



**JENKINTOWN BOROUGH COUNCIL
PUBLIC MEETING
April 24th, 2017
7:30 P.M.
700 Summit Avenue, Jenkintown Pennsylvania
MINUTES**

1. **Call to Order:** President D. Pancoe called the meeting to order at 7:30 p.m.
2. **Pledge of Allegiance:** Mayor E. Foley led those present in the Pledge of Allegiance
3. **Roll Call:**
 - **Council members present:** President D. Pancoe, Vice President R. Bunker, Councilor C. Soltysiak, , Councilor K. Farrell, Councilor C. Whitney, Councilor M. Golden, Councilor K. McGlonn, Councilor M. Ashton Young, Councilor J. Lugar and Councilor A. MacHaffie.
 - **Council members absent:** Councilor J. Conners and Councilor T. Danilak.
 - **Others Present:** Manager G. Locke, Chief A. DiValentino, Solicitor S. Kilkenny, Engineer M. Bickerton, Mayor E. Foley, Director of Finance R. Ware and Public Works Foreman K. Riggins.
4. **Approval of Minutes: March 27th 2017:** On motion of Vice President R. Bunker, seconded by Councilor C. Soltysiak, the motion approving the March 27th 2017 council minutes were approved unanimously.
5. **Approval of Payrolls dated March 30th 2017 and April 13th 2017 in the amount of \$157,359.94 and Invoices totaling \$178,398.19.** On motion of Vice President R. Bunker, seconded by Councilor M. Golden, the motion approving payrolls and invoices passed unanimously.
6. **Public Comment/ Public Hearing:** President D. Pancoe wanted to make a public comment highlighting the camera in the back of the room and that the meeting was being posted live on Facebook, just wanted people to know that they are being video tapped. President D. Pancoe also wanted to make note that civil dialogue is an important part of the democratic process and that Council is a group of volunteers and performing community service as there is no monetary gain, fame, or fortune being achieved by serving Council. President D. Pancoe wanted the public to know that Council is doing the best they can for the Borough of Jenkintown.

President D. Pancoe made a motion to open a public hearing for Ordinance #2017-1 pertaining to the Medical Marijuana Act, and Ordinance #2017-2 pertaining to Wireless Communication Facilities under the Order of Business. Solicitor S. Kilkenny highlighted that the advertisement of this hearing will be marked as B-1, B-2 will be a copy of the ordinance itself. B-3 will be the recommendations from the County Planning Commission and the Borough's Planning Commission.

Councilor K. Farrell highlighted the two Ordinances, explaining that the first ordinance, #2017-1, is allowing for a medical marijuana dispensary to exist in Jenkintown. Borough Council did discuss this and have consulted with the Solicitor and Council has decided to move forward with this ordinance based on the fact that Borough Council can regulate which zoning district or districts the dispensary can be located in. Councilor K. Farrell highlighted that Medical Marijuana Dispensaries are already highly regulated through the state. After much discussion, Council felt it was best to place the dispensary in the business district fronting York Road plus all the regulations the dispensary must comply with through the state. Solicitor S. Kilkenny wanted to add that per state law every municipality must provide a location for the dispensary, if they do not the municipality runs the risk of the dispensary being allowed in any zoning district within the Borough.

Vice President R. Bunker wanted to go onto record stating that he is pleased that the Borough is getting in front of this and glad to see Council has found a place to allow it instead of waiting and it possibly being allowed in any district.

Solicitor S. Kilkenny highlighted that ordinance 2017-2, pertaining to Wireless Communication Facilities is regulating the Borough's right of ways, stating where telecom pods and towers could appear in Jenkintown.

Hearing no public comment on either ordinance, Councilor K. McGlenn made a motion, seconded by Councilor M. Golden, to close public hearing and go back into the Borough Council Meeting.

Motion approved 10-0

7. Presentations: Edmund Fosu-Laryea, Barbicane, Thorton & Company, appeared before Council to present the 2016 Borough Audit. Mr. Fosu-Laryea reported that there were no findings for this year's audit.

Vice President R. Bunker wanted to thank Borough Manager G. Locke and Director of Finance R. Ware for the audit process.

Mayor E. Foley asked if the Borough had a bond rating. Vice President R. Bunker stated that they did get a report and the Borough was pleased with the interest rate they received and not near the borrowing capacity.

Public Comment: Laurie Durkin, 205 Runnymede Avenue, appeared before Council to follow up with her request from last month regarding using the email blast to send out Council and Committee meeting reminders as well as the agenda. Ms. Durkin believes that this would be a great way to promote community engagement and transparency.

President D. Pancoe highlighted that they did place a post on the website regarding an item on tonight's agenda that Council felt was important for the residents to know about. President D. Pancoe does not feel that there is enough staffing to make it a priority to send email reminders out regarding the committee and council meetings as well as the agendas that go with them. Councilor M. Golden encouraged residents to give input on how to become more transparent.

Dave Downs, 301 Runnymede Avenue, appeared before Council to ask for a status update regarding the house on the 100 block of Walnut Street. Borough Manager G. Locke highlighted that the property is going through a sale and the new owner came in and discussed the permits needed and the violations that the Borough still has. The owner has satisfied all liens with the Borough has went to the courts to satisfy all citations. President D. Pancoe stated that there was a considerable concern regarding animals entering the property as well as mold that is in the property. Borough Manager G. Locke stated that Borough has a preconstruction meeting with the new owner this week to further discuss these issues and know when the work will begin. Mr. Downs followed up by asking if the Borough has a timeframe in which the new owner will be in possession of the property and work will begin. President D. Pancoe answered by stating that it depends on the real estate transaction and the Borough has no control over real estate transactions.

Peggy Downs, 301 Runnymede Avenue, wanted Council to know that she will be meeting with Mr. Locke after this meeting but wanted to discuss the pending zoning citation for 303 Runnymede Avenue and the corresponding fine that goes with that. Ms. Downs stated that business has picked up again since it is now spring. Ms. Downs wanted to know what the Borough's plan of action is. Ms. Downs wanted Council to know that Borough Manager G. Locke received a message from the tenants the other day stating that they will be removing things from the property of 303 Runnymede Avenue but Ms. Downs stated that she was advised late last year that all items have been removed. Borough Manager G. Locke stated that the Borough makes two site visits a day to 303 Runnymede Avenue, however there has been no recent complaints registered with the Borough.

8. Committee Reports

- **Administration and Finance:** A written report was provided in Dropbox. Vice President R. Bunker highlighted that the ClearGov website is nearing completion. This website allows the public to view the budget and compare and analyze the budget from year to year and compare to different municipalities. Vice President R. Bunker wanted to highlight that the Borough is looking to change the night of their meetings to allow for residents to attend both School Board and Borough Council meetings.
- **Building, Zoning and Revitalization:** A written report was provided in Dropbox. Councilor K. Farrell highlighted that a large discussion of the meeting was regarding the RFI. The RFI is on tonight's agenda

for advertisement. Councilor K. Farrell wanted to highlighted that the 2040 Implementation Grant will be awarded on May 7th and the Borough did submit for that grant. Finally, Councilor K. Farrell stated that the Borough will be voting this evening to advertise Ordinance #2017-4 pertaining to car storage to attempt to preserve the north & south gateways.

- **Public Safety:** A written report was provided in Dropbox. Councilor C. Whitney highlighted that they will be interviewing for the Fire Marshal this coming Thursday April 27th. Councilor K. Farrell highlighted that the School Crossing Light project has been completed and the lights are now installed and working.
- **Public Works:** A written report was provided in Dropbox. Councilor C. Soltysiak highlighted that the Borough did receive \$150,000 from the PA Small Water Grant.
- **Jenkintown School District:** Councilor K. McGlonn highlighted that there is no formal report, however wanted to highlight that herself and Borough Manager G. Locke are working to improve the relationship and communication with the School by meeting monthly.
- **Jenkintown Community Alliance:** Councilor K. Farrell highlighted that the JCA has identified a chairperson to run the ArtsFest this year. The ArtsFest will be held on September 17th.
- **Multi-Municipal Group:** No Report.

9. Public Work's Report: A written report was provided in Dropbox. Public Works Foreman K. Riggins highlighted that the Public Works Department's part time worker obtained his CDL and the Public Works Department would like to offer him a full time position. Another Public Works Laborer went to class in Waco, TX to attend class on the Borough's sweeper.

President D. Pancoe asked Borough Manager G. Locke to discuss the street disruptions in the Borough. Borough Manager G. Locke highlighted that PECO Gas is excavating the streets to install new gas mains. PECO is or will be installing gas mains on Hillside Avenue, Elm Avenue, Cedar Street, Leedom Street, Shoemaker Avenue, Linda Vista Avenue, Rodman Avenue, Clement Road, Rydal Road and Vernon Road.

10. Engineers Report: A written report was provided in Dropbox. Engineer M. Bickerton highlighted that the School Signalizations are activated. Also, Pennoni will be working with Borough Manager G. Locke on the PA Small Water Grant. Finally, Engineer M. Bickerton highlighted that the Borough has also included the crosswalk on the 300 block of Florence Avenue into the 2017 CDBG Grant application.

11. Solicitor's Report: Solicitor S. Kilkenny highlighted that the Solicitors office finalized the Ordinances for medical marijuana and wireless communications as well as working with staff regarding the Right to Know Requests.

12. Mayor's Report: No Report. However Mayor E. Foley highlighted that he met with children and residents during the Egg Hunt and discussed the Cedar Street properties with them and received great feedback from both the children and the adults.

13. Police Chief's Report: A written report was provided in Dropbox. Police Chief A. DiValentino wanted to highlight the County's Drug Take Back Day on April 29th. The Police will be accepting drugs here at the Station. Police Chief A. DiValentino wanted to thank Council for their condolences regarding the passing of Rocky. Finally, Police Chief A. DiValentino wanted to highlight that they will be having an inspection from the DEA and Federal Government and the Police Department is ready for the inspection.

14. Manager's Report: A written report was provided with the monthly meeting materials. Borough Manager G. Locke highlighted that the Abington street & traffic light agreement that the Borough has entered has begun and is going well. Abington Township has already replaced and fixed multiple lights within the Borough. Borough Manager G. Locke highlighted that the Borough has met with Johnson Controls regarding the replacement of the Cobra head lights. Borough Manager G. Locke stated that the replacement should begin in early May. A Zoning & Use permit has been issued for both Neshaminy Creek Brewing Company & Fit Tribe. Within the coming months, Midgard Properties will be appearing before Council for a conditional use to construct four apartments on the third floor of 201 York Road.

ORDER OF BUSINESS

1. **Ordinance #2017-1 Medical Marijuana:** Councilor K. Farrell made a motion, seconded by Vice President R. Bunker, to approve Ordinance #2017-1, pertaining to the Medical Marijuana Act.
Motion passed 10-0
2. **Ordinance #2017-2 Wireless Communication Facilities:** Councilor K. Farrell made a motion, seconded by Councilor M. Ashton Young, to approve Ordinance #2017-2, pertaining to Wireless Communication Facilities.
Motion passed 10-0
3. **Ordinance #2017-3 Borough Code Revision for Accreditation Standards:** Councilor C. Whitney made a motion, seconded by Councilor M. Golden, to approve Ordinance #2017-3, which contains the required language change to match the Borough Code to the Accreditation Standards.
Motion passed 10-0
4. **Ordinance #2017-4 Car Storage / Surface Parking Lot Permission to Advertise:** Councilor K. Farrell made a motion, seconded by Councilor C. Soltisiak, to advertise Ordinance #2017-4, pertaining to the zoning of car storage / surface parking.
Motion passed 10-0
5. **Request for Information Permission to Advertise:** President D. Pancoe made a motion, seconded by Councilor M. Golden, to advertise the R.F.I. to request information for the concept sale and development of Borough Owned Properties on Summit Avenue.

Before the vote, President D. Pancoe read a statement on the intent of the RFI. It is Council's intent to lead a transparent process with ample constituent input, and Council will review all information and scenarios before making any decisions. The responses would be sought strictly for the purpose of gaining knowledge and understanding the Borough's options. The Borough's objectives for any potential redevelopment of the property include: Substantially increase tax revenues, particularly for Jenkintown School District, public parking increased in excess of the needs of the project, generate foot traffic for Borough retailers, reflect design in line with Borough design plans, meet the housing and/or other needs of the Borough while having a limited impact on school population. These objectives are among those included in the Jenkintown 2035 plan and have been developed with input from Jenkintown stakeholders as well as the Montgomery County Planning Commission. Borough Council intends to involve stakeholders throughout the process of planning for the future of the Jenkintown community. Councilor M. Golden re-iterated that Council was approached by a developer and Council did not want to react to things but instead review and optimize what would best meet the Borough's requirements, needs, and wants specifically pertaining to: Substantial tax revenues, particularly for Jenkintown School District, public parking availability beyond the needs of the project-only, design, massing, materials and other aspects in line with Borough design efforts, generate foot traffic for Borough retail, meet housing and/or other needs of the Borough, limited impact upon school population and willingness to share information with the public as part of the process.

Motion passed 10-0

6. **Ordinance #2017-5 Residential Use & Occupancy Permission to Advertise:** Councilor K. Farrell made a motion, seconded by Vice President R. Bunker, to advertise Ordinance #2017-5, pertaining to the creation of a use & occupancy inspection for residential resales.

Councilor K. Farrell highlighted that this Ordinance calls for added language for health and safety of homeowners requiring 4inch reflective numbering on the structure, affidavit of smoke detectors, curb and sidewalk compliance, and sewer lateral inspections and repairs of defects at the time of a sale of a home. Council felt that the lateral inspections were required as it would protect and inform any potential buyers of defects on the property as well as help resolve any negative environmental impacts from damaged laterals as well as demonstrates the Boroughs compliance with DEP regulations. Borough Manager G. Locke highlighted that there is no interior inspection.

Motion passed 10-0

7. Paving Estimates for Joint Roads with Abington Township: Councilor M. Golden made a motion, seconded by Councilor C. Whitney, to approve the paving estimates for joint roads agreement with Abington Township. This agreement would include the paving of Rydal Road from York Road to Newbold Road and Washington Lane from York Road to Greenwood Avenue. The estimate to mill, pave, and replace all pavement markings and traffic loops is approximately \$40,000.

Motion passed 10-0

8. 2017 Paving Project Permission to Advertise: Councilor M. Golden made a motion, seconded by Vice President R. Bunker, to advertise the 2017 Paving Project.

Motion passed 10-0

9. Permission to Review & Revise Chapter 156 of the Borough Code: Councilor M. Golden made a motion, seconded by Vice President R. Bunker, to authorize the review and revision of Chapter 156 of the Jenkintown Borough Code.

Borough Manager G. Locke highlighted that this Chapter pertains to streets and sidewalk. This Chapter was written in 1970 and uses a lot of terms that are not in place anymore. Borough Manager G. Locke highlighted that this Chapter is very hard to enforce to the letter of the law. Mayor E. Foley asked if the changes to the Chapter would be done under separate ordinances or one ordinance covering the whole Chapter. Vice President R. Bunker highlighted that the Borough is only reviewing there will be many discussions regarding the revisions, however the revisions will be brought under one ordinance.

Motion passed 10-0

10. School District Request to Waive U.C.C Review & Inspection Costs: Councilor K. Farrell made a motion, seconded by Councilor K. McGlenn, to reduce the School District's building permit fees to the Borough's actual cost on the current proposed classroom project

Borough Manager G. Locke wrote a memo that was placed in Dropbox. The School District requested a waiver of the plan review and inspection fees for their project. Their project will approximately cost \$418,000 and take eight weeks to complete. The permit application fees are based off the cost of work, and in some instances, it is cheaper for the applicant to request a waiver to pay what the actual cost of work would be instead of the application fee itself. Borough Manager G. Locke is recommending that the Borough reduce the fees to the actual cost. The permit fee would be approximately \$3,679 to include the plan review and the inspection which would save the School District a significant amount of money.

Motion passed 10-0

NEW BUSINESS AND DISCUSSION: Vice President R. Bunker wanted to discuss the advertisement of a new tax collector and a new tax auditor. Vice President R. Bunker highlighted that they are not discussing the elected tax collector but instead Berkheimer. The Borough has been disappointed with the work Berkheimer has been producing and therefore want to discuss the possibility of changing tax collection agencies.

Vice President R. Bunker made a motion, seconded by Councilor C. Soltysiak, to advertise the RFP for tax collection and tax auditor.

Motion passed 10-0

EXECUTIVE SESSION On motion of Vice President R. Bunker, seconded by Vice President R. Bunker, the motion to move into Executive Session for discussion of matters of real estate.

At the conclusion of Executive Session, President D. Pancoe announced that an Executive Session was held for the purpose of discussing matters of real estate. A motion made by Vice President R. Bunker seconded by Councilor K. Farrell to go back into the public meeting passed unanimously

ADJOURNMENT: On motion of Vice President R. Bunker, seconded by Councilor C. Soltysiak, the motion adjourning the meeting passed unanimously.