



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

***COUNCIL CHAMBER***  
**September 14, 2020**

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

**MEMBERS OF COUNCIL**

Glenn Gurney  
Ric Asplundh  
Jeffrey Elsing  
Duane D. Hyatt

Brent McCurdy  
Mark Pennink  
Aurelle Genzlinger

ALSO: Victoria S. Trost, Bradley E. Cranch, Stephen Gray, Derek Zecher, Mayor Ken Schauder, Solicitor R. Rex Herder, Russell Cooper, Gerald Bostock.

**MOMENT OF SILENCE**

President Jeff Elsing called for a moment of silence to honor Mayor Hyland R. Johns who passed away on August 11, 2020 at the age of 95.

**MEETING RECORDING**

President Elsing announced that the meeting held via Zoom Conferencing was being recorded tonight.

**MINUTES**

*On a motion by Glenn Gurney, seconded by Mark Pennink, Council voted unanimous approval of the August minutes.*

**TREASURER’S REPORT**

Treasurer Vikki Trost reported General Fund Revenue for August was \$46,801.71. General Fund Expenses were \$220,064.22. Net Income was -\$173,262.51.

Sewer Fund Revenue for August was \$180.88. Sewer Fund Expenses were \$29,209.17. Net Income was -\$29,028.29.

Today PLGIT-Class paid .01%. PLGIT Reserve-Class paid .08%. PLGIT Prime paid .23%

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

\$	37,232.26	Earned Income Tax
\$	8,717.55	Local Services Tax
\$	57.29	Fines
\$	775.50	Building Permits
\$		

Included in the Sewer Fund Cash Receipts were:

\$	155.88	Interest Income
\$	25.00	Sewer Certification Fee

**TAX COLLECTOR**

Tax Collector, Bradley Cranch reported \$4,898.55 in Real Estate Taxes collected in August; \$47,370.64 remains uncollected.

**BILLS**

GENERAL FUND BILLS

Academy of the New Church	\$227.85
Aqua PA	17.25
Bryn Athyn Fire Company	221.26
Building Inspection Underwriters Inc.	1,825.60
Courier Times Inc.	1,513.41
Cranch Landscaping LLC	195.00
Davidheiser’s Inc.	36.00
DeLage Landen	389.66

Dejana Truck & Utility Equipment LLC	698.13
Dischell Bartle Dooley	682.50
Eastburn & Gray PC	4,732.50
Field Services LLC	1,071.25
HA Thomson Company	233.00
Havis, Inc.	275.94
Home Depot	19.58
Kaler Motor Company	4,250.00
Keystone Health Plan East	10,476.96
Kimberly A Bursner	283.00
Lowe's	52.24
Mike's Lock Shop	202.00
NAPA Auto Parts	39.48
Peco Energy	982.25
Peco Energy	96.76
Petty Cash RX	438.98
Petty Cash – Steve Gray	149.72
Quick Lot, LLC	12,500.00
RJ Mather Contracting Inc.	200.00
SafetyFile, LLC	3,519.00
Schauder Incorporated	1,230.00
Standard Insurance Company	1,239.31
TW Reiss Inc.	323.14
TGI Office Automation	42.17
The Vanguard Group	870.77
Todd's Pest Control Service Inc.	250.00
Trugreen	913.42
US Municipal Supply Inc.	117.23
USA Payroll Service	189.60
Verizon Wireless	348.68
Viacairn	161.70
Victoria Trost	50.00
Wawa – Wright Express	612.33
Witmer Public Safety Group Inc.	43.90
Woodrow & Associates	<u>333.50</u>
Total	\$52,055.10

SEWER FUND BILLS

Academy of the New Church	\$94.04
Bill's Copier Service	1,420.00
Bryn Athyn Fire Company	35.73
Home Depot	676.48
Kenneth J Schauder Inc.	675.00
Keystone Health Plan East	2,933.43
MJ Reider Associates Inc.	753.00
Mac Medical Gases Inc.	3.50

McGovern Environmental LLC	495.00
Moses B Glick LLC	150.00
Scott’s Emergency Lighting & Power	573.42
UMHJSA	2,731.48
USA Blue Book	48.57
USA Payroll	127.72
Verizon	40.42
Verizon	38.29
Verizon Wireless	127.81
Wawa – Wright Express	<u>337.72</u>
Total	\$11,261.61

July 2020 BMO MasterCard Bills

General Fund

Adobe Software Subscription	\$14.99
Amazon.com	2,819.54
DMI Dell Business Online	634.96
Sam’s Club	207.16
PTC EZ Pass	5.00
Microsoft Store	<u>74.19</u>
Total	\$4,123.82

Sewer Fund

Ebay O	\$371.00
Wawa	18.27
Amazon.com	80.53
Paypal Aromaus26	106.00
WireCablego	<u>245.39</u>
Total	\$821.19

August 2020 BMO MasterCard Bills

General Fund

Adobe Software Subscription	\$14.99
Amazon.com	<u>92.93</u>
Total	\$107.92

Sewer Fund

Paypal Linxizocong	\$38.23
Amazon.com	273.28
Ebay	22.26
Giant Food	9.90
Harbor Freight Tools	328.51
Strathman Home Center	16.42
NetIrrigate.com	<u>119.00</u>
Total	\$807.60

*On a motion by Mark Pennink, seconded by Duane Hyatt, 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 #694**

President Jeff Elsing opened the Public Hearing on proposed Ordinance #694. Mr. Herder explained that Ordinance #694 clarifies the responsibility of property owners with on-lot systems who are not connected to the sewer collection system. Mr. Herder noted that there were conflicts in the current sewer ordinances. PA DEP became interested in Borough policy due to a system failure at a Quarry Road property. The Borough Ordinance put the burden of maintenance on the property owner. The proposed Ordinance provides for an administrative fee, and authorizes the Borough to perform maintenance to a system if an owner refuses to do so.

The hearing was open to members of Council for questions or comments. Mr. Gurney stated that it is important to have this issue taken care of.

Hearing no further comments, the Public Hearing was opened to comments from the public. Hearing no comments from the public, the Public Comment period was closed.

The discussion was turned back to the Council table. Hearing no further comments or questions, the Public Hearing was closed and the proposed Ordinance was presented for a vote.

*On a motion by Glenn Gurney, seconded by Brent McCurdy, Council voted unanimously, by show of hands, in favor to adopt Ordinance #694 governing municipal management of on-lot subsurface sewage disposal facilities in the Borough of Bryn Athyn.*

**BOROUGH OF BRYN ATHYN  
MONTGOMERY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 694**

**AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF ON-LOT  
SUBSURFACE SEWAGE DISPOSAL FACILITIES IN THE BOROUGH OF BRYN  
ATHYN, MONTGOMERY COUNTY, PENNSYLVANIA**

*The Council of the Borough of Bryn Athyn, in Montgomery County, Pennsylvania hereby **ENACTS** and **ORDAINS**:*

Section I.      *Short Title; Introduction; Purpose*

- A. *This ordinance shall be known and may be cited as the “Bryn Athyn On-lot Sewage Disposal System Management Program.”*
- B. *In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S. §§ 691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.O. 1535 as amended, 35 P.S. § 750.1 et seq. known as Act 537), it is the power and the duty of the Borough of Bryn Athyn to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for the Borough of Bryn Athyn indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.*
- C. *The purpose of this ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit intervention in situations that may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.*

## Section II.     Definitions

- A. *“Authorized Agent” shall mean a sewage enforcement officer, employee of the Borough, professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specified limits as an agent of the Borough of Bryn Athyn to administer or enforce the provisions of this ordinance.*
- B. *“Borough” shall mean the Borough of Bryn Athyn, Montgomery County, Pennsylvania.*
- C. *“Community Sewage System” shall mean any subsurface system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site. For the purposes of this ordinance, the term shall not include any such system connected to the Borough’s sanitary sewage collection system.*
- D. *“Council” shall mean the Council of the Borough of Bryn Athyn, Montgomery County, Pennsylvania.*
- E. *“Department” shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania (“DEP”).*

- F. *“Individual Sewage System” shall mean a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth. For the purposes of this ordinance, the term shall not include any such system that is connected to the Borough’s sanitary sewage collection system.*
- G. *“Malfunction” shall mean a condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.*
- H. *“Official Sewage Facilities Plan” shall mean a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Council and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.*
- I. *“On-lot Sewage Disposal System” shall mean any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems. As used in this ordinance, this term does not include on-lot sewage disposal systems that are connected to the Borough’s sanitary sewage collection system.*
- J. *“Person” shall mean any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.*
- K. *“Rehabilitation” shall mean work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.*
- L. *“Sewage” shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and*

*any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation which constitutes pollution under the Act of June 22, 1937 (P.L. No. 394) known as "The Clean Streams Law," as amended.*

- M. "Sewage Enforcement Office" ("SEO") shall mean a person certified by DEP who is employed by the Borough. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Borough.*
- N. "Sewage Management District" shall mean any area or areas of the Borough designated in the Official Sewage Facilities Plan adopted by the Council as an area for which a Sewage Management Program is to be implemented.*
- O. "Sewage Management Program" shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Council to effectively enforce and administer this ordinance.*
- P. "Subdivision" shall mean the division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.*
- Q. For the purposes of this ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and regulations promulgated thereunder.*

### Section III.    *Applicability*

*From the effective date of this ordinance, its provisions shall apply to all those properties in the Borough that have on-lot sewage disposal systems; these properties are denominated Class I Properties in the Borough's Official Sewage Facilities Plan and Borough ordinances pertaining to sanitary sewage matters. The provisions of this ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.*

### Section IV.    *Permit Requirements*

- A. *No person shall install, construct, or request bid proposals for construction, or alter an individual system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit from the sewage enforcement officer which permit shall indicate that the site and the plans and specifications of such stem are in compliance with the provisions of the Clean Streams Law (35 P.S. §§ 691.1 – 691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. § 750.1 et seq.) and the regulations adopted pursuant to those Acts.*
- B. *No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by a sewage enforcement officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the sewage enforcement office issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the sewage enforcement officer.*
- C. *Applicants for sewage permits may be required to notify the sewage enforcement officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by a sewage enforcement officer.*
- D. *No building or occupancy permit shall be issued for a new building that will contain sewage generating facilities until a valid sewage permit has been obtained from sewage enforcement officer.*
- E. *No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit of alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Borough receive written notification from a sewage enforcement officer that such a permit will not be required. The sewage enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.*
- F. *Sewage permits may be issued only by a sewage enforcement officer employed by the Borough. DEP shall be notified as to the identity of each sewage enforcement officer employed by the Borough.*

Section V.     *Inspections*

- A. *Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this ordinance.*
- B. *Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.*
- C. *An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section.*
- D. *An initial inspection shall be conducted by an authorized agent within one year of the effective date of this ordinance for the purpose of determine the type and functional status of on-lot sewage disposal system in the Borough. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the Borough records.*
- E. *A schedule of routine inspections may be established to assure the proper functioning of the on-lot sewage disposal systems in the Borough.*
- F. *An authorized agent shall inspect on-lot sewage disposal systems known to be, or alleged to be, malfunctioning. Should said inspection reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be accomplished in accordance with the regulations of DEP including, but not limited to, those outlined in Chapter 73 of Title 25 of the Pennsylvania Code, or is not technically feasible in the opinion of the authorized agent and a representative of DEP, then action by the property owner to mitigate the malfunction shall be required.*
- G. *If there arises a geographic area where numerous on-lot sewage disposal systems are malfunctioning, a resolution of these area wide problems may necessitate detailed planning and a revision to the portion of the Official Sewage Facilities Plan pertaining to the areas affected by such malfunctions. If a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action will be compelled whenever a malfunction, as determined by the Borough officials and/or DEP, represents a serious public health or environmental threat.*

Section VI.    *Operation*

- A. *Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system.*
1. *Industrial waste.*
  2. *Automobile oil or other non-domestic oil.*
  3. *Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.*
  4. *Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.*

Section VII.    *Maintenance*

- A. *Each person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a qualified pumper/hauler within six months of the effective date of this ordinance. Thereafter that person shall have the tank pumped at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank. Receipts from the pumper/hauler shall be submitted to the Borough within the prescribed six month and three-year pumping periods.*
- B. *The required pumping frequency may be increased at the discretion of an authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown. If any person can prove that such person's septic tank had been pumped within three years of the six-month anniversary of the effective date of this ordinance, then that person's initial required pumping may be delayed to conform to the general three-year frequency requirement except where an inspection reveals a need for more frequent pumping frequencies.*
- C. *Any person who owns a property served by a septic tank shall submit, with each required pumping receipt, a written statement from the pumper/hauler or from any other qualified individual acceptable to the Borough, that the baffles in the septic tank haven been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement*

*shall first contact a sewage enforcement officer for approval of the necessary repair.*

- D. Any person owning a building served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Borough within six months of the effective date of this ordinance. Thereafter, service receipts shall be submitted to the Borough at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.*
- E. Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.*
- F. The cost for all maintenance described in this section shall be the responsibility of the property owner, and shall be borne solely by the property owner.*

#### Section VIII. System Rehabilitation

- A. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit for such discharge has been obtained from DEP.*
- B. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging sewage without a permit.*
- C. Within seven (7) days of notification by the Borough that a malfunction has been identified, the property owner shall make application to the sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the Borough, construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the Borough, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Borough shall set an extended completion date.*

- D. A sewage enforcement officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.*
- E. In lieu of, or in combination with, the remedies described in Subsection D above, a sewage enforcement officer may require the installation of water conservation equipment and the institution of water conservation practices in the structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.*
- F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective, the owner the owner may be required to apply for a permit to install an individual spray irrigation treatment system or to DEP for a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within 30 days.*
- G. Should none of the remedies in this Section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Borough may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.*
- H. The cost for all system rehabilitation measures described in this section shall be the responsibility of the property owner, and shall be borne solely by the property owner.*

Section IX.     *Liens*

*The Borough, upon written notice from a sewage enforcement officer that an imminent health hazard exists due to failure of property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this ordinance, shall have the authority to perform, or contract to have performed, the work required by the sewage enforcement officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor in accordance with law.*

Section X.     *Disposal of Sewage*

- A. *All septage originating from properties in the Borough with on-lot sewage disposal systems not connected to the Borough sanitary sewer collection system shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 – 6018.1003) and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.*
- B. *Pumpers/haulers of septage operating within the Borough shall operate in a manner consistent with the provisions of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 – 6018.1003) and all other applicable laws.*

Section XI.     *Administration*

- A. *The Borough shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this ordinance.*
- B. *The Borough shall employ qualified individuals to carry out the provisions of this ordinance. Those employees shall include a sewage enforcement officer and may include an administrator and such other persons as may be necessary. The Borough may also contract with private qualified persons or firms as necessary to carry out the provisions of this ordinance.*
- C. *All permits, records, reports, files and other written materials relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the Borough shall become the property of, and be maintained by, the Borough. Existing and future records shall be available for public inspection during regular business hours at the official office of the Borough. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of DEP.*
- D. *The Borough Council shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.*
- E. *The Borough Council may establish a fee schedule, and authorize the collection of fees, to cover the cost to the Borough of administering this on-lot sewage system management program.*

Section XII.     *Appeals*

- A. *Appeals from final decision of the Borough or any of its authorized agents under this ordinance shall be made to the Borough Council in writing within 30 days from the date of written notification of the decision in question.*
- B. *The appellant shall be entitled to a hearing before Borough Council at its next regularly scheduled meeting, if a written appeal is received at least 14 days prior to that meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The Borough shall thereafter affirm, modify or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Borough. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.*
- C. *A decision shall be rendered in writing within 30 days of the date of the hearing.*

Section XIII. *Penalties*

*Any person failing to comply with any provision of this ordinance shall be subject to a fine of not less than Five Hundred Dollars (\$500.00) and costs, and not more than Five Thousand Dollars (\$5,000.00) and costs, or in default thereof shall be confined in the county jail for a period of not more than 90 days. Each day of noncompliance shall constitute a separate offense.*

Section XIV. *Repealer*

*All ordinances or parts of ordinance inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.*

Section XV. *Severability*

*If any section or clause of this ordinance shall be adjudged to be invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.*

Section XVI. *Effective Date*

*This ordinance shall be effective as of the date of its enactment.*

***ENACTED and ORDAINED this fourteenth day of September, 2020.***

***BOROUGH OF BRYN ATHYN***

**Resolution #2020-03**

President Elsing noted that the proposed resolution will confirm the acceptance of the resignation of Elected Auditor, Steven Huntzinger, and appointment of Elected Auditor, Kirsten Cranch, as well as the appointment of Steven Huntzinger to fill the vacancy on the Zoning Hearing Board left by Mr. William Buick which was approved by Council at the August meeting.

*On a motion by Ric Asplundh, seconded by Duane Hyatt, Council voted unanimously in favor to adopt resolution No. 2020-03 accepting the resignation of Steven Huntzinger from the position of auditor; appointing Kirsten Cranch to fill a vacancy in the office of auditor; and appointing Steven Huntzinger to a vacancy on the Borough of Bryn Athyn Zoning Hearing Board.*

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

**RESOLUTION NO. 2020-03**

**A RESOLUTION OF THE BOROUGH OF BRYN ATHYN ACCEPTING THE RESIGNATION OF STEVEN HUNTZINGER FROM THE POSITION OF AUDITOR; APPOINTING KIRSTEN CRANCH TO FILL A VACANCY IN THE OFFICE OF AUDITOR; AND APPOINTING STEVEN HUNTZINGER TO A VACANCY ON THE BOROUGH OF BRYN ATHYN ZONING HEARING BOARD**

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

- 1. The resignation of Steven Huntzinger from the position of auditor is accepted.*
- 2. Kirsten Cranch is hereby appointed to fill the position of auditor occasioned by the resignation of Steven Huntzinger; this appointment shall expire on December 31, 2023, the last day of Mr. Huntzinger's term as auditor.*
- 3. Steven Huntzinger is hereby appointed to fill the vacancy on the Borough of Bryn Athyn Zoning Hearing Board occasioned by the passing of William Buick; this appointment shall expire on December 31, 2021, the last day of Mr. Buick's term as a member of the Zoning Hearing Board.*

**RESOLVED** *this fourteenth day of September, 2020.*

**BOROUGH OF BRYN ATHYN**

**MAYOR’S REPORT -None**

**POLICE CHIEF’S REPORT**

Chief Stephen Gray reported the following activity for August:

Alarms	09
Animal Complaints	01
Assist Bryn Athyn Fire / Ambulance	07
Assist Other Police Agencies	42
Assist Citizens / Public Service Calls	04
Miscellaneous Complaints	74
Special Traffic Details	00
Suspicious Circumstance Investigations	07
Traffic Citations	38
Vehicle Accidents	02
Vehicle Investigations / Warnings Issued	70

On Wednesday August 5<sup>th</sup> at 9:48am, police conducted a vehicle stop in the area of Huntingdon Pike and Tomlinson Road to investigate counterfeit inspection stickers and faulty brake lights. While speaking with the driver, police detected a strong odor of marijuana coming from inside of the vehicle. Further investigation revealed that the driver had large plastic bags full of marijuana hidden under his clothing. Also found was a scale with marijuana residue and numerous small plastic bags that are used for packaging marijuana for sales. Also, there were several items of drug paraphernalia located inside of the vehicle. The 29-year-old resident of Philadelphia was charged with possession with intent to deliver marijuana, possession of drug paraphernalia, possession of counterfeit inspection stickers and also operating his vehicle with inoperable brake lights.

On Sunday August 9<sup>th</sup> at 1:54am, police arrested a 25-year-old male resident of Bryn Athyn in the area of Fetters Mill Road for Public Drunkenness.

On Friday August 14<sup>th</sup> at 4:34pm, police conducted a vehicle stop at 1800 Byberry Road to investigate counterfeit inspection stickers that were displayed on the vehicle. Further investigation resulted in charges filed against the passengers, both residents of Philadelphia, ages 18 and 22 for drug possession. The driver was cited for the counterfeit inspection stickers.

On Wednesday August 19<sup>th</sup> at 6:03pm, Police assisted Lower Moreland Police in the 3400 block of Hillside Avenue for a report of an 18-year-old male who was chasing family members around the house with a knife. The offender was taken into custody with no reports of any injuries.

On Saturday August 22<sup>nd</sup> at 5:35pm, police responded to the Pennypack Trail for a report of a fight in-progress that involved a 59-year-old resident of Lower Moreland and a 49-year-old resident of Elkins park. Upon arrival, police found that the fight had already ended and both gentlemen had been separated. Both gentlemen initially wished to press charges against each other, however, they decided to come to police headquarters on the following day to talk it out and eventually settled their dispute with a handshake.

On Sunday August 23<sup>rd</sup> at 5:56pm, police responded to the Pennypack Trail to take a report of a stolen bicycle. The bicycle was described as a white Fuji brand women's bicycle that had a plastic bell on the right side of the handle bar.

On Monday August 24<sup>th</sup> at 12:00pm, police responded to the 2900 block of Cherry Lane to investigate a report of a vehicle broken into overnight. Upon arrival, police learned that the vehicle, which had been left unlocked, had been gone through, however, nothing was reported missing from the vehicle.

### **FIRE CHIEF'S REPORT**

Chief Derek Zecher noted a busy month reporting 36 Fire Calls in August, 3 in Bryn Athyn; 142 EMS Calls in August, 9 in Bryn Athyn, 8 Bryn Athyn patients transported.

BA Fire Company assisted Huntingdon Valley Fire Company with a garage fire on Pheasant Road, a water rescue on Philmont Avenue and five vehicles on fire on Tomlinson Road; BAFC assisted Feasterville Fire Company with a fire on Philmont Avenue where the resident is a hoarder.

Chief Zecher reported that two new EMT/Firefighters were hired to start on October 1. An upcoming vacancy was filled and a new position was created to decrease overtime costs.

### **EMERGENCY MANAGEMENT REPORT - None**

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

### **BOROUGH MANAGER'S REPORT**

### 2021 Minimum Municipal Obligation

Manager Vikki Trost reported the 2021 Minimum Municipal Obligation for the Police Pension Fund is \$45,877. This amount may be amended prior to December 31, 2020. Mrs. Trost will schedule a meeting for the Pension Committee and Finance Committee to meet with the actuary, Joe Duda.

### Workers Compensation Audit

A Workers Compensation Audit was completed for the period 8/1/2019-8/1/2020. There were no findings.

### Census 2020

Montgomery County Library has asked if the Borough would host a census event at Borough Hall where residents can come to fill out the US Census on an iPad provided by the County. Council did not express an opinion.

### 2020 Christmas Tableaux

The Cathedral would like to host a drive through Christmas Tableaux this year. They plan to have campfires for the shepherds on the Cathedral hill but would also like to have a campfire on the Borough Park side. They would like permission from the Borough. They plan to remove the grass at the campfire site and replace it after the campfire.

Fire Chief Derek Zecher had no objection to the campfire and Borough Council was not opposed to the use of Borough Park for the event.

### Borough Park

Mr. Hyatt asked about a wedding that occurred in Borough Park last weekend. Vikki Trost explained that a non-Borough resident called the Borough Office a few months ago asking about having a wedding on the Cathedral grounds or in Borough Park. The person was more interested in the Cathedral grounds and never called back, and then there was a wedding ceremony at Borough Park yesterday.

A discussion ensued regarding community events held in the park such as concerts or church activities and the lack of parking for the park, and whether or not to pave an area for Borough Park parking. It was noted that event attendees do park on the Cathedral side and have damaged trees there. There is an area where Borough residents know that they can safely pull off on the Borough Park side.

Mrs. Genzlinger asked if the Borough could require permits for park use in the future. Mr. Herder stated that any permit policy must be enforced equally. It was agreed that the Public Safety Committee would put this issue on their next meeting agenda.

**PUBLIC SAFETY COMMITTEE**

Chairman Jeff Elsing reported that Chief Gray has been monitoring the parking situation along Alden Road. Mr. Hyatt reported that he has noticed more people walking on Alden and Woodland Roads but not any real parking issues. There have been no recent complaints, but Mr. Elsing noted that resident parking permits can be a discussion if parking complaints increase.

Mr. Elsing noted that a question was raised by several members of Council concerning police officer related issues across the country and BAPD police training. Mr. Elsing consulted with Chief Gray, who consulted with other municipalities and the Montgomery County Chiefs of Police Association to assure Council that BAPD officers have received appropriate training. The Chairman reported that all Bryn Athyn officers attend two basic classes which include crisis intervention, where they are put in various scenarios to practice de-escalation steps. Chief Gray and Corporal Hotchkiss both completed their annual training in February, however the other officers have been forced to continue training remotely. Officers receive regular training with firearms and other equipment. COVID has hampered in-person training and the BAPD focus has been on avoiding situations.

**PUBLIC WORKS COMMITTEE**

Chairman Mark Pennink reported that road lines were painted in one-half of the Borough which was budgeted for this year.

Mrs. Genzlinger reported that there was a response from 75% of residents on Alden Road to the survey sent out early this past summer. There was a slight majority of respondents who preferred repairing the road "as is". Another survey will be sent in the near future. The Public Works Committee plans to invited residents to a meeting so that all opinions can be heard. Mr. Pennink added that he will try to set up a meeting with Nick Rose before the October meeting.

**FINANCE COMMITTEE**

Chairman Duane Hyatt reported that the Finance Committee will meet tomorrow to begin working on the 2021 Budget. The members of the Budget Committee are: Duane Hyatt, Jeffrey Elsing, Glenn Gurney and Chris Carter.

**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 August. Four (4) Building Permits were issued. No (0) Grading Permits were issued.

The Stormwater Ordinance violation issued in July to the property owners at 2635 South Avenue has been resolved.

**SEWER ADMINISTRATOR**

Chairman Glenn Gurney reported that the trenching for the conduit has been completed and Reid Heinrichs is waiting for Verizon to install the fiber optic line. The reed bed emptying has been postponed until the reeds go dormant in late fall, early winter. The sewage treatment plan is running smoothly. Quotes are being solicited for a new generator for auto start-up at the plant where there have been problems in the past.

**BOROUGH ENGINEER - None**

**OLD BUSINESS - None**

**NEW BUSINESS**

Mayor Schauder reported that he was informed that there are names missing from the Borough War Memorial in Borough Park. He will look into the history of the war memorial and will reported back to Borough Council. The group that brought this matter to his attention stated that they are not looking for funds from the Borough.

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

There being no further business presented, the meeting was adjourned at 7:57pm.

Council's next regular meeting will be held on Monday, October 5, 2020 at 7:00pm in the Borough Hall.

Victoria S. Trost  
Secretary