



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

***COUNCIL CHAMBER  
March 13, 2017***

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

ALSO: Victoria S. Trost, Glenn A. Coffin, Reid Heinrichs, Derek Zecher, Mayor Ken Schauder, Solicitor R. Rex Herder. Councilmembers Ric Asplundh and Aurelle Genzlinger were excused.

**MINUTES**

*On a motion by Glenn Gurney, seconded by Jeffrey Elsing, Council voted unanimous approval of the February minutes.*

**TREASURER'S REPORT**

Treasurer Vikki Trost reported General Fund Revenue for February was \$100,836.61. General Fund Expenses were \$75,335.39. Net Income was \$25,501.22.

Sewer Fund Revenue for February was \$116,326.60. Sewer Fund Expenses were \$79,286.12. Net Income was \$37,040.48.

Today PLGIT paid .45%. PLGIT I-Class paid .62%.

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

\$	7,912.71	in Local Services Tax receipts
\$	41,894.06	in Earned Income Tax receipts
\$	145.29	in Interest Income
\$	242.00	in Building Permit receipts
\$	75.00	in Zoning Permit receipts
\$	2,460.50	in Fines
\$	3,397.06	in Verizon Franchise Fee receipts
\$	30.00	in Police Report receipts
\$	43,456.00	in Masons Mill Business Park Contribution
\$	1,224.00	in Insurance Refund of Premium

Included in the Sewer Fund Cash Receipts were:

\$	39,156.00	in Category 2 receipts
\$	63,299.00	in Category 3 receipts
\$	5,833.00	in Category 4 receipts
\$	5,038.60	in Masons Mill Pass-Thru receipts

**TAX COLLECTOR - None**

**BILLS**

Vikki Trost presented the bills for payment noting that 10% retainage has been held from Kappe Associates for the Dissolved Oxygen Control System and Positive Displacement Blowers purchased for the Sewage Treatment Plant improvements. Mrs. Trost also billed the driver of the vehicle that caused damage to the Buck Road culvert railing.

*On a motion by Duane Hyatt, seconded by Mark Pennink, 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**

Zoning Ordinance Committee Discussion

President Jeff Elsing thanked the committee members for their diligent efforts in updating the 1982 Zoning Ordinance. Committee members are Mark Arrimour, Bill Buick, Drew Nehlig, Russ Cooper, Charlie Pluguez, Vikki Trost and Solicitor Rex Herder. Mr. Elsing reported that he has attended two committee meetings of twenty held, noting that members of Council are invited to all meetings. In December, the Zoning Ordinance Committee submitted recommended changes for work completed at the half-way point, which have been reviewed by the Solicitor, for Council input. Mr. Arrimour and Mr. Buick offered to attend tonight to respond to Council questions to the work completed to date. Mr. Elsing requested concise questions from Council to Mr. Arrimour and Mr. Buick.

Mark Arrimour thanked Council for the comments received, noting that Solicitor has attempted to answer the questions via email. Mr. Arrimour noted that the committee is now half-way through the second section of the ordinance and explained the process, stating that the committee will try to solve issues before turning the final ordinance over to Council. Mr. Arrimour reported that some necessary changes have been recommended to the zoning map, and added that the final ordinance will be ready to submit to Council in two to three months. Mr. Arrimour stressed that the committee is making recommendations only and that the final decision on the updates is up to Borough Council. For example, regarding farm animals, the committee recommends not allowing, but Borough Council must make the decision.

Mr. McCurdy asked Mr. Arrimour what the committee struggled with the most. Mr. Arrimour's response: types of dwellings, animals and signs. Bill Buick added that the committee has worked on clarifying language and enforcement.

Mr. McCurdy asked what issues have been resolved. Mr. Arrimour's response: home businesses, the current ordinance is very vague. Rex Herder added that the No-Impact Home Business and Low-Impact Home Business language is defined in the PA Municipalities Planning Code (MPC) which we must follow. These uses must be permitted in all districts with specific restrictions. Mark Arrimour also responded that In-Law Suite and Bed & Breakfast uses have been resolved.

Mr. McCurdy asked if residents who currently have farm animals will be in violation. Rex Herder responded that they would be Non-Conforming when the zoning is changed. The current animals can stay but cannot be replaced when they die. Former Councilman David Roscoe was quoted "If people were considerate, we wouldn't have these problems".

Mr. Gurney asked what the process is moving forward. Mr. Arrimour responded that the committee will finish review of the second half of the ordinance. The proposed ordinance would then be sent to the Bryn Athyn Planning Commission and the Montgomery County Planning Commission for review; they have 45 days to complete

their review. Then the proposed ordinance would be discussed by Borough Council at one or more public hearings, after which Council will vote on adoption of any part or the entire ordinance.

Mr. Gurney asked about enforcement. Rex Herder noted that the MPC specifies the process for enforcement. The Zoning Officer will write a letter to the owner. If the owner does not comply with the ordinance, the Zoning Officer files a civil complaint with Judge Friedenbergh who can impose a fine of up to \$1,000 per day.

Mr. Gurney questioned the restrictions for deliveries for No and Low-Impact Businesses. Mr. Herder stated that no deliveries are permitted for no-impact, and he will verify the rules for Low-Impact Home Business deliveries.

Mr. Hyatt stated that the fewer rules the better. He is leery about setting to many rules. Mr. Hyatt noted that the animal issue is important to some residents more than others, as there is a current "farm to table" movement in the Borough.

Mr. Hyatt expressed concerns about the removal of religious, educational and philanthropic use as this Borough was founded as a religious community. Mr. Herder responded that these uses do not belong in a zoning ordinance. Philanthropic use can be anything philanthropic. Educational uses: schools, office and libraries can be defined with size and parking spaces. A religious use can be anything. A church, rectory, convent related to religion is a specific use. Philanthropic is too vague. Mr. Herder added that no one is opposed to specific identified uses in neighborhoods. Mr. Arrimour added that the current ordinance is so vague that anyone can do anything they want. Mr. Hyatt would like to see something to allow religious and educational uses in a structure such as a home for special needs persons. Mr. Herder stated that a "group home" is not philanthropic. Mayor Schauder suggested that a variance could be obtained for something not allowed and stated that he prefers more restrictions. Mr. Herder responded that an unnecessary hardship must be proven for a variance to be granted, adding that if someone objects to the variance, the Zoning Hearing Board has its hands tied. Mr. Herder added that a special exception must be granted if the criteria are met.

Mr. Elsing and Mr. Hyatt agreed that enforcement is critical. Mr. Gurney supports clarifying issues.

Rex Herder explained that the ordinance is exempted from PA Right to Know Laws, but that the proposed ordinance can be posted on the Borough website for residents to review.

#### **MAYOR'S REPORT - None**

**POLICE CHIEF’S REPORT**

President Jeffrey Elsing read the report in the absence of Chief Coffin:

Citations Issued	Traffic 72, Non Traffic 1	73
Alarms		14
Assist to Bryn Athyn Fire/Ambulance		4
Assist other Police Agencies		26
Assist Citizens		4
Complaints concerning Animals		3
Reports of Suspicious Circumstances		16
Special Traffic Details		24
Miscellaneous Complaints		102
Vehicles checked for Ownership or warned for Motor Violations		65
Vehicle Accidents		6

On February 5<sup>th</sup> at 1:52AM, police charged a 28 year old Warminster woman with DUI and possession of controlled substances after she was observed operating erratically in the 3000 block of Huntingdon Pike.

On February 6<sup>th</sup> at 1:52AM, police charged the same woman with possession of a small quantity of marijuana after she was stopped for driving with a Suspended Driver’s license in the 1800 block of Byberry Road.

On February 6<sup>th</sup> at 11:21PM, police responded to Brock Hall, Bryn Athyn College, for a report of an alcohol overdose of a 19 year old resident. Underage Drinking charges will be filed.

On February 7<sup>th</sup> police received a report of a missing person from the 3100 block of Buck Road. Assisted by OnStar, the individual was located in a vehicle in Philadelphia and picked up by family members.

On February 11<sup>th</sup> police responded to the 2900 block of Ashley Road for a child custody dispute.

On February 18<sup>th</sup> at 4:46PM, police received a report of juveniles climbing the rock face cliff just north of the Post Office. Four juveniles were warned for trespassing and sent on their way.

**FIRE CHIEF’S REPORT**

Chief Derek Zecher reported 19 Fire Calls in February, 3 in Bryn Athyn; and 91 EMS Calls in February, 5 in Bryn Athyn; and 54 Transports during February.

No major fires were reported. Bryn Athyn assisted Lower Moreland with a gas leak and a vehicle fire. BAFC was on stand-by for a barricaded subject in Lower Moreland and an accident at the same time on Buck Road.

Mayor Schauder reported that an agreement between Bryn Athyn Fire Company and Bryn Athyn Borough has been distributed to members of Council for review for the DUI Blood Draws. The DUI suspect will be taken to Lower Moreland Police Department where they have a special room for blood draws. There is no cost to the Borough for this procedure and Mr. Schauder noted that it is safer for the police officers to not go to the hospital for the blood draw. Solicitor Herder confirmed that there is no liability to the Borough. Mr. Schauder hopes that Council will discuss and approve at the next meeting.

## **EMERGENCY MANAGEMENT REPORT**

Deputy Emergency Management Coordinator Ken Schauder reported that a Declaration of Disaster Emergency has been executed for the impending storm/blizzard tonight and tomorrow. Fire Company, EMS and Snow Crews are set for the storm.

## **SOLICITOR'S REPORT - None**

## **BOROUGH MANAGER'S REPORT**

### Trash and Recycling

Vikki Trost reported that the current trash and recycling contract expires at the end of 2017. She will contact Lower Moreland Township to participate in the next contract.

### Liquid Fuels Audit

An audit was completed for PA State Highway Aid for 2016. There was one finding due to a late report.

### Zoning Ordinance Review Committee

The Committee will next meet on Wednesday, March 15 at 4pm, weather permitting.

## **PUBLIC SAFETY COMMITTEE**

Chairman Jeffrey Elsing reported that the Committee discussed the parking problems at Masons Mill Business Park created by the Pennypack Trail. The Committee will address with the County.

### **PUBLIC WORKS COMMITTEE**

Chairman Mark Pennink reported that Lower Moreland has asked the Borough to submit paving projects for the spring.

### **FINANCE COMMITTEE**

Chairman Duane Hyatt reported that the Committee is still waiting for final numbers for the Sewage Treatment Plant improvements from Environmental Engineering and Management Associates (EEMA).

Mr. Hyatt led a discussion on the disposition of the 2001 Ford Dump Truck. Lach Brown had petitioned to keep the truck as backup for the new plow truck. Mark Pennink added that keeping the truck would be advantageous to the plow crew and it costs virtually nothing to keep the truck. The Nick Tinari Company was our backup, however they have gone out of business. Mr. Pennink also noted that the old truck is used by the Sewer Department for hauling sugar needed for the plant. Duane Hyatt stated that the Finance Committee does not want to buy another truck when the 2001 Ford dies and that it would be better to spend money to get the pickup truck outfitted to be the second truck for snow plowing.

Mr. Hyatt stated that Council adopted Ordinance #679 in July 2016 approving Collection Procedures, reviewed the Debt Collection process and the Portnoff Associates agreement, and asked for a motion to approve the agreement.

*On a motion by Duane Hyatt, seconded by Jeffrey Elsing, Council voted unanimously in favor to authorize the President to execute the agreement with Portnoff Associates for Sewer Debt Collections.*

### **LAND USE AND NATURAL RESOURCES/ SHADE TREE COMMITTEE - None**

**PUBLIC RELATIONS COMMITTEE - None**

**ADMINISTRATIVE COMMITTEE**

Chairman Brent McCurdy reported that the proposed 2017 Fee Schedule has been reviewed by members of Council and asked for a motion to approve.

*On a motion by Brent McCurdy, seconded by Jeffrey Elsing, Council voted unanimously in favor to adopt the 2017 Fee Schedule.*

**PLANNING COMMISSION REPORT - None**

**ZONING OFFICER**

Vikki Trost reported no permits were approved in February.

**SEWER ADMINISTRATOR**

Reid Heinrichs reported that no progress has been made on the Sycamore Pump Station odor problem.

Mr. Heinrichs reported that the data required for the Chapter 94 report has been submitted to the engineers.

Mr. Heinrichs noted that the new Sodium Bicarbonate Feeder has been in service for one month and is already reducing the sodium bicarb used by one-half.

New signs will be posted at the plant.

Mr. Heinrichs stated that it is important to make progress with improvements before the warm weather arrives.

**BOROUGH ENGINEER - None**

**OLD BUSINESS - None**

**NEW BUSINESS - None**

**QUESTIONS OR COMMENTS FROM THE FLOOR - None**

There being no further business presented, the meeting was adjourned at 8:07pm.

Council's next regular meeting will be held on Monday, April 3, 2017 at 7:00pm in the Borough Hall.

Victoria S. Trost  
Secretary