



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

***COUNCIL CHAMBER***  
**December 5, 2022**

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  
Duane D. Hyatt

Brent McCurdy  
Mark Pennink  
Aurelle Genzlinger

ALSO: Victoria S. Trost, Derek Zecher, Mayor Ken Schauder, Solicitor R. Rex Herder.

**PRESENTATION – VALLEY FORGE TOURISM & CONVENTION BOARD**

Mr. Elsing introduced Rachael Riley representing the Valley Forge Tourism & Convention Board who explained that the organization is a private non-profit whose purpose is to promote Montgomery County, PA. The VFTCB is funded entirely from the County hotel tax (4%) as well as membership fees. The VFTCB actively promotes the Bryn Athyn Historic District. Ms. Riley will email a power point presentation for Council viewing since there was no projector available in Borough Hall.

**MINUTES**

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

**TREASURER’S REPORT**

Treasurer Vikki Trost reported General Fund Revenue for November was \$48,587.82. General Fund Expenses were \$141,648.77. Net Income was -\$93,060.95.

Sewer Fund Revenue for November was \$98,518.51. Sewer Fund Expenses were 24,847.65. Net Income was \$73,670.86.

Today PLGIT Class paid 3.58%. PLGIT PRIME paid 4.02%.

Included in the General Fund cash receipts were:

- \$ 7,469.60 in Real Estate Tax receipts
- \$ 25,051.19 in Earned Income Tax receipts
- \$ 8,499.24 in Local Services Tax receipts
- \$ 1,600.85 in Comcast Cable Franchise Fee receipts
- \$ 2,428.02 in Verizon FIOS Franchise Fee receipts
- \$ 1612.10 in Fines
- \$ 1,218.32 in Interest Income
- \$ 175.00 in Zoning Permit receipts
- \$ 45.00 in Police Report receipts
- \$ 100.00 in Grading Permits receipts
- \$ 335.50 in Building Permit receipts
- \$ 35.00 in Fireworks Contributions

Included in the Sewer Fund Cash receipts were:

- \$ 41,201.75 in Category 2 Sewer receipts
- \$ 43,075.00 in Category 3 Sewer receipts
- \$ 9,088.00 in Category 4 Sewer receipts
- \$ 4,995.76 in Masons Mill Pass-Through receipts
- \$ 158.00 in Lower Moreland Usage Fees

**TAX COLLECTOR**

Tax Collector, Bradley Cranch reported \$17,917.70 in Real Estate Taxes collected in November; \$24,350.22 remains uncollected.

**BILLS**

**GENERAL FUND BILLS**

Aqua PA	\$20.77
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Asure Payroll	443.40
Bryn Athyn Fire Company	618.16
Building Inspection Underwriters, Inc.	232.00
Chuck's Service Center, Inc.	1,346.93
Davidheiser's Inc.	95.95
DeLage Landen	424.00
HA Thomson Company	299.00
Independence Blue Cross	6,840.29
Lower Moreland Township	28,343.99
McDonald Uniform Company	291.96
Motorola Solutions, Inc.	24,483.77
Petty Cash – Steve Gray	134.84
Petty Cash – Victoria Trost	229.35
Pioneer Auto Body & Repair	376.52
PSAB	130.00
Standard Insurance Company	1,875.55
Staples	70.24
TGI Office Automation	98.33
The Harrison Group Inc.	150.00
The Vanguard Group	971.96
Verizon Wireless	242.22
Victoria Trost	610.30
Wright Express	1,162.30
<b>TOTAL</b>	<b><u>\$69,491.83</u></b>

**SEWER FUND BILLS**

Asure Payroll	\$167.80
Clayton Walsh	200.00
EEMA	325.00
FlowTech, LLC	575.00
Home Depot	137.21
Independence Blue Cross	658.51
John Meenan Transmission Service Inc.	3,695.09
MJ Reider Associates, Inc.	503.90
Mac Medical Gases, Inc.	3.50
McGovern Environmental LLC	245.25
Peco Energy	411.33
Petty Cash – Reid Heinrichs	192.97
SCP Distributors LLC	1,990.10
The Harrison Group	30.00
USA Blue Book	237.91
Verizon	81.92
Verizon Internet	79.00
Verizon Wireless	42.16
Wright Express	122.91
<b>TOTAL</b>	<b><u>\$9,699.56</u></b>

**BMO MasterCard**

**General Fund**

Adobe AcroPro	\$14.99
Google Workspace	57.39
Uniform Construction Code	22.50
TST Lees Hoagie House	106.18
Amazon.com	20.87
<b>TOTAL</b>	<b><u>\$221.93</u></b>

Sewer Fund	
Google Workspace	\$3.03
PTC EZ Pass	105.00
Amazon.com	138.89
AutoZone	3.70
Chad’s Smart Tire	106.00
Fizzano Bros Concrete Products	113.30
<b>TOTAL</b>	<b><u>\$469.92</u></b>

*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 #2022-03 Adopting Act 57 of 2022

President Elsing reported that Borough Council is mandated to adopt Act 57 of 2022 by January 7, 2023. Solicitor Rex Herder explained that the PA Legislature adopted Act 57 of 2022 to waive penalties and interest on property taxes in the event that a property owner who purchases a property and did not receive a tax bill within twelve (12) months.

*On a motion by Aurelle Genzlinger, seconded by Ric Asplundh, Council voted unanimously in favor to adopt Resolution No. 2022-03 adopting Act 57 of 2022.*

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

**RESOLUTION 2022-03**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF BRYN ATHYN TO COMPLY WITH ACT 57 OF 2022, BY REQUIRING THE TAX COLLECTOR, FOR TAX YEARS BEGINNING ON OR AFTER JANUARY 1, 2023, TO WAIVE, IN CERTAIN QUALIFYING SITUATIONS, ADDITIONAL CHARGES FOR REAL ESTATE TAXES WHERE THE TAX NOTICE WAS NOT RECEIVED BY THE TAXPAYER**

The Council of the Borough does hereby **RESOLVE** as follows:

**WHEREAS**, current law does not relieve a taxpayer who fails to receive a real estate tax notice from responsibility for paying the tax, and any additional charges including interest, fees, penalties or charges accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice; and

**WHEREAS**, Act 57 of 2022, which took effect on October 10, 2022, relieves such taxpayers from paying the aforementioned additional charges in certain qualifying situations; and

**WHEREAS**, Act 57 of 2022 requires all municipalities that levy a real estate tax to adopt a resolution or ordinance directing their tax collectors to implement the act's provisions for the tax years beginning on or after January 1, 2023.

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

1. Where a taxpayer fails to receive a real estate tax notice, the tax collector shall waive additional charges for real estate taxes if the taxpayer does all of the following:
  - a. Provides a waiver request of additional charges to the tax collector in possession of the claim within twelve months of a qualifying event on a form prescribed by the Pennsylvania Department of Community and Economic Development, available from the Tax Collector or the Borough Manager. The waiver request shall be made on a form available from the tax collector or from the Borough manager, said form to be as set forth in Exhibit "A" to this Resolution.
  - b. Attests that a notice was not received.
  - c. Provides the tax collector in possession of the claim with one of the following:
    - i. A copy of the deed showing the date of real property transfer; or
    - ii. a copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences.
  - d. Pays the face value amount of the tax notice for the real estate tax with the waiver request.
2. A taxpayer granted a waiver and paying real estate tax as provided in this Resolution shall not be subject to an action at law or in equity for an additional charge, and any

*claim existing or lien filed for an additional charge shall be deemed satisfied.*

*3. A tax collector that accepts a waiver and payment in good faith in accordance with this subsection shall not be personally liable for any amount due or arising from the real estate tax that is the subject in the waiver.*

*4. As used in this Resolution, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:*

*The term "additional charge" shall mean any interest, fee, penalty or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.*

*The term "qualifying event" shall mean:*

*(i) For purposes of real property, the date of transfer of ownership.*

*(ii) For purposes of manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a mobile or manufactured home on a parcel of land not owned by the owner of the mobile or manufactured home. The term does not include the renewal of a lease for the same location.*

*The term "tax collector" shall mean a tax collector as defined in section 2 of the Local Tax Claims Law (72 P.S. § 5511.2), a delinquent tax collector as provided in section 26.1 of the Local Tax Collection Law (72 P.S. § 5511.26a), the tax claim bureau or an alternative collector of taxes as provided in the act of July 7, 1947 (P.L. 1368, No. 542)(72 P.S. § 5860.101 et seq.), known as the "Real Estate Tax Sale Law," an employee, agent or assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or in equity against, the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax.*

*5. If any conflict exists or develops between Act 57 of 2022 and any section, clause or part of this Resolution, the provisions of Act 57 of 2022 shall control.*

*6. This Resolution shall take effect as of January 1, 2023.*

**RESOLVED and ADOPTED** *this fifth day of December 2022.*

**BOROUGH OF BRYN ATHYN**

Bryn Athyn Church Elementary School Update

Metcalf Design presented a revised plan for the new elementary school. Last April, a plan for a 140,000 square foot building was presented. The revised plan reduced the

building to 120,000 square feet and eliminates the basement and geothermal field. An auditorium and function room has been consolidated to one meeting space with a stage similar to the current Heilman Hall. The sports fields have been included in the new plan. The existing elementary school building is 89,000 square feet. It was noted that all spaces in the new building will be larger than spaces in the existing building. Changes have been made to the roof structure for the new building.

Currently, there are 127 parking spaces for the school property; the new school plan proposes 186 parking spaces. Additional ADA parking spaces will be included in the plan. Parking along Tomlinson Road will be continued and is included in the 186 parking spaces. Bryn Athyn Fire Company has reviewed the plans for fire truck access to the building. Proposed completion of the project is June 2025.

**POLICE CHIEF’S REPORT**

Chief Steve Gray reported the following activity for November:

**November 2022**

Alarms	09
Assist Bryn Athyn Fire / Ambulance	12
Assist Other Police Agencies	27
Miscellaneous Activity	60
Public Service Calls / Assist Citizens	06
Special Traffic Details	18
Suspicious Circumstance Investigations	09
Traffic Citations	53
Vehicle Accidents	02
Vehicle Investigations	93

On Thursday November 3<sup>rd</sup> at 9:19pm, Police conducted a vehicle stop at Buck and Byberry Road on a vehicle that was traveling 20 miles over the posted speed limit and also driving into the opposing lane of traffic. Further investigation resulted in the arrest of the driver, a 48-year-old male resident of Philadelphia for suspected DUI. The results of the blood test showed a blood alcohol content of 0.16%. The driver was charged with DUI and speeding.

On Sunday November 6<sup>th</sup> at 1:28pm, police responded to the Bryn Athyn Cathedral to investigate a report of a subject who was observed urinating in the Cathedral parking lot. The police investigation resulted in a 22-year-old male resident of Philadelphia being cited by police for Disorderly Conduct.

On Sunday November 13<sup>th</sup> at 3:38am, police conducted a vehicle stop at Huntingdon Pike and Alnwick Road for speeding and for traveling over the double yellow lines & into the opposite lane of traffic. Further investigation resulted in the arrest of the driver, a 28-year-old resident of Philadelphia for suspected DUI. The blood results are still pending from National Medical Services.

On Tuesday November 22<sup>nd</sup> at 7:35pm, police found a package laying in a driveway in the 3100 block of Masons Mill Road in Bryn Athyn that had an address listed on it in the 3200 block of Masons Mill Road in Upper Moreland Township. The package was still sealed and had not been tampered with. The officer contacted the Upper Moreland resident in the 3200 block of Masons Mill Road to turn the package over to him. Before turning over the package, the officer asked for identification from the resident. For report purposes, the officer entered the resident's name into the computer, which resulted in a hit for a wanted person for larceny in Philadelphia. Upper Moreland Police arrived on location and took the wanted 22-year-old resident from their township into custody.

On Wednesday November 23<sup>rd</sup> at 7:35pm, police stopped a vehicle in the 1800 block of Byberry Road to warn the driver for a headlight being burned out. Further investigation resulted in the driver, a 27-year-old male resident of Philadelphia, being taken into custody for a warrant that had been issued for his arrest. The wanted subject was turned over to the Montgomery Sheriff's Office.

During the month of November, all Bryn Athyn Police Officers attended Active Shooter Training which was conducted by the Eastern Montgomery County SWAT Team. This was a live-fire training using simunitions. The training was held at Temple University Ambler Campus.

## **FIRE CHIEF'S REPORT**

Fire Chief Derek Zecher reported a total of 35 Fire Calls in November, 367 Calls Year-to-Date. Three (3) Fire Calls were in Bryn Athyn, 61 Year-to-Date.

EMS Calls for November: 180 Year-to-Date: 1,774

EMS Calls in Bryn Athyn in November: 14 Year-to-Date: 109

Transports for November: 114 Year-to-Date: 1,068

Transports in Bryn Athyn in November: 11

Chief Zecher reported that BAFC responded to a mower fire at Philmont Country Club in Lower Moreland; a motorcycle fire in October; and various training activities including a live burn, water rescue, man in machine, power equipment, airway management and live vehicle rescue. Eighteen career staff (9) and volunteers (9) turned out for the live burn. Six new volunteers, two EMS and four Fire, signed up. BAFC Ambulance is attracting good people for EMS; salaries have been increased and benefits are improved.

Blazemark Software continues to be uploaded with buildings and spaces in the Borough. This information is shared with other fire companies who may assist BAFC.

The Fire Company has been working with the Bryn Athyn Elementary School Committee with plans for the new school. Santa is coming to Bryn Athyn on December 19 at 6:00pm. BAFC participated in Fire Prevention Week during October.

Chief Zecher announced that he will step down as Chief in January after serving for the past ten years. The Annual Meeting will be held on January 23 where a new chief will be elected. Chief Zecher was thanked by all for his service to the Borough.

## **EMERGENCY MANAGEMENT REPORT**

Emergency Management Coordinator Ken Schauder reported that he has been notified by Montgomery County that the Bryn Athyn Emergency Management Plan is three years out of date. Mr. Schauder will work on updating the plan.

## **MAYOR'S REPORT**

Mayor Ken Schauder reported that he performed his first wedding as Mayor last month and he continues to guide Bryn Athyn Boy Scouts.

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

## **BOROUGH MANAGER'S REPORT**

### 2022 Operations List

Manager Vikki Trost reported that letters have been sent to Drew Nehlig and Brian Horigan regarding their expiring terms on the Zoning Hearing Board and Planning Commission.

### Safety Committee

The Borough has been granted a renewal of the workplace safety committee certification for 2023 which provides a 5% discount on the Borough Worker's Compensation Insurance Premium. Thank you to Robert Genzlinger, Chair, Stephanie Doman, Vice Chair and committee members Doug Hotchkiss, Bradley Cranch, Lach Brown, Charlie

Pluguez, Steve Gray and Reid Heinrichs for participating in monthly meetings and annual training for the Committee.

#### Year End 2022

Committee Heads - Please submit all approved invoices for payment from the 2022 Budgets by December 21.

### **PUBLIC SAFETY COMMITTEE**

#### Bryn Athyn – Lower Moreland Fire Services

Chairman Jeff Elsing reported that he and Manager Vikki Trost continue to meeting with Lower Moreland Board President and Manager regarding the future of fire services for the Township and the Borough. Mr. Elsing noted that the municipal solicitors are working on an Intermunicipal Agreement for the eventual consolidation of the fire companies and that the municipalities would move forward on the recommendation to hire outside personnel to coordinate both fire companies. A job description has been developed and will be advertised soon. The municipalities' goal is to save money by avoiding duplicate of equipment and services. The new paid Emergency Services Chief will be the first step in the process. The committee will meet again on December 13, 2022 to discuss the employment package and hiring timeline.

#### Police Department

Mr. Elsing reported that the BAPD Contract has been executed and he thanked the committee for their work on the contract.

Chairman Elsing asked Borough Council to ratify the new one-year contract for the Police Chief with the changes agreed to by members of Borough Council.

*On a motion by Ric Asplundh, seconded by Aurelle Genzlinger, Council voted unanimously in favor to ratify the employment contract between the Borough of Bryn Athyn and Chief of Police Gray which was previously circulated to members of Borough Council.*

### **PUBLIC WORKS COMMITTEE**

#### Tomlinson Road Sidewalks

Chairman Mark Pennink reported that Public Works would like to construct sidewalks between two blocks along Tomlinson Road with curbs and concrete. Mr. Pennink will ask Council for a motion to advertise bids for sidewalks in January.

#### Winter 2022-2023

Mr. Pennink announced that the snow crews are ready for winter season snow.

Municipal Building Stormwater Improvements

The contract for the stormwater improvements for the municipal building has been awarded. Vikki Trost confirmed that we are waiting for the contractor to submit bonds and certificates of insurance before the contract is signed.

Alden Road Improvements

The Alden Road bid advertisement was authorized last month and will be scheduled for bid opening in January.

**FINANCE COMMITTEE**2023 Budget Approval

Chairman Duane Hyatt reported that the 2023 Budgets must be approved by Borough Council.

Debt Service Budget

The 2023 proposed Debt Service Budget is \$17,919. The General Obligation Bonds of 2010 were paid in full last month. The 2023 budget includes principal and interest for the GO Note of 2015 for the fire truck loan. Five years remains on the loan.

*On a motion by Brent McCurdy, seconded by Jeffrey Elsing, Council voted unanimously in favor to adopt the 2023 Debt Service Budget in the amount of \$17,919.*

Sewer Fund Budget

The 2023 Sewer Fund Budget is balanced in the amount of \$417,020, representing a \$16,000 increase from this year's budget. Mr. Gurney reported that the Sewer Committee agreed to amend the formula to calculate the usage rates. Rather than wait until January for the AquaPA rates for the 4<sup>th</sup> quarter, the previous year 4<sup>th</sup> quarter meter readings will be used to calculate the rates. For 2023, the 4<sup>th</sup> quarter 2021, 1<sup>st</sup> quarter 2022, 2<sup>nd</sup> quarter 2022 and 3<sup>rd</sup> quarter 2022 water meter readings would be used to calculate the usage rates.

*On a motion by Ric Asplundh, seconded by Aurelle Genzlinger, Council voted unanimously in favor to adopt the 2023 Sewer Fund Budget in the amount of \$417,020.*

General Fund Budget

Mr. Hyatt highlighted the changes in the proposed 2023 Budget:

- The 2023 estimated Assessed Valuation increased by 0.36% over 2022
- Salary increased 6% in 2022 per the BAPD Contract
- Municipal Building stucco repairs will cost \$36,000
- Health Insurance increased 6%
- Police Department budget increased 7.12%

- Part-time Police Officers budget increased 13%
- Fire Department decreased by 1.37%
- Public Works increased 11.64% due to capital outlay costs

Chairman Hyatt reminded Council that the millage rate has not increase for three years and that costs of services does not stay flat. Mr. McCurdy expressed a philosophical problem with raising taxes. Mr. Hyatt noted that the Borough often has a revenue surplus due to very conservative budgeting.

*On a motion by Ric Asplundh, seconded by Aurelle Genzlinger, Council voted unanimously in favor to adopt the 2023 General Fund Budget in the amount of \$1,666,309.*

*On a motion by Aurelle Genzlinger, seconded by Brent McCurdy, Council voted unanimously in favor to authorize the Borough Secretary to advertise an ordinance setting the 2023 Real Estate Tax, Earned Income Tax and Local Services Tax rates for consideration and adoption at the January 9, 2023 meeting of Borough Council.*

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

**PUBLIC RELATIONS COMMITTEE - None**

**ADMINISTRATIVE COMMITTEE - None**

#### **PLANNING COMMISSION REPORT**

President Jeff Elsing reported that the Bryn Athyn Planning Commission reviewed and recommended approval of an application from the Academy of the New Church to permit the temporary use of six (6) portable lighting standards at the Glenn Field during the months of January through March 2023.

*On a motion by Jeffrey Elsing, seconded by Duane Hyatt, Council voted unanimously in favor to approve the application by the Academy of the New Church to utilize six (6) temporary light standards on Glenn Field from January to April 2023.*

**ZONING OFFICER**

Vikki Trost reported that three (3) Zoning Permit applications approved in November. Four (4) Building Permits were issued. Two (2) Grading Permits were issued.

**SEWER ADMINISTRATOR**

Reid Heinrichs reported that he would submit the 2023 sewer rates by tomorrow. Solicitor Herder will review the sewer rates ordinance to confirm that the new formula can be utilized.

**BOROUGH ENGINEER - None**

**OLD BUSINESS - None**

**NEW BUSINESS - None**

**QUESTIONS OR COMMENTS FROM THE FLOOR**

There is no update on the Fetters Mill Bridge rehabilitation project.

There being no further business presented, the meeting was adjourned at 8:41 pm.

Council's next regular meeting will be held on Monday, January 9, 2023 at 7:00pm in the Borough Hall.

Victoria S. Trost  
Secretary