



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

COUNCIL CHAMBER
September 11, 2023

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
Duane D. Hyatt

ALSO: Mayor Ken Schauder, Solicitor R. Rex Herder. Secretary Victoria S. Trost and Councilwoman Aurelle Genzlinger were excused.

President Jeffrey Elsing asked for a moment of silence to remember those victims of the September 11, 2001 terrorist attack.

MINUTES

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

TREASURER’S REPORT

General Fund Revenue for August was \$94,548.59. General Fund Expenses were \$230,716.44. Net Income was -\$136,167.85.

Sewer Fund Revenue for August was \$97,690.62. Sewer Fund Expenses were \$33,468.91. Net Income was \$64,221.71.

Today PLGIT paid 5.14%. PLGIT Prime paid 5.50%.

Included in the General Fund cash receipts were:

\$	50,799.89	in Earned Income Tax receipts
\$	9,491.15	in Local Services Tax receipts
\$	1,660.47	in Comcast Franchise Fees
\$	2,620.03	in Verizon FIOS Franchise Fees
\$	1,000.00	in Fireworks Contributions
\$	25.00	in Grading Permit Fees
\$	1,811.87	in Fines
\$	15.00	in Police Report fees
\$	175.00	in Zoning Permit Fees
\$	1,409.65	in Building Permit Fees
\$	4,500.00	in Sewer Administrative Support receipts
\$	21,000.00	in Contributions to Police Dept.

Included in the Sewer Fund Cash Receipts were:

\$	41,830.00	in Category 2 Usage receipts
\$	39,778.00	in Category 3 Usage receipts
\$	8,681.00	in Category 4 Usage receipts
\$	88.00	in Lower Moreland Pass-through Usage receipts
\$	7,313.62	in Masons Mill Pass-through Usage receipts

TAX COLLECTOR

Tax Collector, Bradley Cranch reported \$2,812.30 in Real Estate Taxes collected in August; \$54,836.45 remains uncollected.

BILLS

GENERAL FUND BILLS

Academy of the New Church	\$9,832.38
Atlantis Global LLC	201.80
Bryn Athyn Fire Company	214.66
Building Inspection Underwriters, Inc.	2,661.20
Cranch Landscapers LLC	150.00
DeLage Landen	175.00
Everlasting Fence Company	9,270.00
Hei-Way, LLC	1,310.00
Independence Blue Cross	6,840.29
Nobre Computer Services, LLC	739.00
Paychex of New York	197.45
Peco Energy Company	2,681.94
Petty Cash – Steve Gray	135.41

Petty Cash – Victoria Trost	89.36
Pioneer Auto Body & Repair	792.78
Standard Insurance Company	1,875.55
T & G Industries Inc.	279.00
The Harrison Group	180.00
The Vanguard Group	1,047.79
Total Turf Landscape Services	6,760.00
Verizon Wireless	242.04
Victoria Trost	544.70
Wawa-Wright Express	1,082.32
Wireless Communications & Electronics NJ	1,399.00
TOTAL	\$48,701.67

SEWER FUND BILLS

Academy of the New Church	\$936.48
AquaFix Inc.	405.96
EEMA	647.50
Home Depot	88.28
Independence Blue Cross	658.51
Lower Moreland Township	96.80
MJ Reider Associates Inc.	503.90
McGovern Environmental LLC	255.06
Mike Nelson Consulting Services	305.00
PA Dept of Environmental Protection	500.00
Paychex of New York	56.97
Peco Energy	457.86
Pennsylvania Rural Water Association	125.00
SCP Distributors LLC	4,987.80
The Harrison Group	30.00
UMHJSA	7,313.62
Verizon	92.21
Verizon Wireless	82.10
Wawa-Wright Express	94.78
TOTAL	\$17,637.83

BMO MasterCard

General Fund

Adobe AcroPro	\$19.99
Google Workspace	57.00
Galls	704.51
Staples.com	34.90
PA UCC Construction Code	67.50
21CM PA 2 Newspapers	14.00
Amazon.com	514.10
USPS.com	28.75
TOTAL	1,440.75

BMO MasterCard

Sewer Fund	
Google Workspace	\$3.00
Zoro Tools	52.39
Supply Online	32.98
<u>Lindsay Sales & Service</u>	<u>162.18</u>
TOTAL	\$250.55

Mayor Schauder questioned the payment to the Vanguard. Mr. Hyatt responded that is it a deposit of the pension contributions withheld from the police officers pay.

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

PRESIDENT’S REPORT

Solicitation Ordinance Proposed

President Elsing stated that the proposed solicitation ordinance had been discussed at the last two meetings of Council. This sample ordinance is very similar to our neighboring municipalities’ ordinances. Lower Moreland uses a registration form and the cost is \$100. No peddling stickers would be purchased at the police station or residents can post signs on their properties. Lower Moreland has a “no solicitation list” on the website where residents can add their addresses. Mr. Elsing recommends \$100 fee if Council moves forward.

Mr. Hyatt questioned how many times in the past five years solicitation has been a problem. Mr. Elsing stated that he, the police department, and the borough office have received numerous complaints. Being retired, Mr. Elsing has noticed solicitors a lot more.

Mr. McCurdy believes government should play a minimal role in our lives and has concerns about local children being able to go door to door to sell items that they may make. Mayor Schauder noted that children under 18 are exempt from the requirements of the ordinance. Mr. McCurdy stated that he wished he knew what Borough residents would want.

Solicitor Herder noted that the residents must post a notice on their door for this ordinance to work. Local government cannot be the gate keeper. Some residents may prefer to have solicitors come to their door. Solicitor Herder noted that no ordinance will be perfect.

Mayor Schauder put his Public Safety hat on and noted that there are nefarious people out in the world, referred to as gypsies who will knock on your front door, while the others

go around back and enter your house to rob you. We are trying to thwart the nefarious people.

Mr. Gurney agreed and noted that legitimate solicitors may pay the \$100 fee and come to your door. Mayor Schauder stated that in Lower Moreland solicitors must show a license every day that they solicit. Mr. Hyatt noted that residents can put a no soliciting sign on their door now without an ordinance. Mayor Schauder suggested that when applicants come for a solicitation permit that they be given a no solicitation address list at that time. Mr. Gurney suggested that we could do the same thing with a lower fee or no fee.

Mr. Asplundh made a motion to advertise a public hearing for the non-solicitation ordinance, with the same fees as our neighboring municipalities, and to include a “no solicitation list to be kept at the Borough Office which was seconded by Mr. Elsing. Council voted by show of hands as follows:

*In Favor:
Mr. Elsing
Mr. Asplundh
Mr. Pennink
Mr. Gurney*

*Opposed:
Mr. McCurdy
Mr. Hyatt*

The motion was carried.

Suggested Amendments to the Zoning Ordinance Article 16

Mr. Elsing also noted that the suggested amendments which were recommended by the Bryn Athyn Zoning Hearing Board were discussed at the last meeting but was brought forward to this month since several members of Council were not in attendance at last month’s meeting.

The suggested amendments relate to Article 16, Section 1607.1(a) and Section 1607.2(a) which requires a lot size larger than the minimum required lot size in the “B” and “C” Residential Districts. Mr. Hyatt commented that he prefers that the language in the ordinance remain the same due to parking difficulties with multi-family dwellings particularly in the “C” Residential District. Discussion included the reason that the change was made in updating the zoning ordinance in 2018, which was to avoid overburdening smaller properties and parking issues. Mr. Elsing noted that this proposed change was specifically requested by the Bryn Athyn Zoning Hearing Board following a hearing on an application for a two-family dwelling special exception. Mr. Gurney expressed concern about the sewer issues with adding more dwellings. IT was agreed that Mr. Elsing would contact the Zoning Hearing Board for additional reasoning for the requested amendment.

Suggested Amendments to the Zoning Ordinance Table 1401

Mr. Elsing noted that the proposed correction of Table 1401 Correction of the term “In-Law Suite” which should be “Relatives Quarters” is a typographical error which should be corrected. It was explained that this correction could be made with the previous

amendment to the Zoning Ordinance or separately. Combining would save funds on the advertising costs. It was agreed to delay this amendment until a decision is made on the suggested amendment to Article 16.

Petition to Consider Amendment to Article 12, Section 1200.8(b)

The Lords New Church Petition to consider an amendment to the Zoning Ordinance Article 12 Section 1200.8(b) was received and distributed to Council strictly for review for later discussion.

Resolution No 2023-07 Disposition of Records

Mr. Elsing read aloud the proposed resolution for disposition of Financial Records, Personnel Records and Sewer Records according to the PA Municipal Records Manual.

On a motion by Brent McCurdy, seconded by Duane Hyatt, Council voted unanimously in favor to adopt Resolution No. 2023.

**BOROUGH OF BRYN ATHYN
MONTGOMERY COUNTY, PENNSYLVANIA
RESOLUTION NO. 2023-07**

Resolved by the Borough Council of the Borough of Bryn Athyn, Montgomery County, Pennsylvania, that

WHEREAS, by virtue of Resolution No. 2019-03 adopted on August 5, 2019, the Borough of Bryn Athyn declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008 as amended March 28, 2019, and,

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Bryn Athyn, Montgomery County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

Financial Records:

PLGIT Account Bank Statements for years 2015, 2014, 2013, 2012, 2011

TD Bank Account Bank Statements for years 2015, 2014, 2013, 2012, 2011

Vanguard Bank Statements for years 2015, 2014, 2013, 2012, 2011

Personnel Records:

Employees Terminated Prior to 2018.

Sewer Records:

Sewer EDMR Reports for years 2016, 2015, 2014, 2013, 2012, 2011

Sewer Billing Calculation Records for years 2006, 2005, 2004, 2003

Conditional Offer of Employment - Chief of Emergency Services for Bryn Athyn and Lower Moreland

President Elsing reported that a conditional offer of employment was distributed to each member of Council by Vikki Trost prior to the meeting. Lower Moreland will approve the conditional offer at their next Board of Commissioners meeting tomorrow night. Mr. Elsing has all the budget information. For 2023, the Borough’s contribution will be \$13,000. Mayor Schauder noted that the two fire companies have not yet been notified that the offer has been made and that the candidate has accepted. The new Chief will be a Lower Moreland employee receiving benefits through Lower Moreland with costs shared by the Borough.

On a motion by Mark Pennink, seconded by Glenn Gurney, Council voted unanimously in favor to approve the Conditional Offer of Employment for the position of Chief of Emergency Services for Bryn Athyn and Lower Moreland.

Employee Handbook

Mr. Elsing reported that Vikki Trost distributed a proposed employee handbook for Council review and discussion at a later meeting.

POLICE CHIEF’S REPORT

Chief Stephen Gray reported the following activity for August 2023:

Alarms	20
Assist Bryn Athyn Fire / Ambulance	11
Assist Other Police Agencies	26
Miscellaneous Activity	59
Public Service Calls / Assist Citizens	03
Special Traffic Details	07
Suspicious Circumstance Investigations	09
Traffic Citations	50
Vehicle Accidents	03
Vehicle Investigations	74

On Thursday August 3rd at 12:33am, police stopped a vehicle in the 1800 block of Byberry Road that was driving without headlights on. While speaking with the driver, police detected a strong odor of an alcoholic beverage on his breath. Further

investigation resulted in the driver, a 45-year-old resident of Hatboro, being taken into custody on suspicion of DUI. The driver refused to take a blood test and was charged with Driving Under the Influence of alcohol.

On Saturday August 12th at 12:44pm, police assisted ANC Security with a trespassing complaint at the Bryn Athyn Swim Club. Upon arrival, the manager of the swim club advised police that a 17-year-old male resident of Lower Moreland Township refused to leave the property when confronted by staff due to not being a member of the swim club. At the request of the pool staff, police contacted the juvenile's mother, and the issue was resolved with a warning for trespassing.

On Sunday August 20th at 1:10am, police responded to a vehicle accident in the 3000 block of Huntingdon Pike. While speaking with the driver of the striking vehicle, police detected a strong odor of an alcoholic beverage on his breath. Further investigation resulted in the 25-year-old resident of Philadelphia being taken into custody for suspicion of DUI. We are still awaiting the results of the blood test.

On Thursday August 31st at 5:11am, police stopped a vehicle at Huntingdon Pike and Cathedral Road which resulted in the arrest of a 45-year-old male resident of Philadelphia for an active warrant from a previous DUI in Maryland.

FIRE CHIEF'S REPORT

Chief Ken Schauder reported 31 Fire Calls during August, 24 in Lower Moreland, 7 in Bryn Athyn; 180 EMS Calls in August, 124 in Lower Moreland, 13 in Bryn Athyn. There were 106 Transports in August, 83 in Lower Moreland, 7 in Bryn Athyn, 8 in Abington, 3 in Upper Moreland.

The Chief reported that the new facility across from Wawa in Lower Moreland is 30% occupied. There were 26 ambulance calls in August. The facility is independent living and assisted living, with a 15-bed dementia area.

EMERGENCY MANAGEMENT REPORT

Mr. Schauder reported that the September meeting has been postponed to next month so that the new Chief of Emergency Services can participate in the meeting.

MAYOR'S REPORT

Mayor Schauder reported that he participated in two interviews last month with Scouts, thanking the scouts for their interest and for attending the meeting.

SOLICITOR'S REPORT

Mr. Herder requested that Council meet in Executive Session after this meeting tonight to discuss a matter of litigation.

BOROUGH MANAGER'S REPORT

2024 Minimum Municipal Obligation

The 2024 MMO for the Police Pension Plan is zero dollars (\$0). Our Actuary, Joe Duda will report to the Finance Committee in October.

2024 Budget Requests

Department heads should submit their 2024 budget requests to Vikki Trost by Friday, September 15 at noon.

Montgomery County Boroughs Association

The next MCBA meeting will be held on Thursday, September 28 at the North Penn Fire House. The guest speaker will be Tom Cook, PA Fire Commissioner. Please let Vikki know if you are interested in attending.

Mayor Schauder noted that the BAFC has done a lot of grants through the PA Fire Commissioner, Tom Cook's office. Mayor Schauder will attend the meeting and will have questions regarding funding of fire services for the Commissioner. He will report back to Council next month.

PUBLIC SAFETY COMMITTEE - None

PUBLIC WORKS COMMITTEE

Chairman Mark Pennink thanked Bradley Cranch for handling the installation of the fence along the sidewalk on Tomlinson Road in the area of the elementary school construction.

Quarry Road was paved. The invoice has not yet been received from Lower Moreland.

FINANCE COMMITTEE

Chairman Duane Hyatt reported that it is time to prepare the 2024 Budget. The Finance/Budget Committee members are himself, Jeff Elsing, Vikki Trost and Glenn Gurney. With the passing of Chris Carter, there is a vacancy. The 2024 budget calendar was provided to Council. Please submit the budget proposals as soon as possible. Mr. Pennink noted that he will need funds for curbing on Alden Road; he will not be available

for the Budget meeting on October 17. There was no August meeting; the next meeting will be on September 19.

LAND USE AND NATURAL RESOURCES/ SHADE TREE COMMITTEE - None

PUBLIC RELATIONS COMMITTEE - None

ADMINISTRATIVE COMMITTEE - None

PLANNING COMMISSION REPORT - None

ZONING OFFICER

There were two (2) Zoning Permit applications approved in August.

Nine (9) Building Permits were issued. One (1) Grading Permit was issued.

SEWER ADMINISTRATOR

Chairman Glenn Gurney reported that the cleanup continues at the plant. We have applied to PECO for gas service to the sewage plant, in conjunction with the new elementary school, which is necessary for the generator plan.

During the Montgomery County Health Department's monthly inspection for mosquitoes, they found mosquitoes breeding in one of the tanks at the plant. They set traps for the adult mosquitoes and reported that those mosquitoes tested positive for the West Nile Virus. Further steps are being taken to eradicate mosquitoes at the plant. A re-test by the County revealed many fewer mosquitoes, none of which tested positive for West Nile Virus.

BOROUGH ENGINEER - None

OLD BUSINESS

A question was raised about the status of Alden Road to which Mark Pennink reported that we need to move forward with the Alden Road Improvement project, reminding the Borough Engineer that we would like to get bids out this winter.

NEW BUSINESS

Mr. Hyatt noted that since two things are happening now with the retirement of the Police Chief and the opening of the 2024 Budget process, we have discussed several times over the years to do due diligence about the police services versus here in the Borough and the cost of those services, and if now is the time to talk to Lower Moreland about a joint police department. It was suggested previously that a conversation with Lower Moreland might be considered. Mr. Hyatt noted that he does not think that the police department is not doing a good job, he is only looking at the costs of services. He added that we may find that we do not want to change anything. With more information we can make better decisions. Mr. Elsing stated that he as Public Safety Chairman is amenable to going to Lower Moreland with a small committee to speak with the Township Manager. President Elsing reported that he has already investigated the process for merging police departments and noted that it is a lengthy and complicated process. Mr. Elsing reminded Council that it has taken more than two years to get to the point where we are with the fire departments. Mr. Pennink recommended that we consider going back to five full-time officers. Mr. McCurdy suggested that Borough Council should give a consensus on whether to solicit any information for services from Lower Moreland. Mr. Elsing noted that Council would need to determine what services the Borough would be interested in from another municipality. Mr. Elsing would like to hire a new Chief prior to starting any conversations with Lower Moreland. We cannot afford to be in a position where we may lose personnel and be in a position where we are unable to provide full police protection. Mr. McCurdy is in favor to solicit information from Lower Moreland. Mr. Gurney would support the Bryn Athyn Police Department, but has little time to participate in information gathering. After additional discussion, the consensus of the Borough Council is to move forward with information gathering for obtaining services from another police department, as well as moving forward with the search for a new chief of police.

QUESTIONS OR COMMENTS FROM THE FLOOR

There being no further business presented, the meeting was adjourned at 8:26pm.

Council's next regular meeting will be held on Monday, November 6, 2023 at 7:00pm in the Borough Hall.

Victoria S. Trost
Secretary