



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

COUNCIL CHAMBER
December 3, 2019

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
Aurette Genzlinger

ALSO: Victoria S. Trost, Bradley E. Cranch, Stephen Gray, R. Scott Cooper, Mayor Ken Schauder, Solicitor R. Rex Herder, Nick Rose, Russell Cooper, Gerald Bostock, Bill Buick.

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 \$62,667.65. General Fund Expenses were \$202,568.67. Net Income was -\$139,901.02.

Sewer Fund Revenue for November was \$85,447.89. Sewer Fund Expenses were \$26,321.19. Net Income was \$59,126.70.

Today PLGIT paid 1.98%. PLGIT I-Class paid 2.17%.

Included in the General Fund cash receipts were:

\$	11,895.05	in Real Estate Tax receipts
\$	32,919.18	in Earned Income Tax receipts
\$	8,275.12	in Local Services Tax receipts
\$	1,857.55	in Comcast Franchise Fee receipts
\$	3,041.52	in Verizon Franchise Fee receipts
\$	385.00	in Building Permit receipts
\$	1,105.23	in Fines
\$	120.00	in Police Report receipts
\$	50.00	in Grading Permit receipts
\$	3,000.00	in Contributions to Police Department
\$	5.00	in Fireworks Donations

Included in the Sewer Fund Cash Receipts were:

\$	5,728.10	in Masons Mill Pass-through receipts
\$	27,372.00	in Category 2 Usage receipts
\$	44,952.00	in Category 3 Usage receipts
\$	9,333.00	in Category 4 Usage receipts

TAX COLLECTOR

Tax Collector, Bradley Cranch reported \$12,874.28 in Real Estate Taxes collected in November; \$16,627.21 remains uncollected. Final notices were sent to five property owners.

BILLS

On a motion by Duane Hyatt, seconded by Brent McCurdy, 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 - None

MAYOR’S REPORT - None

POLICE CHIEF'S REPORT

November 2018

Citations Issued: Traffic: 94 Non-Traffic: 00	94
Alarms	18
Animal complaints	02
Assist Bryn Athyn Fire / Ambulance	10
Assist other Police Agencies	28
Assist Citizens / Public Service calls	11
Miscellaneous Complaints	80
Special Traffic Details	21
Suspicious Circumstance Investigations	13
Vehicle Accidents	08
Vehicle Investigations / Warnings Issued	159

On Saturday, November 3rd at 8:46am, police arrested a 58 year old male resident of Reading for DUI.

On Monday, November 5th at 8:41am, police arrested a 29-year-old male resident of Philadelphia for providing a fictitious driver's license during a traffic stop. The subject was arraigned in front of Judge Friedenbergl who set the bail at \$5,000.00

On Wednesday, November 7th at 4:03pm, police arrested a 31-year-old male resident of Philadelphia on a DUI Warrant while investigating the subject during a traffic stop.

On Saturday, November 10th at 12:25am, police arrested a 27-year-old male Philadelphia resident for DUI.

On Saturday, November 10th at 11:14am, police conducted a vehicle stop which resulted in the arrest of a 31-year-old male resident of Philadelphia for possession of drug paraphernalia.

On Monday, November 19th, Public Works Dept. installed new signs which will prohibit vehicles from traveling on Ashley Road (unless the vehicles are owned by residents of Ashley Road that have to travel to and from their homes) during the school zone times, which will be Monday through Friday 7:30am to 8:30am, 12:00pm to 1:00pm and 2:30pm to 3:30pm.

Police conducted traffic details on Ashley Road during the school zone times from November 19th to November 30th to educate drivers about the new signs in place. All drivers were very cooperative and understanding of why the signs need to be in place. The Police are not officially stopping vehicles until an ordinance is adopted in January.

FIRE CHIEF’S REPORT

There were 34 Fire Calls reported in November, 27 in Lower Moreland and 5 in Bryn Athyn; 123 EMS Calls were reported, 87 in Lower Moreland, 9 in Bryn Athyn and 17 in Abington; 79 patients were transported.

DUI Blood Draws services are provided for five police departments. It was noted that most DUI blood draws are done during the daytime; most are not alcohol related. There were multiple water rescues in Lower Moreland. It was noted that it is not safe for boat rescues in Lower Moreland. Drivers should not drive around barricades during flood conditions.

EMERGENCY MANAGEMENT REPORT

Ken Schauder reported that he has met with County officials and is undergoing the necessary 25 hours of required training for the position. It will take three years to become certified.

SOLICITOR’S REPORT - None

BOROUGH MANAGER’S REPORT

2019 Borough Operations List

Two volunteer position terms will end on December 31, 2018 – *Bill Buick, Zoning Hearing Board and Bill Grubb, Planning Commission*. Letters have been sent thanking these volunteers for their service to the Borough and requesting that they continue in these positions. Bill Buick has accepted another term on the Zoning Hearing Board.

Year End 2018

Committee Heads - Please submit all approved invoices for payment from the 2018 Budgets by December 27.

2019 Meeting Schedule

After a review of the proposed schedule for 2019 Council meetings, Council agreed to change the March 2019 meeting from March 4, 2019 to March 11, 2019 due to our local schools spring break schedule.

PUBLIC SAFETY COMMITTEE

Chairman Jeff Elsing reported that Ordinance #686 is proposed to enforce the new signage posted at Ashley Road.

On a motion by Ric Asplundh, seconded by Aurelle Genzlinger, Council voted unanimously in favor to instruct the Secretary to advertise a public hearing at the January 7, 2019 regular meeting of Council for the purpose of considering and adopting proposed Ordinance #686 to close Ashley Road during school opening and closing times.

PUBLIC WORKS COMMITTEE

Chairman Mark Pennink reported on the surprise snow event on November 15. Traffic was bad all over the entire Philadelphia region. The traffic problems held up plowing and salting. The snow crew and trucks are ready for the next storm.

Mr. Pennink reported that a letter of thanks was received from Upper Moreland Township for the assistance given by Lach Brown in our snow plow truck on Terwood Road.

Chairman Pennink acknowledged Councilor Aurelle Genzlinger for leading the sidewalk project on Buck Road last month.

Mr. Pennink announced that the Alden Road Study will be funded in the 2019 Budget. Nick Rose will begin the project in January. Bennet Dunlap performed a survey of residents and work needed on Alden Road. Vikki Trost will distribute the report to members of Council.

FINANCE COMMITTEE

Chairman Duane Hyatt presented the final drafts of the 2019 Budgets.

General Fund

The proposed 2019 Budget is set at \$1,635,244 with a one percent (1%) increase over the 2018 Budget. The budget includes a 1.5% increase to Real Estate Tax revenue. Current tax rate = 10.715 mills; Proposed tax rate = 10.876 mills. Mr. Hyatt noted that the assessed value of Borough properties fluctuates yearly.

Mr. Hyatt made note of the following changes in the proposed budget.

- The Police Department budget is decreasing 3.5%, thanks to Chief Steve Gray's manpower changes. Salaries will increase 3% as per the current Police Contract, noting that this is the last year of the contract. We will enter into new contract negotiations in Spring 2019. The 2019 Minimum Municipal Obligation (MMO)

for the Police Pension Plan has significantly decreased as a result of manpower changes.

- No increase for the Fire Company allocation for 2019.
- Public Works budget is increased by 33%. Capital Improvement Reserve allocation is \$31,500. Alden Road Engineering Study allocation is \$15,000.

Sewer Fund

The proposed 2019 Budget is \$385,411, which reflects a decrease of 9.4% from 2018. Mr. Hyatt noted that the Capital Reserve allocation needs to continue.

Mr. Gurney noted that sewer income is down and that the Sewer and Finance Committees are working on resolving that issue. The Finance Committee is looking to getting revenue back on track in 2020. Mr. Hyatt reported that the Finance Committee has reworked the billing model to bill flows to the sewer plant more accurately by costing out the process for the different types of flow. Chris Carter has created the model which will be implemented in 2019.

Debt Service

Mr. Hyatt outlined the Debt Service for General Obligation Bonds, which will be paid off in 2022 and the General Obligation Loans for the Dump Truck and Fire Truck which will be paid off in 2027. The 2019 Debt Service Budget is \$138,778.

On a motion by Ric Asplundh, seconded by Jeffrey Elsing, Council voted unanimously in favor to approve the 2019 General Fund Budget, 2019 Sewer Fund Budget and 2019 Debt Service Budget.

The 2019 Tax Rates and 2019 Sewer Rates will be adopted by Ordinance in January.

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 no Zoning Permit applications were approved in November. Three (3) Building Permits were issued. One (1) Grading Permit was issued.

SEWER ADMINISTRATOR

Sycamore Road Pump Station

Chairman Glenn Gurney reported that clean-up electrical work will be done in December and that the shed will be insulated in January.

2800 Quarry Road

Mr. Gurney reported that monthly updates have been sent to PA DEP on the status of the project. Mr. Gurney noted that the Borough must oversee the project with the resident per the Act 537 Plan. There is no resolution yet. The homeowner is paying the engineering fees. Mr. Gurney noted that the Borough is not financially obligated at this time.

STP Equalization Project

Mr. Gurney reported that excavation has begun for the equalization holding tanks. Manholes were delivered today and the tanks will be delivered tomorrow.

BOROUGH ENGINEER

Borough Engineer Nick Rose thanked Council for the flowers sent to him during his recent hospitalization.

CONTINUATION OF PUBLIC HEARING FROM OCTOBER 1, 2018 FOR ORDINANCE #685 – ZONING ORDINANCE and ZONING MAP

Mr. Elsing reconvened the Public Hearing on Ordinance #685 which was continued from October 1, 2018. Solicitor Rex Herder requested that the proof of publication for the legal notice for this continuance be added to the record as “Exhibit 1”.

Revisions to the proposed Ordinance requested by the Montgomery County Planning Commission were of a non-substantive nature have been included:

- Height of Accessory Structures
- Definition of Retirement Living Facility not listed in Article 2
- Definition of Low Impact Home Business was listed in Article 16, but not Article 2

The Zoning Map was revised to reinstate the “A” Zoning District within the “IN” District along Masons Mill Road. Dimensions of the “A” District area are included on the revised map. The Lord’s New Church Cemetery was reinstated as “IN” District.

The hearing was opened to discussion by members of Council. Hearing no comments or questions, the hearing was opened to discussion by the public. Mr. Len Rose commented that he was representing the Lord’s New Church. Hearing no further comments or questions, the public comment period was closed. The discussion was brought back to the Council table for comments. Hearing none, the public hearing was closed.

On a motion by Ric Asplundh, seconded by Mark Pennink, Borough Council voted unanimously in favor, by show of hands, to adopt Ordinance #685 which replaces the current Zoning Ordinance and Zoning Map. Mark Pennink, Yes; Aurelle Genzlinger, Yes; Eric Asplundh, Yes; Duane Hyatt, Yes; Jeffrey Elsing, Yes; Glenn Gurney, Yes; Brent McCurdy, Yes.

**BOROUGH OF BRYN ATHYN
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 685**

“Comprehensive Zoning Ordinance and Zoning Map Amendment”

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF BRYN ATHYN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING, REPEALING AND REPLACING THE ZONING ORDINANCE OF THE BRYN ATHYN BOROUGH ZONING ORDINANCE OF MARCH 1, 1982, AS AMENDED, IN ITS ENTIRETY, AND THE BRYN ATHYN BOROUGH ZONING DISTRICT MAP, AS AMENDED, IN ITS ENTIRETY, AND ESTABLISHING THE FOLLOWING AS A NEW ZONING ORDINANCE AND A NEW ZONING DISTRICT MAP FOR BRYN ATHYN BOROUGH: ARTICLE 1: OBJECTIVES; ARTICLE 2: DEFINITIONS; ARTICLE 3: PERMITS; ARTICLE 4: ESTABLISHMENT OF DISTRICTS; ARTICLE 5: “A” – (LOW DENSITY SINGLE FAMILY) RESIDENTIAL DISTRICTS; ARTICLE 6: “B” – (MEDIUM DENSITY SINGLE FAMILY) RESIDENTIAL DISTRICTS; ARTICLE 7: “C” – (HIGH DENSITY SINGLE FAMILY) RESIDENTIAL DISTRICTS; ARTICLE 8: “MD” – MIXED DWELLING TYPE RESIDENTIAL DISTRICT; ARTICLE 9: “E” – COMMERCIAL DISTRICTS; ARTICLE 10: “LI” – LIMITED INDUSTRIAL DISTRICTS; ARTICLE 11: FLOOD PLAIN CONSERVATION DISTRICTS (REPEALED); ARTICLE 12: “IN” – INSTITUTIONAL DISTRICTS; ARTICLE 13: SIGNS; ARTICLE 14: OFF-STREET PARKING AND LOADING; ARTICLE 15: NONCONFORMING LOTS, STRUCTURES AND USES; ARTICLE 16: GENERAL PROVISIONS; ARTICLE 17: ADMINISTRATION; ARTICLE 18: ZONING HEARING BOARD; ARTICLE 19: ENFORCEMENT; ARTICLE 20: AMENDMENTS; ARTICLE 21: “NP” – NATURAL PRESERVATION DISTRICTS; ARTICLE 22: “CL” – CLUSTER DEVELOPMENT DISTRICTS; ARTICLE 23: “SS” – STEEP SLOPE CONSERVATION DISTRICT.

The Borough Council of the Borough of Bryn Athyn, Montgomery County, Pennsylvania, does hereby ENACT and ORDAIN:

SECTION 1. Repeal of Bryn Athyn Borough Zoning Ordinance of March 1, 1982.

*The Bryn Athyn Borough Zoning Ordinance of March 1, 1982, as previously amended, shall be repealed in its entirety and replaced with the Bryn Athyn Borough Zoning Ordinance of 2018, a true and correct copy of which is attached hereto and made a part hereof, marked as **Exhibit “A.”***

SECTION 2. Repeal of the Bryn Athyn Borough Zoning District Map.

*The Bryn Athyn Borough Zoning District Map of March 1, 1982, as may have been previously amended, shall be repealed and replaced with the Bryn Athyn Borough Zoning District Map of 2018, a true and correct copy of which is attached hereto and made a part hereof, marked as **Exhibit “B,”** and which shall be known as the Bryn Athyn Borough Zoning District Map of 2018.*

SECTION 3. 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 4. Failure to Enforce Not a Waiver.

The failure of the Borough of Bryn Athyn to enforce at any time any provision of this Ordinance or the Bryn Athyn Borough Zoning Ordinance of 2018 shall not constitute a waiver of such provision or any other provision of this Ordinance or the Bryn Athyn Borough Zoning Ordinance of 2018.

SECTION 5. Effective Date.

This Ordinance, the Bryn Athyn Borough Zoning Ordinance of 2018, and the Bryn Athyn Borough Zoning District Map of 2018 shall take effect and be in force from and after the date of its approval and enactment by the Borough Council of the Borough of Bryn Athyn.

SECTION 6. Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Borough’s right to enforce any ordinance or law of the Borough of Bryn Athyn, Montgomery County, Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

ENACTED and ORDAINED by the Borough Council of the Borough of Bryn Athyn, Montgomery County, Pennsylvania, following a duly advertised public hearing at its regularly scheduled meeting held at Borough Hall, 2835 Buck Road, Bryn Athyn, Pennsylvania, this third day of December, 2018.

BOROUGH OF BRYN ATHYN

OLD BUSINESS - None

NEW BUSINESS - None

QUESTIONS OR COMMENTS FROM THE FLOOR - None

There being no further business presented, on a motion to adjourn by Mark Pennink, seconded by Brent McCurdy, the meeting was adjourned at 7:52pm.

Council's next regular meeting will be held on Monday, January 7, 2019 at 7:00pm in the Borough Hall.

Victoria S. Trost
Secretary