at the Huntingdon Valley Surgery Center, which is located at the Masons Mill Business Park. The drill was a success, as actors were used to make the situation more realistic for the employees, who were also involved in the training.

On Monday, September 24<sup>th</sup>, Bryn Athyn Police Officer Joseph DeCarlo was assigned as our Evidence Control Supervisor. This is a newly created and much needed position for our department. Joe brings many years of experience to the position, as he has spent his

past 35 years working for the Treasury Department, Philadelphia Police Department and most recently as a supervisor (Lieutenant) for Gwynedd Mercy University.

On Friday September 28<sup>th</sup>, an order was placed for four (4) “Your Speed Is” digital signs from the All Traffic Solutions Company. The signs are being purchased with \$13,500.00 in donations that our department received towards the \$14,340.00 cost of the solar powered signs. The remaining \$840.00 is being paid with funds from the police budget. The signs will display the speeds of approaching vehicles and they will also store data that can be analyzed at a later time. Because the signs are made to order, their estimated time of delivery is 30 to 40 days.

Alessandro (Alex) Cricelli is now a sworn Part-time Officer with the Bryn Athyn Police Department and is about to begin his Field Training. Alex comes to our department after serving the Philadelphia Police Department for the past twenty-three years. Alex served his last ten years with the elite Philadelphia Narcotics Strike Force, where he received 15 commendations for going above and beyond the call of duty. We are very fortunate to continue hiring police officers who bring with them previous law enforcement experience.

### **FIRE CHIEF’S REPORT**

Ken Schauder reported 140 EMS Calls and 49 Fire Calls in September, including a cardiac arrest call and several water rescues in Lower Moreland where people had driven around barricades. Mr. Schauder also reported on an accident on Huntingdon Pike at Cathedral Road with an overturned vehicle requiring extraction of the occupants.

The PA DCED Evaluation of the Bryn Athyn and Huntingdon Valley Fire Companies continued with a tour of both facilities by the DCED representative.

The BAFC/HVFC Fire Prevention Week Joint Event is scheduled for October 13 from 11am to 2pm at the Huntingdon Valley Fire House.

### **EMERGENCY MANAGEMENT REPORT**

Ken Schauder reported on the Active Shooter Event. The Emergency Management Team is working with neighbors to develop policy and procedures.

### **SOLICITOR’S REPORT - None**

## **BOROUGH MANAGER'S REPORT**

### Sewer Delinquencies Update

Vikki Trost reported that Portnoff sent legal demand letters on September 11, 2018. The property owners have 30 days to respond. None of the property owners have contacted Portnoff in response.

## **PUBLIC SAFETY COMMITTEE**

### Ashley Road Safety Issues

Chairman Jeffrey Elsing reported that signs have been ordered for Ashley Road.

### Police Staffing

Mr. Elsing thanked Chief Gray for getting new part-timers on board to handle extra shifts.

## **PUBLIC WORKS COMMITTEE**

Chairman Mark Pennink reported that Nick Rose is working on engineering costs for Alden Road improvements. Nick is also looking into the sidewalk problem at Alden Road and Huntingdon Pike.

## **FINANCE COMMITTEE**

### Sewer Billing

Chairman Duane Hyatt reported that the Finance Committee is working on a new billing methodology to more accurately allocate costs to users.

### Sewer Improvement Project

Mr. Hyatt reported that the expected costs are well within the budget.

### Alden Road Improvements

Mr. Hyatt reported that the Borough does have adequate borrowing capacity and that Zach Williard from PFM is ready to help when the Borough is ready. Before moving forward with financing it is important to determine how to pay it back. Since we have no idea of the costs the financing discussion will wait. The Finance Committee recommended that a committee be formed to oversee the Alden Road Project, including community involvement.

2019 Budget

Chairman Hyatt reported that Vikki Trost is collecting and compiling committee budget requests.

**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 no Zoning Permit applications approved in September; Four (4) Building Permits were issued; No Grading Permits were issued.

**SEWER ADMINISTRATOR**

Sycamore Road Pump Station

Chairman Glenn Gurney reported that the pump house is almost complete. Landscaping work is scheduled. The Nashes and neighbors are pleased with the shed.

2800 Quarry Road

Mr. Gurney reported that the PA DEP will be updated on the Committee's progress this week.

Equalization Project

The holding tanks are still on order so the project may not begin until November.

**BOROUGH ENGINEER - None**

**OLD BUSINESS - None**

**NEW BUSINESS - None**

**QUESTIONS OR COMMENTS FROM THE FLOOR**

Alden Road

In response to a question about the sidewalk at the top of Alden Road, Mr. Pennink responded that PA DOT will need to be involved as the sidewalk would be in their right-of-way.

Mr. Elsing appointed the Alden Road Committee - members to include: Mark Pennink, Aurelle Genzlinger, Glenn Gurney as alternate and Jeff Elsing as alternate.

Nick Rose requested a budget to do a study and will meet with the Committee.

Mark Pennink stated that the Committee will meet with every homeowner on Alden Road.

The initial study will include a plan of the entire road and right-of-way to see all available options. Mark Pennink will request funding in his 2019 budget to pay for the preliminary plan which will be completed next year. He will ask for funding in 2020 for a design/build plan.

**PUBLIC HEARING – PROPOSED ORDINANCE #685 ZONING ORDINANCE**

Solicitor Rex Herder announced that the Proof of Publication of the Public Notice on September 14, 2018 and September 21, 2018 would be included in the minutes as Exhibit 1; The text of the Ordinance would be entered as Exhibit 2; and the Zoning Map would be entered as Exhibit 3.

Mr. Herder reported that a copy of the proposed Ordinance was sent to the Bryn Athyn Planning Commission (BAPC) and the Montgomery County Planning Commission (MCPC) for review. The Bryn Athyn Planning Commission comments were reviewed and incorporated into the Ordinance. The Montgomery County Planning Commission submitted five pages of comments some of which were expected and some good points

were made. The MCPC comments were received today and circulated to members of Council this afternoon.

Mr. Herder received several calls with regard to how the zoning map changes would affect property owners. Mr. Greenberg is present tonight representing the Lord's New Church (LNC).

Mr. Herder stated the purpose of the hearing tonight is to hear comments from Borough Council and the public. There is no requirement to vote tonight, noting that it may be advisable to continue the hearing to another meeting.

President Jeffrey Elsing opened the Public Hearing on Ordinance #658.

The hearing was opened to comments by members of Borough Council. Mr. Hyatt stated that he quickly read the MCPC letter, noting that nothing was overly contentious and that Mr. Herder can review. Mr. Gurney stated that he did not read the MCPC comment letter.

Mr. Herder reported that the MCPC comments were reasonable, that a few small items may be changed and brought back to Council. The comments should be referred back to the Zoning Ordinance Committee.

Hearing no further comments from members of Borough Council, the Hearing was opened to the public for comments.

Mr. Howard Greenberg, Semanoff Ormsby Greenberg & Torchia, introduced himself as representative for the Lord's New Church who owns 73.5 acres. Angela Doto was introduced as the LNC Executive Director. Mr. Greenberg indicated that the Lord's New Church wishes to keep the Cemetery zoned "IN" Institutional rather than the proposed change to "NP" Natural Preservation. Additionally, a small area (along Masons Mill Road) of the 73.5 acres (which is zoned "IN" Institutional) is shown as "A" Residential. This area is not a separate parcel, but a house is currently located within it. There are no stated dimensions for the "A" designated area. The Lord's New Church would prefer to keep that area zoned "A" Residential rather than change to "NP" Natural Preservation as the surrounding area is zoned. Questions were raised as to how many additional homes could be built on the "A" Residential area, but no answer could be given since no one knows how large the area is. Solicitor Herder recommended that the Zoning Ordinance Committee review the two parcels again and make a recommendation to Borough Council.

Greg Jackson asked if the proposed Zoning Ordinance could be posted on the Borough website. Mr. Elsing responded that we can put it on the website.

Mr. Elsing explained to Diane Fehon that the zoning change for her property is only a map correction and that her zoning designation has not changed.

Brian Schnarr commented that he read the entire ordinance document, noting that this was a big job. Mr. Schnarr's concern was about chickens, noting that he has had chickens for many years. He asked for an explanation of the chicken requirement. Mr. Schnarr thought that the coop area size requirements were inconsistent.

Councilwoman Aurelle Genzlinger responded that there have been lots of conversations about chickens and asked people to consider what if their neighbors do not like chickens, noting there are varying degrees of chicken approval in the Borough. There wouldn't be an issue if neighbors agree. The requirements in the Ordinance will provide a safety net for new neighbors. It was noted that there will be no grandfathering for chickens, because chickens are not permitted in the current Zoning Ordinance. Mr. Hyatt offered that since chickens are not currently allowed Council tried to find a way to permit them. Mr. Herder added that the MCPC recommends tightening up the chicken regulations in the proposed Ordinance.

Mr. Elsing requested that specific questions be directed to the Borough Secretary and Solicitor which will then be forwarded to the Zoning Ordinance Committee.

Eileen Glenn expressed concern about the amount of impervious coverage permitted, particularly on a sloping property. She has witnessed the increased macadam uphill from her property has increased the water flow down the street. Mr. Pennink stated that the new grading permits require keeping water on owners property. Mr. Gurney noted that there was no reference to impervious coverage before, so property owners could do 100% impervious coverage.

Allison Jackson expressed concerns about keeping sheep adding that this would set the Borough apart in a positive way. Mr. Elsing responded that the Committee can look at keeping animals again, though animals are not permitted in the current ordinance. Mr. Elsing reiterated that the limits are set in the Ordinance to respect the rights of all members of the community, and that it all comes down to neighborliness as Councilwoman Aurelle Genzlinger has stated. Mr. Hyatt added that Council has looked for examples to permit animals.

Dean Holmes was impressed with the Ordinance and related his concerns about allowing relative apartments, stating that it is punitive to require ripping out relative quarters when a family member dies.

Nita Holmes agrees with the philosophy of community and would like see some flexibility to allow more people to live here.

Elise Genzlinger expressed concerns about chickens and home based businesses. Solicitor Herder answered that the "No Impact" and "Low Impact" home business sections are required by the Pennsylvania Municipalities Code. Low Impact businesses

must be family members and can make things in the house with one outside employee. This is permitted by Section 1607.3 and is allowed in “B” and “C” Residential districts.

Mr. Hyatt commented that the Committee really spent the bulk of time on the Ordinance not to prevent business, but to avoid residential streets being turned into a business district with many customers. Mr. Elsing noted that the impact would be deliveries, parking issues, trash and traffic. Mr. Herder stated that the “Low Impact” permits what Elise Genzlinger is asking.

Diane Fehon stated that converting a two-family dwelling back to single family when family leaves is not financially feasible and that she would like to rent her unit after her family moves out. It was noted that at the Zoning Hearing Board meeting held for Mrs. Fehon, she offered to and agreed to remove the unit when she requested a Special Exception for her apartment. The Zoning Hearing Board accepted her offer.

Rod Hee asked if there were any commercial property changes. There are no changes, the Connelly property is still the only commercially zoned property in the Borough. It was noted that the C & S Club is zoned “IN” Institutional.

There were no further questions or comments from the floor.

Mr. Elsing announced that there would be no vote at this meeting. The hearing will be continued to a future meeting.

The Zoning Committee will meet to address the listed concerns and will make further recommendations to Borough Council.

There being no further business presented, the meeting was adjourned at 8:29pm.

Council’s next regular meeting will be held on Monday, November 5, 2018 at 7:00pm in the Borough Hall.

Victoria S. Trost  
Secretary