



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

COUNCIL CHAMBER
January 9, 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
Duane D. Hyatt
Aurelle Genzlinger

ALSO: Victoria S. Trost, Solicitor R. Rex Herder. Councilman Mark Pennink and Mayor Ken Schauder were excused.

MINUTES

On a motion by Brent McCurdy, seconded by Aurelle Genzlinger, Council voted unanimous approval of the December minutes.

TREASURER’S REPORT

General Fund Revenue for December was \$137,814,543. General Fund Expenses were \$142,767.16. Net Income was -\$4,952.62.

2021 General Fund Revenue exceeded the budget by \$283,919.67 and Expenditures exceeded budget by \$148,119.92, indicating a pre-audit surplus of \$135,799.75. Police Car Reserve (\$13,500) and Public Works Reserve (\$8,100) transfers, when approved, will reduce this number along with any other adjustments.

Sewer Fund Revenue for December was \$901.29. Sewer Fund Expenses were \$22,331.90. Net Income was -\$21,430.61.

2021 Sewer Fund Revenue exceeded the budget by \$8,517.01 while Expenditures came in under budget by \$114,363.41, indicating a pre-audit surplus of \$122,880.42. Capital Upgrade Reserves (\$55,602), Reed Bed Reserves (\$6,333) and Collection System Reserves (\$20,171) transfers, when approved, will reduce this number along with any other adjustments.

Today PLGIT paid 4.14%. PLGIT Prime paid 4.53%.

Included in the General Fund cash receipts were:

\$	17,917.34	in Real Estate Tax receipts
\$	34,658.27	in Earned Income Tax receipts
\$	343.41	in Local Services Tax receipts
\$	73,710.11	in ARPA Local Fiscal Recovery Fund receipts
\$	2,490.68	in Fines
\$	75.00	in Police Report receipts
\$	1,300.75	in Building Permit receipts
\$	120.00	in Road Opening Permit receipts
\$	4,500.00	in Sewer Administrative Support receipts
\$	600.00	in Contributions to Police Department
\$	253.00	in Fireworks Contributions
\$	1,797.12	in Insurance Dividends

Included in the Sewer Fund Cash Receipts were:

\$	177.64	in Lower Moreland Passthrough Usage Receipts
\$	466.65	in Finance Charges
\$	257.00	in Late Fees

TAX COLLECTOR

Tax Collector, Bradley Cranch reported \$26,784.43 in Real Estate Taxes collected in December; \$0.00 remains uncollected.

BILLS

2022 GENERAL FUND BILLS

Asure Payroll	\$263.38
Building Inspection Underwriters, Inc.	228.00
Eastburn & Gray PC	1,417.50
Frank A. Malizia, Jr. Inc.	2,830.00

Guardian Dental Insurance	4,115.66
McDonald Uniform Company	943.92
Peco Energy Company	2,680.54
ProTract Engineering, Inc.	1,603.00
TGI Office Automation	26.69
TOTAL	<u>\$14,108.69</u>
2022 SEWER FUND BILLS	
Asure Payroll	\$107.82
TOTAL	<u>\$107.82</u>
2023 GENERAL FUND BILLS	
21 st Century Media	\$403.99
Academy of the New Church	1,200.52
Am-Trust North America	12,704.81
AquaPA	21.12
Armour & Sons Electric, Inc.	179.63
Auto Spa Xpress	15.00
Bryn Athyn Fire Company	210.48
Cranch Landscapers, LLC	350.00
Davidheiser's Inc.	50.00
DeLage Landen	175.00
Independence Blue Cross	6,840.29
Kenneth J. Schauder, Incorporated	1,230.00
Montgomery County SWAT – East Region	3,500.00
Petty Cash – Steve Gray	252.98
PIRMA Insurance	42,387.00
Police Chief's Association of Montgomery Co.	500.00
PA State Association of Boroughs	25.00
RR Donnelley	71.79
Staples	257.33
The Vanguard Group	1,271.87
Tri County Collision Center	9,460.31
Verizon Wireless	242.24
Victoria Trost	100.00
Wawa – Wright Express	1,099.60
TOTAL	<u>\$82,548.96</u>
2023 SEWER FUND BILLS	
Am-Trust North America	2,602.19
Home Depot	235.55
Independence Blue Cross	658.51
MJ Reider Associates, Inc.	251.95
PIRMA Insurance	6,462.00
Postmaster	180.00
SCP Distributors, LLC	2,261.80

Verizon Wireless	42.16
Wawa – Wright Express	309.68
TOTAL	<u>\$13,003.84</u>

BMO MasterCard BILLS

General

Adobe AcroPro	\$14.99
Google Workspace	57.39
Giant Southampton	164.95
Quipply.com	80.15
TOTAL	<u>\$317.48</u>

BMO MasterCard BILLS

Sewer

Google Workspace	\$3.03
Etrailer Corporation	112.14
Ebay.com	175.87
Amazon.com	55.87
BLT Plumbing Supply Now	1,700.00
USPS	18.20
Giant Southampton	5.79
TOTAL	<u>\$2,070.90</u>

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

PRESIDENT’S REPORT

Resolution #2023-01 Set Police Pension Contribution for 2023

President Jeff Elsing read the proposed resolution aloud. There is no change to the pension contribution per the new police contract.

On a motion by Glenn Gurney, seconded by Aurelle Genzlinger, Council voted unanimously in favor to adopt Resolution #2023-01 setting the 2023 Member Contribution to the Police Pension Fund at 3.50%.

**BOROUGH OF BRYN ATHYN
RESOLUTION #2023-01**

A RESOLUTION OF THE BOROUGH OF BRYN ATHYN SETTING THE MEMBER CONTRIBUTION TO THE BRYN ATHYN POLICE PENSION PLAN FOR THE YEAR 2023.

Whereas, the Borough of Bryn Athyn has established a pension plan, known as the Bryn Athyn Police Pension Plan (“the Plan”), and;

Whereas, the Borough Council sets the annual contribution rate for members of the Plan;

Now Therefore, Be It Resolved, that the Borough Council of the Borough of Bryn Athyn has set the annual member contribution rate for the year 2023 at 3.50%.

Resolved, this ninth day of January, 2023.

BOROUGH OF BRYN ATHYN

2023 Borough of Bryn Athyn Operations List

Council reviewed the 2023 proposed Operations List. Vikki Trost noted that Drew Nehlig agreed to serve another three-year term on the Zoning Hearing Board and Brian Horgan agreed to serve another five-year term on the Planning Commission. There were no other changes from the 2022 Operations List.

On a motion by Brent McCurdy, seconded by Glenn Gurney, Council voted unanimously in favor to adopt the 2023 Bryn Athyn Operations List.

Resolution #2023-02 Approve the Office of Chief of Emergency Services in Cooperation with Lower Moreland Township.

President Jeff Elsing reported that he and Vikki Trost have been meeting with Lower Moreland Board of Commissioners President David Sirken and Township Manager Chris Hoffman for the past year with regard to the consolidation of the Bryn Athyn Fire Company and the Huntingdon Valley Fire Company based on the April 2019 PA DCED Report and other studies.

Mr. Elsing stated that the recommendation of the committee is to move forward by hiring an outside person to coordinate the activities of both companies in order to bring them together. This Chief of Emergency Services will bring a wealth of knowledge and expertise to advise both municipalities. The job description has been developed and reviewed by both companies and it is time to advertise for this position. A budget estimate was developed with a 75/25 split between the municipalities and the Borough Finance Committee will review. Mr. Elsing noted that no funds have been budget for this year, but Mr. Hyatt noted that Reserves are available. Lower Moreland Township will adopt the same resolution tomorrow if the Borough adopts tonight.

Solicitor Herder stated that the resolution makes definitive statements to create the position and establish a public safety committee with Lower Moreland Township. Mr. McCurdy added that it is in the best interest of both municipalities to move forward with this plan.

It was noted that the costs may be split 75/25 but it is a 50/50 partnership between the municipalities.

Mr. Gurney recommended that the Finance Committee review the budget prior to adoption of the resolution. Mr. Hyatt recommended allocating funds from Reserves, since the expense will be for a partial year. Mr. Elsing noted that the Bryn Athyn Fire Company supports moving forward to create this position. Mr. Elsing will distribute copies of the cost estimate to members of Council.

On a motion by Brent McCurdy, seconded by Aurelle Genzlinger, Council voted unanimously in favor to adopt Resolution #2023-02 approving the Office of Chief of Emergency Services in cooperation with Lower Moreland Township, and establishing a Public Safety Committee in accordance with the Intergovernmental Cooperation Act.

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

RESOLUTION NO. 2023 –02

A RESOLUTION OF THE BOROUGH OF BRYN ATHYN, MONTGOMERY COUNTY, PENNSYLVANIA, APPROVING THE OFFICE OF CHIEF OF EMERGENCY SERVICES IN COOPERATION WITH LOWER MORELAND TOWNSHIP, AND ESTABLISHING A PUBLIC SAFETY COMMITTEE IN ACCORDANCE WITH THE INTERGOVERNMENTAL COOPERATION ACT

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, Bryn Athyn desires to join with Lower Moreland Township (“Lower Moreland”) to establish the Office of Chief of Emergency Services to coordinate and oversee all emergency services within both Bryn Athyn and Lower Moreland; and

WHEREAS, the Huntingdon Valley Fire Company currently services Lower Moreland and the Bryn Athyn Fire Company currently services Bryn Athyn and Lower Moreland for emergency medical services; and

WHEREAS, Bryn Athyn has determined that there is the need for better coordination between the Huntingdon Valley and Bryn Athyn fire companies to address the loss of volunteers over a number of years within both companies; 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, Bryn Athyn intends to establish the Office of Chief of Emergency Services and a Emergency Services Committee in cooperation with Lower Moreland pursuant to the Intergovernmental Cooperation Act.

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

1. *That the position of Chief of Emergency Services is hereby established in cooperation with Lower Moreland to coordinate and oversee the emergency response services within Lower Moreland and Bryn Athyn.*
2. *That the position of Chief of Emergency Services shall be jointly funded by the Bryn Athyn and Lower Moreland.*
3. *That the Chief of Emergency Services shall oversee and coordinate the emergency response services of both Huntingdon Valley Fire Company and Bryn Athyn Fire Company and shall provide guidance to the Lower Moreland Board of Commissioners and the Bryn Athyn Council regarding the adequacy of fire protection and emergency medical services.*
4. *That the establishment of the position of Chief of Emergency Services shall have an indefinite term or until such time as either party provides six (6) months' notice of termination of the position.*
5. *That the purpose and objective of the intermunicipal agreement is to establish a single position to oversee both fire protection and emergency medical services for Lower Moreland and the Bryn Athyn and to coordinate and provide support to the existing Huntingdon Valley Fire Company and Bryn Athyn Fire Company.*
6. *That an Emergency Services Committee shall be established pursuant to this resolution consisting of the Borough of Bryn Athyn Manager, the Lower Moreland Township Manager and the Chief of Emergency Services, which shall report to the Lower Moreland Board of Commissioners and Bryn Athyn Council.*
7. *Any real or personal property necessary in relation to the Office of Chief of Emergency Services shall be jointly acquired by Lower Moreland and Bryn Athyn.*
8. *The Office of Emergency Services shall be funded pursuant to a separate agreement between Lower Moreland and Bryn Athyn.*

RESOLVED and ADOPTED this ninth day of January, 2023.

BOROUGH OF BRYN ATHYN

On a motion by Brent McCurdy, seconded by Aurelle Genzlinger, Council voted unanimously in favor to adopt Resolution #2-23-02 Approving the Office of Chief of Emergency Services in Cooperation with Lower Moreland Township, and Establishing a Public Safety Committee in Accordance with the Intergovernmental Cooperation Act.

POLICE CHIEF’S REPORT

Chief Steve Gray reported the following activity for December 2022:

Alarms	14
Assist Bryn Athyn Fire / Ambulance	08
Assist Other Police Agencies	40
Miscellaneous Activity	66
Public Service Calls / Assist Citizens	01
Special Traffic Details	23
Suspicious Circumstance Investigations	10
Traffic Citations	39
Vehicle Accidents	03
Vehicle Investigations	61

On Monday December 5th at 5:35pm, Police conducted a vehicle stop at Huntingdon Pike and Cathedral Road to investigate illegal tinting on the front side windows of the vehicle. Further investigation resulted in the male driver, a 40-year-old resident of Bristol, PA being taken into custody due to there being a warrant for his arrest in Bucks County and for suspected DUI while driving in our jurisdiction. The driver submitted to a blood test. The Bucks County Sheriff’s responded and after the blood test was completed, they took custody of the individual. The results of the blood test showed that the driver had Amphetamines, Methamphetamines and Marijuana in his system. Police have since charged the defendant for DUI and for Driving with a suspended driver’s license.

On Tuesday December 6th at 4:22pm, police responded to the 3000 block of Buck Road for a report that two juveniles were throwing mud at passing vehicles. Upon arrival, police spoke with the complainant, the two juveniles and the juvenile’s parents. There was no damage to the complainant’s vehicle, however, it was worked out by the juveniles, their parents and the complainant that the juveniles would pay the complainant \$20 for a car wash to have the mud washed off of his vehicle.

On Wednesday December 7th at 4:48pm, police responded to the Bryn Athyn Cathedral to assist ANC Security who said that a male refused to stop flying a drone, which was posted as being a prohibited activity on the private property. Upon speaking with the individual, police found that there was a language barrier and possibly a miscommunication between the individual and security. The 34-year-old resident of

Horsham, was cooperative with police and at the request of Security, was warned for trespassing and sent on his way.

On Thursday December 8th at 4:12pm, police took a report of vandalism which occurred in the open land area of Buck and Byberry Road. The complainant stated that someone had pulled out the survey stakes that are being used for the future location of the Bryn Athyn Thrift Shop. We were advised that this has occurred twice in the past few months. Police have been conducting extra patrols in the area since receiving this report.

On Saturday December 10th at 12:50pm, police responded to the 3100 block of Masons Mill Road to take a report of property damage. The resident stated that sometime overnight, a vehicle had struck their mailbox and the post it was resting on, which was found lying on the ground with the post being broken.

On Saturday December 17th at 2:41am, police conducted a vehicle stop in the 3000 block of Huntingdon Pike due to the registration on the vehicle being expired. Further investigation revealed that there was a warrant for the driver's arrest out of Luzerne County. The driver was also driving with a DUI related suspended License. Due to the warrant, police took the driver into custody and transported him to the Montgomery County Correctional Facility until he could be picked up by the Luzerne County Sheriff's Deputies. Our department also charged the 26-year-old male resident of Bensalem with several traffic violations.

On Saturday December 31st at 2:20am, police conducted a vehicle stop in the 2900 block of Huntingdon Pike due the vehicle missing a tire and riding on the rim. Further investigation resulted in a DUI arrest of the driver, a 20-year-old resident of Kutztown, PA. The driver consented to a blood test. We are still awaiting the results of the blood test.

Chief Gray reported that an onsite audit conducted by the Pennsylvania State Police resulted in no findings.

FIRE CHIEF'S REPORT - None

EMERGENCY MANAGEMENT REPORT - None

MAYOR'S REPORT - None

SOLICITOR’S REPORT - None

BOROUGH MANAGER’S REPORT

2023 Fee Schedule

Borough Manager Vikki Trost reported that the 2023 Fee Schedule has no changes from the 2021 Fee Schedule. Only the date has been updated. Council approved the 2023 Fee Schedule.

PUBLIC SAFETY COMMITTEE - None

PUBLIC WORKS COMMITTEE

Alden Road Improvements

Vikki Trost reported that the Alden Road bid package has been advertised in the newspaper and is posted on the PennBid website. The bid opening is scheduled for January 30, 2023 at 12:00noon.

Municipal Building Stormwater Improvements

Vikki Trost reported that the contract has been executed with Twining Construction and that Twining has ordered materials and is expecting to start in late March.

FINANCE COMMITTEE

Public Hearing - Ordinance #703 Setting 2023 Tax Rates

Chairman Duane Hyatt opened the Public Hearing and read the text of the proposed ordinance aloud. The hearing was opened to comments from Borough Council. Hearing no comments, the hearing was opened to public comments. Hearing none, the public comment period was closed and the discussion brought back to the Council. Hearing no comments from members of Borough Council, the public hearing was closed.

On a motion by Ric Asplundh, seconded by Jeff Elsing, members of Bryn Athyn Borough Council voted unanimously, by show of hands, to approve Ordinance #703, fixing the Tax Rates for the Fiscal Year 2023.

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

ORDINANCE #703

AN ORDINANCE OF THE BOROUGH OF BRYN ATHYN FIXING THE TAX RATE FOR THE FISCAL YEAR 2023.

THE COUNCIL OF THE BOROUGH OF BRYN ATHYN HEREBY ENACTS AND ORDAINS:

SECTION 1 **SUMMARY OF TAX REVENUE.** That a tax rate be and is hereby levied on all property within the said Borough subject to taxation for Borough purposes for the Fiscal Year 2023 as follows:

- A. Tax Rate for General Borough Purposes, the sum of Eleven and One Hundred and Eleven Thousandths (11.111) mills on each dollar of assessed valuation, making a total tax rate for all Borough purposes of Eleven and Eleven Hundred and Eleven Thousandths (11.111) mills.
- B. That a tax at the rate of one percent (1%) on each dollar is hereby imposed on all earned income and net profits earned by residents of the Borough of Bryn Athyn and non-residents of the Borough of Bryn Athyn for work done or services performed or rendered in the Borough.
- C. That a Local Services Tax is imposed on all residents and non-residents employed in the Borough of Bryn Athyn in the amount of \$52.00.

SECTION 2 That any ordinance or part of any ordinance, conflicting with this Ordinance be, and the same is hereby repealed, insofar as the same affects this ordinance.

SECTION 3 **SEVERABILITY.** The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance, for any reason, is declared to be unconstitutional, illegal or invalid, said unconstitutionality, illegality and invalidity shall not impair any of the remaining provisions or sections of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clauses, or sections not been included herein.

This Ordinance shall take effect and be in force immediately.

BOROUGH OF BRYN ATHYN

Approved by the Council of the Borough of Bryn Athyn, this ninth day of January, in the year of Our Lord 2023.

Public Hearing – Ordinance #704 Amending Ordinance #695

Mr. Hyatt opened the Public Hearing and read the text of the proposed ordinance aloud. Mr. Hyatt noted that the reason for the amendment to Ordinance #695 is to allow for timely billing for sewer usage, using the past 12 months, rather than the previous calendar year to calculate bills. The hearing was opened to comments from Borough Council. Hearing no comments from members of Council, the hearing was opened to public comments. Hearing no public comments, the public comment period was closed and the discussion brought back to the Council table. Hearing no comments from members of Borough Council, the public hearing was closed.

On a motion by Ric Asplundh, seconded by Jeff Elsing, members of Bryn Athyn Borough Council voted unanimously, by show of hands, to approve Ordinance #704, Amending Section 4 of Ordinance 695, to Provide That the Preparation of Sewer Bills Shall Be Based on Water Usage Data for the Preceding Twelve Months Rather Than the Preceding Calendar Year.

**BOROUGH OF BRYN ATHYN
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 704**

AN ORDINANCE TO AMEND SECTION 4 OF ORDINANCE 695, TO PROVIDE THAT THE PREPARATION OF SEWER BILLS SHALL BE BASED ON WATER USAGE DATA FOR THE PRECEDING TWELVE MONTHS RATHER THAN THE PRECEDING CALENDAR YEAR

The Council of the Borough of Bryn Athyn does hereby **ENACT** and **ORDAIN** as follows:

Section 1. Section 4.B.2 of Ordinance 695 shall be and hereby is amended by deleting the word “annual,” so that as of the effective date of this Ordinance the said section shall read:

The Borough shall base the user fee for Category 2 Properties on water usage as reflected in water usage records obtained by the Borough from Aqua Pennsylvania, and shall calculate the user fee by multiplying the number of gallons so reflected by an amount the Borough shall set in its Sewer Budget, adopted annually.

Section 2. Section 4.B.3 of Ordinance 695 shall be and hereby is amended by deleting the current language thereof and adding the following language:

The Borough shall use the water usage data for the most recently completed twelve months to calculate the user fee for a given billing year.

Section 3. Section 4.C.2 of Ordinance 695 shall be and hereby is amended by deleting the word “annual,” so that as of the effective date of this Ordinance the said section shall read:

The Borough shall base the user fee on wastewater influent flows to the Wastewater Treatment Plant from Category 3 Properties, and shall calculate the user fee by multiplying the number of gallons of wastewater entering the Wastewater Treatment Plant from Category 3 Properties by an amount the Borough shall set in its Sewer Budget, adopted annually, or an amount as the Borough may set from time-to-time by Ordinance.

Section 4. Section 4.C.3 of Ordinance 695 shall be and hereby is amended by deleting the current language thereof and adding the following language:

The Borough shall use the actual wastewater influent received at the Wastewater Treatment Plant from Category 3 Properties in the most recently completed twelve months to calculate the user fee for a given billing year. The actual influent received at the Wastewater Treatment Plant from Category 3 Properties shall be calculated by subtracting the flows from all Category 2 Properties and water usage of all Category 4 Properties from the total amount of effluent discharged from the Wastewater Treatment Plant. For the purpose of this section, flows from Category 2 Properties shall be as shown on meters presently in place in the force mains from the College Park and Fetters Mill pump stations to the Treatment Plant; water usage of Category 4 Properties shall be as shown by records obtained by the Borough from Aqua Pennsylvania; and effluent flows from the Treatment Plant shall be as shown by the meters currently in place for measuring such effluent discharge. All flows, whether for Categories 2, 3 or 4, or from the Treatment Plant, shall be for the most recently completed twelve months.

Section 5. Section 4.D.2 of Ordinance 695 shall be and hereby is amended by deleting the current language thereof and adding the following language:

The Borough shall base the user fee on water usage as reflected in water usage records obtained by the Borough from Aqua Pennsylvania, and shall calculate the user fee by multiplying the number of gallons used by an amount the Borough shall set in its Sewer Budget, adopted annually.

Section 6. Section 4.D.3 of Ordinance 695 shall be and hereby is amended by deleting the current language thereof and adding the following language:

The Borough shall use the actual water usage for the most recently completed twelve months to calculate the use fee for a given billing year.

Section 7. Severability. In the event that any section, sentence, clause or word of this ordinance 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 ordinance.

Section 8. 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 repealed.

Section 9. Effective Date. This Ordinance shall be effective as of the date of enactment.

ENACTED and ORDAINED this ninth day of January, 2023.

BOROUGH OF BRYN ATHYN

Public Hearing – Ordinance #705 Setting 2023 Sewer Usage Rates

Chairman Duane Hyatt opened the Public Hearing and read the text of the proposed ordinance aloud. The hearing was opened to comments from Borough Council. Hearing no comments, the hearing was opened to public comments. Hearing none, the public comment period was closed and the discussion brought back to the Council. Hearing no comments from members of Borough Council, the public hearing was closed.

On a motion by Ric Asplundh, seconded by Jeff Elsing, members of Bryn Athyn Borough Council voted unanimously, by show of hands, to approve Ordinance #704, setting the 2023 Sewer Usage Rates.

**BOROUGH OF BRYN ATHYN
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 705**

AN ORDINANCE OF THE BOROUGH OF BRYN ATHYN SETTING SEWER RATES FOR THE FUNDING OF THE BOROUGH WASTEWATER TREATMENT SYSTEM FOR THE FISCAL YEAR 2023.

In accordance with the provisions of Ordinance 695, as amended, concerning the method of setting fees for users of the Borough wastewater treatment system, the Council of the Borough of Bryn Athyn does hereby **ENACT** and **ORDAIN** as follows:

Section 1. Rates. The sanitary sewer user rates for the funding of the operation and maintenance of the Borough wastewater treatment system shall be as follows:

Category 2 – Rate per 100 gallons of water used by customer	\$ 1.374
Category 3 – Rate per 100 gallons of wastewater received at treatment plant	\$ 2.232
Category 4 – Rate per 100 gallons of water used by customer	\$ 2.232

Section 2. Effective Date. This Ordinance shall take effect as of the date of enactment, and shall remain in effect until superseded by further ordinance of Council.

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.

ENACTED and ORDAINED this ninth day of January, 2023.

BOROUGH OF BRYN ATHYN

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 there were no (0) Zoning Permit applications approved in December. Seven (7) Building Permits were issued. No (0) Grading Permits were issued.

SEWER ADMINISTRATOR

Chairman Glenn Gurney reported that the Sewer Committee has hired HRG Engineering to consult regarding the Bryn Athyn Church Elementary School project. Bill Brown is now with HRG. EEMA will continue as the engineer of record for routine work.

BOROUGH ENGINEER - None

OLD BUSINESS - None

NEW BUSINESS

Aurette Genzlinger recommended changes to the 2023 Council Meeting Schedule. Council agreed to change the date of the July meeting from July 3 to July 10. A correction was made to the December date.

President Jeff Elsing reported that the 2023 Independence Day Fireworks will be held on July 3, 2023. The fireworks company will not set off fireworks on July 4th.

QUESTIONS OR COMMENTS FROM THE FLOOR

There being no further business presented, the meeting was adjourned at 8:11 pm.

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

Victoria S. Trost
Secretary