



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

COUNCIL CHAMBER
August 3, 2020

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

MEMBERS OF COUNCIL

Glenn Gurney
Ric Asplundh
Jeffrey Elsing

Brent McCurdy
Mark Pennink
Duane D. Hyatt

ALSO: Victoria S. Trost, Bradley E. Cranch, Derek Zecher, Russ Cooper, Mayor Ken Schauder, Solicitor R. Rex Herder. Councilwoman Aurelle Genzlinger was excused.

MINUTES

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

TREASURER'S REPORT

Treasurer Vikki Trost reported General Fund Revenue for July was \$115,334.62. General Fund Expenses were \$138,570.11. Net Income was -\$23,235.49.

Sewer Fund Revenue for July was \$232.45. Sewer Fund Expenses were \$27,413.94. Net Income was -\$27,181.49.

Today PLGIT-Class paid .04%. PLGIT Reserve-Class paid .18%. PLGIT Prime paid .32%

Included in the General Fund cash receipts were:

\$	23,761.23	Current Year Real Estate Tax
\$	8,743.22	Earned Income Tax
\$	7.38	Local Services Tax
\$	16,950.00	Transfer Tax
\$	966.91	Fines
\$	175.00	Zoning Permits
\$	487.50	Zoning Hearing Board Application Fee
\$	1,261.70	Building Permits
\$	100.00	Grading Permits
\$	80.00	Road Opening Permits
\$	15.00	Police Reports
\$	24,700.00	ANC Contribution 2019-2020
\$	31,328.20	Contribution to Police Department Asplundh Foundation
\$	1,572.48	Insurance Dividend
\$	4,250.00	Insurance Claim (Fire Truck Damage)

Included in the Sewer Fund Cash Receipts were:

\$	71.45	Interest Income
\$	161.00	Lower Moreland Pass-through Sewer Receipts

TAX COLLECTOR

Tax Collector, Bradley Cranch reported \$4,079.48 in Real Estate Taxes collected in July; \$54,298.33 remains uncollected.

BILLS

GENERAL FUND BILLS

21 st Century Media	\$ 854.63
Academy of the New Church	2,146.40
Am-Trust North America Insurance	7,782.08
Aqua PA- Park Fountain	31.46
Aqua PA- Fire Hydrants	2,715.30
Building Inspection Underwriters	3,874.80
Chuck’s Service Center Inc.	2,273.28
Courier Times Inc	824.67
Cranch Landscapers LLC	595.00
DeLage Landen	175.00
DeLage Landen Financial Services	249.00
Eastburn & Gray	1,552.50
Elyse/Berben Insignia	135.00
Frank A Malizia, Jr. Inc.	3,000.00

Home Depot	55.44
Kennedy Culvert Companies	298.20
Keystone Health Plan East	9,743.60
Lower Moreland Township	134,903.17
NAPA Weldon Auto Parts	5.80
PA Department of Labor & Industry	41.98
Peco – Street Lights	954.89
Peco – Traffic Lights	91.26
Petty Cash – RX	3.80
Petty Cash – Steve Gray	191.05
Petty Cash – Victoria Trost	87.41
PSAB	25.00
Schauder Incorporated	525.00
Staples	34.95
The Vanguard Group	1,072.81
US Municipal Supply Inc.	250.98
USA Payroll	163.04
Verizon Wireless	189.34
Victoria Trost	150.00
Wawa – Wright Express Gasoline	571.16

SEWER FUND BILLS

Academy of the New Church	\$ 4,060.50
AM-Trust North America Insurance	1,593.92
Commonwealth of PA – Chapter 302	65.00
Commonwealth of PA – Permits	60.00
FlowTech LLC	400.00
Gurney Kerr Contractors Inc.	9,545.61
Home Depot	260.92
Kenneth J Schauder Inc.	540.00
Lowe’s	56.10
Lower Moreland Township	161.00
MJ Reider Associates Inc.	247.00
Mac Medical Associates Inc.	3.50
McGovern Environmental LLC	360.00
McMaster-Carr Supply Co.	68.18
PA Dept of Environmental Protection	500.00
Peco	344.46
Teledyne ISCO	1,767.97
USA Payroll	63.81
Verizon	78.60
Verizon Wireless	66.08
Wawa – Wright Express Gasoline	116.52

On a motion by Duane Hyatt, 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

PUBLIC HEARING ORDINANCE #692 AMENDING ZONING ORDINANCE

President Jeff Elsing opened the public hearing noting that the proposed ordinance to amend the Zoning Ordinance Article 2, Section 200.5a, providing a definition for “Bed & Breakfast” and Article 6, Section 600.1.B.2.d amending Bed & Breakfast regulations pertaining to social events, has been discussed by Borough Council and reviewed by the Bryn Athyn Planning Commission and the Montgomery Council Planning Commission.

The hearing was opened to discussion by members of Council. Hearing no discussion by members of Council the hearing was opened to the floor for public comment.

Mayor Ken Schauder asked the Solicitor if another property proposing a bed and breakfast was on the border with Lower Moreland if Lower Moreland would be notified. Mr. Herder answered that a courtesy notice would be sent to Lower Moreland residents to consider any impact on the neighboring municipality.

Hearing no comments or questions from the public, the public comment period was closed. The discussion was brought back to the Council table.

On a motion by Ric Asplundh, seconded by Jeff Elsing, Borough Council voted unanimously in favor to adopt Ordinance #692 amending the Bryn Athyn Zoning Ordinance of 2018 Article 2, Section 200.5a, providing a definition for “Bed & Breakfast” and Article 6, Section 600.1.B.2.d amending Bed & Breakfast regulations pertaining to social events.

**BOROUGH OF BRYN ATHYN
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 692**

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF BRYN ATHYN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE BRYN ATHYN BOROUGH ZONING CODE, TO PROVIDE A DEFINITION FOR BED AND BREAKFAST, AND TO AMEND THE REGULATIONS FOR BED AND BREAKFAST USES TO ALLOW FOR THE HOLDING OF SOCIAL AND BUSINESS EVENTS

The Borough Council of the Borough of Bryn Athyn, Montgomery County, Pennsylvania, does hereby ENACT and ORDAIN:

***SECTION 1.** Amendment to Article 2 – Definitions. Section 200 of Article 2 is hereby amended by adding a new subsection, to be numbered 200.5a, which shall read as follows:*

Bed and Breakfast. The use of an owner-occupied, single-family detached dwelling and/or accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for a maximum of 12 temporary guests at any one time (except as otherwise provided for in this Ordinance), and which does not provide any cooking facilities or provision of meals for guests other than breakfast. A bed and breakfast shall have no more than six rentable units. A bed and breakfast use shall rent facilities for a maximum of 14 consecutive days to any person(s) and rentals shall be restricted to transient visitors of the area.

SECTION 2. Amendment to Article 6, “B” – (Medium Density Single Family) Residential Districts. *Section 600.1.B.2.d, pertaining bed and breakfast uses, is hereby amended by deleting its current language in its entirety, and replacing it with the following language:*

d. Social and business events such as weddings, receptions, board meetings and the like, shall not be held at a bed and breakfast use unless the following conditions are met:

- 1. The lot on which the bed and breakfast use is located is 35,000 square feet or greater in area.*
- 2. Events held outside the structure shall conclude no later than 12:00 a.m. (midnight).*
- 3. No bed and breakfast that hosts social and business events shall be located within 2,640 feet of another bed and breakfast use that also hosts social and business events. For the purpose of this section, the distance shall be measured between the nearest lot lines of the two lots in question.*
- 4. No more than two (2) business or social events that are conducted outdoors, either in whole or in part, may be held in any calendar month.*

SECTION 3. Repealer. *All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.*

SECTION 4. *Severability.* *In the event that any section, sentence, clause or word of this Amendment shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Amendment.*

SECTION 5. *Effective Date.* *This Amendment shall take effect and be in force from and after the date of its approval and enactment by the Borough Council of the Borough of Bryn Athyn.*

ENACTED and ORDAINED *by the Borough Council of the Borough of Bryn Athyn, Montgomery County, Pennsylvania, following a duly advertised public hearing at its regularly scheduled meeting held at Borough Hall, 2835 Buck Road, Bryn Athyn, Pennsylvania, this third day of August, 2020.*

BOROUGH OF BRYN ATHYN

PUBLIC HEARING ORDINANCE #693 AMENDING ZONING ORDINANCE

President Jeff Elsing opened the public hearing noting that the proposed ordinance to amend the Zoning Ordinance Article 12, Section 1200.8, amending the accessory uses permitted in the “IN” Institutional District, has been discussed by Borough Council and reviewed by the Bryn Athyn Planning Commission and the Montgomery Council Planning Commission.

The hearing was opened to discussion by members of Council. Mr. Gurney asked if the letter from the Bryn Athyn Planning Commission was included in the packet. Hearing no discussion by members of Council the hearing was opened to the floor for public comment.

Resident Kirk Synnestvedt asked if the college dormitories would be apartments or short-term rentals. Solicitor Herder responded that apartment rentals to the public is not permitted. Hearing no further comments or questions from the public, the public comment period was closed. The discussion was brought back to the Council table.

Hearing no further discussion by Borough Council, the public hearing was closed.

On a motion by Ric Asplundh, seconded by Jeff Elsing, Council voted unanimously in favor to adopt Ordinance #693 amending the Bryn Athyn Zoning Ordinance to amend accessory uses in the “IN” Institutional District.

**BOROUGH OF BRYN ATHYN
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 693**

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF BRYN ATHYN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE BRYN

ATHYN BOROUGH ZONING CODE, TO AMEND THE ACCESSORY USES IN THE IN INSTITUTIONAL ZONING DISTRICT.

The Borough Council of the Borough of Bryn Athyn, Montgomery County, Pennsylvania, does hereby ENACT and ORDAIN:

SECTION 1. Amendment to Article 12 – “IN” – Institutional Districts. *Section 1200.8, pertaining to accessory uses, is hereby amended by deleting its current language in its entirety, and replacing it with the following language:*

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.

SECTION 3. Repealer. *All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.*

SECTION 4. Severability. *In the event that any section, sentence, clause or word of this Amendment shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Amendment.*

SECTION 5. Effective Date. *This Amendment shall take effect and be in force from and after the date of its approval and enactment by the Borough Council of the Borough of Bryn Athyn.*

ENACTED and ORDAINED *by the Borough Council of the Borough of Bryn Athyn, Montgomery County, Pennsylvania, following a duly advertised public hearing at*

its regularly scheduled meeting held at Borough Hall, 2835 Buck Road, Bryn Athyn, Pennsylvania, this third day of August, 2020.

BOROUGH OF BRYN ATHYN

DISCUSSION OF PROPOSED ORDINANCE #694

President Jeff Elsing re-introduced proposed Ordinance #694 to address management of on-lot subsurface sewage disposal systems.

Solicitor Rex Herder explained that the proposed ordinance clarifies the responsibilities of Category 1 homeowners, those properties utilize on-lot systems and are not connected to the Borough's sewage collection system. Mr. Herder noted that there are several conflicts between sewer system ordinances and that the current on-lot system maintenance ordinances are inadequate. An on-lot system on Quarry Road has failed, which has involved the PA Department of Environmental Protection. Concerns raised by a former sewer committee member has led to the creation of the proposed ordinance. The proposed ordinance makes clear the responsibility for maintaining and pumping on-lot systems is fully the responsibility of the property owner. The proposed ordinance also allows for the Borough to charge and administrative fee in the future, if necessary. Mr. Herder added that the Borough does have the responsibility to be aware of the status of on-lots, including maintenance and inspection of those systems.

Mr. Gurney thanked Solicitor Herder for preparing the proposed ordinance and asked if a third-party is required to inspect these systems and if there is verbiage in the ordinance to pass those fees on to the property owner. Mr. Herder answered in the negative. Mayor Schauder noted that property owners are directed by the sewer department to engage a third-party inspector. Mr. Herder noted that if a property owner may not be cooperative regarding their system, but that the property owner is responsible for all expenses and that this proposed ordinance does address that. Mr. Pennink stated that he is in favor of an administrative fee.

On a motion by Mark Pennink, seconded by Ric Asplundh, Council voted unanimously in favor to instruct the Borough Secretary to advertise a Public Hearing at the September 14, 2020 meeting for the purpose of public discussion and adoption of Proposed Ordinance #694.

ELECTED AUDITOR RESIGNATION

President Elsing reported that Steven Huntzinger has offered his resignation as Elected Auditor in order to fill a vacancy on the Bryn Athyn Zoning Hearing Board.

On a motion by Duane Hyatt, seconded by Glenn Gurney, Council voted unanimously in favor to accept the resignation of Steven Huntzinger from the position of Elected Auditor.

APPOINTMENT OF ELECTED AUDITOR TO FILL VACANCY

Mr. Elsing reported that Kirsten Cranch has offered to fill the vacant position of Elected Auditor.

On a motion by Duane Hyatt, seconded by Mark Pennink, Council voted unanimously in favor to appoint Kristin Cranch to fill the position of Elected Auditor vacated by Steven Huntzinger.

APPOINTMENT TO FILL VACANCY OF ZONING HEARING BOARD

On a motion by Ric Asplundh, seconded by Mark Pennink, Council voted unanimously in favor to appoint Steven Huntzinger to fill the vacancy on the Zoning Hearing Board left by William Buick.

MAYOR’S REPORT - None

POLICE CHIEF’S REPORT

Mr. Elsing reported the following activity for July in the absence of Chief Gray:

Alarms	09
Animal Complaints	03
Assist Bryn Athyn Fire / Ambulance	08
Assist Other Police Agencies	21
Assist Citizens / Public Service Calls	03
Miscellaneous Complaints	62
Special Traffic Details	01
Suspicious Circumstance Investigations	06
Traffic Citations	57
Vehicle Accidents	06
Vehicle Investigations / Warnings Issued	94

On Wednesday July 1st at 3:35pm, police took a report of a dog bite in the 2900 block of King Road. The incident occurred when an Amazon driver was attempting to deliver a package in that area. Police observed a small mark that was left by the 9-week-old dog behind the driver’s left knee. Upon investigation, the dog appeared very friendly towards police.

On Saturday July 4th at 11:52pm, police responded to investigate a disturbance at the Civic and Social Club at 2668 Alden Road. Upon arrival, police learned that there had been a fight between a 33-year-old male resident of Bryn Athyn and a 29-year-old male resident of Bryn Athyn. Neither party reported any injuries and both refused to press

charges against each other. The situation was resolved and both parties went their separate ways.

On Monday July 6th at 6:52pm, police took a report of an attempted child luring that had occurred on Wednesday July 1st at 3pm in the 600 block of Tomlinson Road. It was reported that an older white male with wrinkles and brown hair that was driving a black sedan, had approached three juveniles while they were playing in front of the elementary school and asked them if he could give them a ride home. The kids refused and the white male drove away.

On Sunday July 12th at 12:10pm, police conducted a vehicle stop in the area of Huntingdon Pike and Cathedral Road to investigate a vehicle that was being driven with counterfeit inspection stickers on the windshield. Further investigation revealed that the driver was in possession of marijuana and drug paraphernalia. The driver was charged with driving with the counterfeit inspection stickers and also for the drug and paraphernalia possession.

On Tuesday July 14th at 8:59pm, while conducting a property check at the Lord's New Church grounds at 1725 Huntingdon Road, police found four trespassers on the grounds who were in possession of marijuana and drug paraphernalia. The four Lower Moreland residents were charged for the possession of marijuana and also for the possession of drug paraphernalia.

On Thursday July 30th at 6:25pm, police conducted a vehicle stop in the area of Huntingdon Pike and Cathedral road to investigate violations observed with the vehicle. Upon further investigation, police learned that there was a warrant for the 19-year-old male resident of Philadelphia who was wanted by Philadelphia Police Detectives for simple assault. The subject was taken into custody and turned over to the Philadelphia Northeast Detective Division.

FIRE CHIEF'S REPORT

Chief Derek Zecher reported 34 Fire Calls in July, 4 in Bucks County, none in Bryn Athyn; 132 EMS Calls in July, 12 in Bryn Athyn, with 68 Hospital Transports. Eight DUI Blood Draws were performed.

Included in the calls during July, BAFC assisted Huntingdon Valley FC with a car fire; vehicle accidents in Lower Moreland including a flipped vehicle on Tomlinson Road; and a garage fire in Lower Moreland today. Due to a summer shortage of volunteers, BAFC brought in paid crew to cover shifts.

EMERGENCY MANAGEMENT REPORT - None

SOLICITOR’S REPORT - None

BOROUGH MANAGER’S REPORT

FILE DISPOSITION

Vikki Trost reported that Stephanie Doman has been diligently reviewing files and has set aside the following files for destruction as per the PA Historical Commission Records Management schedule:

- Bank Statements (General Fund, Sewer Fund, Reserve Funds, Liquid Fuels Fund, Debt Service Fund) from 2006 through 2010.
- Richard Greer Sewer Training Manuals
- Dean Morey Sewer Training Manuals
- Sewer Operations from 1975-1917, 1980-1989, 1990-1998

The files are available for review in Borough Hall.

FEE SCHEDULE

Mrs. Trost has updated the Borough Fee Schedule with the assistance of our code official, Chalie Pluguez. The new fee schedule will be presented to the Finance Committee for review at their August meeting and then to Council for approval.

PUBLIC SAFETY COMMITTEE

Chairman Jeff Elsing reminded residents that the Borough Administrative Code Chapter 61, §61-7 states that it is unlawful for persons to park vehicles on sidewalks or block sidewalks. Vehicles should be parked in the road or gutter and not block sidewalks to pedestrian use. The Sidewalk Committee will review the current status of sidewalks. Mr. Elsing noted that he will be working with the Borough Manager to codify and update the sidewalk ordinance.

PUBLIC WORKS COMMITTEE

Chairman Mark Pennink noted that he would like to resolve sidewalk issues after the Alden Road project is completed.

Mr. Pennink reported that the road paving project came in at \$122,000 which is \$8,000 under budget. He plans to invest the remainder of the budget to put in curbs and perform sidewalk repair on the Loop. Mr. Pennink noted that Public Works is preparing for the storm predicted for tomorrow. Mr. Pennink reported that the Alden Road Resident

Surveys have been mailed out and that Councilwoman Aurelle Genzlinger will review the surveys.

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

Vikki Trost reported that there were two (2) Zoning Permit applications approved in July.

Eight (8) Building Permits were issued. One (1) Grading Permit was issued.

The Zoning Hearing Board met on July 28, 2020 to review an application for a special exception. The Board determined that the property at 2520 Woodland Road, which has existed as a non-conforming multi-family residence, required only a determination from the Board to continue as a two-family dwelling. A special exception is not required. The property may continue legally as a non-conforming two-family dwelling.

The Zoning Officer issued a violation notice to the property owners of a vacant lot at 2635 South Avenue. The property owners cleared the trees and vegetation from the lot without complying with the property's approved stormwater management plan or obtaining a grading permit from the Borough.

SEWER COMMITTEE

Chairman Glenn Gurney reported that the internet conduit has been installed at the sewage treatment plant. Mr. Gurney reported that the Sewer Committee will meet to discuss the financial outlook.

BOROUGH ENGINEER - None

OLD BUSINESS - None**NEW BUSINESS**

Mr. Gurney assisted the Zoning Officer recently in locating an address in the Borough, noting that house numbers need to be clearly posted on every property. Mayor Schauder added that lack of house numbers has always been a problem for emergency responders, but is even more so now because the paid Fire Company staff are not familiar with street addresses. Mr. Hyatt suggested that property owners be asked to post addresses rather than adopt an ordinance. Mayor Schauder suggested that a notice be placed in the Bryn Athyn Post asking residents to post house numbers. Chief Zecher offered to have the BAFC staff drive around and create a list of properties needing to have house numbers identified.

QUESTIONS OR COMMENTS FROM THE FLOOR

Resident, Kirk Synnestvedt, addressed Council noting that he represented the “Extra Digit Group”. The group would like to begin a conversation regarding affordable housing in the Borough. He recently sent a letter to Mayor Schauder. Mayor Schauder will distribute the letter to members of Council. Councilman Duane Hyatt stated that affordable housing is a difficult topic since there is not a lot of land in the Borough that is not in the “IN”- Institutional District. Mr. Hyatt noted that there have been many committees who have suggested affordable housing developments at the Academy “Buck & Byberry” property over the years. Mr. Hyatt noted that the Buck and Byberry property has the highest tax burden in the Borough, with Lower Moreland School Tax and Borough Real Estate Tax.

There being no further business presented, the meeting was adjourned at 8:06 pm.

Council’s next regular meeting will be held on Monday, September 14, 2020 at 7:00pm in the Borough Hall.

Victoria S. Trost
Secretary