



**JENKINTOWN BOROUGH COUNCIL
PUBLIC MEETING
May 22nd, 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 J. Connors, Councilor K. McGlonn, Councilor M. Ashton Young, Councilor J. Lugar and Councilor A. MacHaffie.
 - **Council members absent:** Councilor M. Golden and Councilor T. Danilak.
 - **Others Present:** Manager G. Locke, Chief A. DiValentino, Solicitor S. Kilkenny, Engineer K. Hassan, Mayor E. Foley, and Director of Finance R. Ware.
4. **Approval of Minutes: April 24th 2017:** On motion of President D. Pancoe, seconded by Vice President R. Bunker, the motion approving the April 24th 2017 council minutes were approved unanimously.
5. **Approval of Payrolls dated April 27th and May 11th in the amount of \$139,118.21 and Invoices totaling \$247,349.41.** On motion of Vice President R. Bunker, seconded by Councilor C. Whitney, the motion approving payrolls and invoices passed unanimously.
6. **Public Comment:** Patricia Harte, 79 Runnymede Avenue, appeared before Council to discuss the minutes from the March meeting. Ms. Harte feels as though she was misrepresented in the meeting minutes and wants to clarify that she supports Council and does not feel as though they are doing nothing but instead she believes and she feels as though the activities are moving very slowly.

President D. Pancoe wanted to reiterate that Council talks with the manager and the solicitor repeatedly. President D. Pancoe stated that they are aware and sympathetic of the situation.

Laurie Durkin, 205 Runnymede Avenue, appeared before Council to discuss the minutes from the March meeting. The minutes do not reflect the citation that was not written to the tenants of 303 Runnymede Avenue due to Police Chief A. DiValentino being advised by the Solicitors office. Ms. Downs then filed sixty-two complaints at District Court, which will likely involve jail time.

Police Chief A. DiValentino wanted to clear up the situation. Police Chief A. DiValentino noted that the Solicitors Office, specifically Solicitor N. Taylor-Smith never advised the Police Department to not file the disorderly conduct charges. Police Chief A. DiValentino wanted to clear up that sixty-two violations were filed by the Downs' at District Court, and Police Chief A. DiValentino believes that more than half the Police Department was not notified about. Police Chief A. DiValentino stated that the Downs' had every right to file charges based on the documentation that they had observed and recorded. Police Chief A. DiValentino stated that the Borough's Solicitors Office never advises the Police Department on criminal matters, that is the District Attorney. Police Chief A. DiValentino was sent a video of the date in question, to which he forwarded to the Solicitors office so that it could be included in the "case file" that already was beginning at the Solicitors Office for their zoning violation. Police Chief A. DiValentino stated that the video started a conversation between himself and Solicitor N. Taylor-Smith after discussion it was her personal opinion, not the opinion of the Solicitors office, that it does not rise to the level of disorderly conduct. Police Chief A. DiValentino informed Solicitor N. Taylor-Smith that he

disagreed and would be filing the charges. The conversation ended and after further review Police Chief A. DiValentino changed his mind and personally called the officer to not file charges.

President D. Pancoe wanted to clarify that the minutes are written based off the recordings that are taken at the meeting.

Mayor E. Foley wanted to follow up with Chief A. DiValentino's statement that he has informed the Police Department that if disorderly conduct is witnessed, whether at the property in question or other locations in the Borough, the Police Department is to cite that disorderly conduct.

Robert Naborn, 307 Runnymede Avenue, hopes the minutes will be corrected to reflect what was said.

President D. Pancoe will review the minutes.

Randy Garbin, 99 Runnymede Avenue, received a response to a Right to Know request he filed in April 2017 approximately thirty-five days before from Director of Finance R. Ware. Director of Finance R. Ware responded and in the response it stated if Mr. Garbin had any questions to contact the Solicitors Office. Mr. Garbin wrote to Solicitor N. Taylor-Smith three times asking questions. The third letter should have been received today, May 22nd. Mr. Garbin wanted to know if he would be receiving a response to his letter.

Solicitor S. Kilkenny responded to Mr. Garbin stating that his request was responded to appropriately per the State's Sunshine Law and Open Records Act. Solicitor S. Kilkenny stated that Mr. Garbin is welcome to provide his own third party vendor and/or appeal the decision to the State's Right to Know office. Mr. Garbin stated in his letter that he feels as though the Solicitor's Office is withholding information from him due to the fact that he was sent a quote from one of three vendors. Mr. Garbin felt as though it was his right to receive the quotes from the other three vendors as he would be the one who is paying for the service.

Robert Naborn, 307 Runnymede Avenue, has a question regarding the SEPTA parking lot at the train station. Approximately six months ago they replaced the kiosk. Mr. Naborn feels as though it is inconvenient to place four quarters in the kiosk. Mr. Naborn feels as though it was placed too far from the train station.

President D. Pancoe will communicate with SEPTA regarding the pay station, however the Borough does not have authority over that pay station.

Laurie Durkin, 205 Runnymede Avenue, stated that the minutes from the January 23rd meeting Mayor E. Foley stated that the planning and discussion of the Cedar Street property would involve the residents input, suggestions and ideas. Ms. Durkin believes the statement is sincere but as she observed the leaders of this project, Ms. Durkin has noticed that all discussions have been held in conjunction with the EAC and only have discussed what kind of park people would like to see as well as the public survey being sent out stating what kind of park the residents would like to see. Ms. Durkin wanted to know if she missed anything due to residents opposing a park. Ms. Durkin wanted to know the steps the Borough is taking for the residents that do not want to see this property become a park and/or instead sell the property.

President D. Pancoe stated that the Borough was offered to receive this property and asked if they wanted to purchase this property at a discounted rate Council discussed this property immensely as well as at least two public meetings. The sellers sold it with the hopes that it would become a park. At this time, the consensus of Council is to use this land as open space to benefit the community. Council is still taking steps to investigate costs associated with creating open space. The Borough did receive a few comments on the survey that stated residents wanted the properties sold. Residents also attended the May 17th EAC meeting where the property was discussed and stated their concern for the loss of the tax revenue associated with the properties.

Councilor K. McGlenn wanted to highlight that approximately half of the residents that have attended these meetings are directly affected by this purchase. Councilor K. McGlenn also wanted to highlight that the next meeting is on June 21st. The EAC is heading these meetings as they are the ones that are spearheading this development along with the Borough.

Councilor C. Soltysiak also wanted to add that the reason that the meetings are held on the night of the EAC meeting is because they were already established meeting nights for the EAC. Councilor C. Soltysiak stated that Council does want to receive input from all residents.

Laurie Durkin, 205 Runnymede Avenue, wanted to add that Jenkintown has approximately 4,400 residents but only 200 responded to the survey. The majority of them in favor of the park, however Ms. Durkin stated that there is also the same number of residents in opposition.

Councilor K. Farrell wanted to state that the Borough does want to receive input from all residents and the vast majority of residents who have attended have expressed their interest in open space. Councilor K. Farrell does encourage residents to attend if they have other suggestions or ideas.

Randy Garbin, 99 Runnymede Avenue, wanted to state that he does not agree with the statement that the people who attend this meeting are the people who are most impacted. Mr. Garbin believes that everyone is impacted as the school taxes and Borough taxes are likely to go up. Mr. Garbin stated you position a survey with what kind of park do you want you basically render it officially complete. Mr. Garbin would like to see a survey go out stating the Borough owns a property on Cedar Street, what would you like done with it with one of the choices being sell it. Mr. Garbin believes it is disingenuous.

President D. Pancoe wanted to answer Mr. Garbin's statement. President D. Pancoe wanted to highlight that the Borough is not asking for input on whether or not the residents want the Borough to sell the property at this time as the Borough made the decision to buy this property.

Vice President R. Bunker also wanted to note that the tax revenue that is lost by the Borough purchasing this property is approximately one sixteenth of 1% of the School Districts budget. Vice President R. Bunker does not believe that this will be the reason School taxes are increased.

Councilor M. Ashton Young wanted Ms. Durkin to know that Councilor M. Ashton Young has been discussing with parents at the School District and the parents are enthusiastic about property on Cedar Street. Councilor M. Ashton Young also stated that residents were concerned that a developer may buy that property and construct nine townhomes which residents were afraid that would negatively affect the School District.

Dave Downs, 301 Runnymede Avenue, wanted to thank for the support they have received both in person and on Facebook. However, the business is going on every day. Mr. Downs believes that the buckets should not be there as well as a sign on the truck, as this is zoned as a no-impact home based business. Mr. Downs' did want to note that they do have a meeting with Solicitor S. Kilkenny on Friday May 26th regarding the hearing next week.

Solicitor S. Kilkenny wanted to reiterate that after his office heard from the Downs in April, his office wrote a letter to Judge McHugh requesting a new hearing and at that the Downs' will present their evidence and Judge McHugh will make a determination. Solicitor S. Kilkenny wanted Council to know that they are not ignoring the issue.

President D. Pancoe asked Police Chief A. DiValentino if they have received any calls regarding the work taking place at 5AM. Police Chief A. DiValentino responded by stating that they have not. Police Chief A. DiValentino stated that the Police Department will investigate founded complaints.

7. Presentations: David Rowland, Old York Road Historical Society, appeared before Council to present the proposed restoration of the WWI monument which is located outside of Borough Hall. Mr. Rowland stated that the Old York Road Historical Society received funds from the Legion and Ted Jenson's fund, however is asking that the Borough contribute \$1,000 to restore and preserve the monument.

On motion of President D. Pancoe, seconded by Councilor C. Soltysiak, the motion to open the agenda to allow for the discussion of the preservation of the World War I monument passed unanimously.

On motion of President D. Pancoe, seconded by Councilor C. Soltysiak, the motion approving the contribution of \$1,000 to help restore and preserve the World War I monument passed unanimously.

8. Committee Reports

- **Administration and Finance:** A written report was provided in Dropbox. Vice President R. Bunker highlighted that there are two items on the Order of Business to clarify current policies. Also, Vice President R. Bunker highlighted that there was a presentation regarding ClearGov. Vice President R. Bunker stated that ClearGov is a financial software allowing for the viewing and understanding of the Borough's municipal

budget. ClearGov is an interactive website allowing those who view it to click through each fund and sub category of the budget viewing where money is spent and where the Borough's revenue is received. Director of Finance R. Ware gave a short presentation regarding the Borough's ClearGov website.

- **Building, Zoning and Revitalization:** A written report was provided in Dropbox. Councilor K. Farrell highlighted that the RFI for the development of Borough Owned properties on Summit Avenue has been advertised and distributed on May 16th. Councilor K. Farrell wanted to highlight that there is a Zoning Hearing Board hearing this coming Thursday, May 25th, for the application submitted by Faulkner Nissan. Councilor K. Farrell wanted to highlight that the Borough opposes this development and has asked the Solicitor to attend the meeting in support of the Zoning Officer's denial. The Borough was awarded the Montco 2040 Implementation Grant in the amount of \$73,902 to develop the southern gateway. Finally, Councilor K. Farrell highlighted that the Borough will voting tonight to decide whether or not there will be a residential use & occupancy resale inspection.
- **Public Safety:** A written report was provided in Dropbox. Councilor C. Whitney highlighted that they have one agenda item pertaining to the hiring of a part-time Fire Marshal.
- **Public Works:** A written report was provided in Dropbox. Councilor J. Conners highlighted that PECO is working on Rodman Avenue and is expected to be completed before the paving in late August.

Dave Downs, 301 Runnymede Avenue, wanted to know if there were any other streets that are scheduled to be paved. Councilor J. Conners responded by stating Linda Vista Avenue. Mr. Downs specifically wanted to know if Hillside Avenue was going to be repaved. Borough Manager G. Locke stated that PECO will be responsible to pay for a portion of the repaving of Hillside Avenue, however it would be on the following year's paving project.

- **Jenkintown School District:** Councilor K. McGlonn highlighted that herself and Borough Manager G. Locke have a monthly meeting with the School District. The School District has requested that the Borough and the organizations fill out a request form to use their fields to coordinate with the School District the use of the fields for Borough events.
- **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. JCA is still looking for a lot of help for the ArtsFest. Councilor K. Farrell highlighted Neshaminy Creek Brewing Co has stepped up to help with the beer tent/single serve stations.
- **Multi-Municipal Group:** No Report.

9. Public Work's Report: A written report was provided in Dropbox. Borough Manager G. Locke highlighted that the Public Works Department did receive Truck 23 back with the new bed. This will allow Truck 27 to be decommissioned as Truck 27 is in bad shape and is planned to be replaced next year. Borough Manager G. Locke also highlighted that the street sweeper is in full operation and has begun the sweeper route throughout the Borough.

10. Engineers Report: A written report was provided in Dropbox. Engineer K. Hassan highlighted that will be working with Borough Manager G. Locke on the PA Small Water Grant specifically pertaining to the bid documentation for this grant.

11. Solicitor's Report: No Report.

12. Mayor's Report: No Report.

13. Police Chief's Report: A written report was provided in Dropbox. Police Chief A. DiValentino wanted to highlight the Police Department has been invited to speak on June 27th about immigration and police policies at _____.

14. Manager's Report: A written report was provided with the monthly meeting materials. Borough Manager G. Locke highlighted that the Borough received \$150,000 for the PA Small Water Grant as well as \$73,000 for the Montco 2040 Implementation Grant. The Borough also received the 2017 Green Light Go Grant. Borough Manager G. Locke highlighted that the Borough was awarded \$89,000 to update the eight traffic lights with

battery back up as well as replacing the yellow bulbs. Borough Manager G. Locke highlighted that the Borough has had their pre-construction meeting for the 2017 paving project, which will open this week. Two bidders did attend the meeting, however the Borough is placing their bid on PennBid.

President D. Pancoe thanked both Borough Manager G. Locke and Engineer K. Hassan on all of their work pertaining to the different grants the Borough has applied for and been awarded.

ORDER OF BUSINESS

1. **Ordinance #2017-5 Residential Use & Occupancy:** Councilor K. Farrell made a motion, seconded by Vice President R. Bunker, to approve Ordinance #2017-5, pertaining to the creation of a use & occupancy inspection for Residential Resales.

Councilor K. Farrell wanted to highlight that the creation of this ordinance will require a notarized affidavit of smoke detectors, curb and sidewalk compliance, 4inch reflective numbering on the property and a videotaping of the sewer lateral at the property from the house to the main. Councilor K. Farrell highlighted that this ordinance was to continue to maintain public safety as well as lessen the impact on the environment regarding to the sewer lateral.

Motion passed 10-0

2. **Capitalization Policy:** Vice President R. Bunker made a motion, seconded by Councilor J. Conners, to approve the Capitalization Policy.

Vice President R. Bunker noted that the capitalization policy stated that if the Borough purchases anything greater than \$1,000 and this purchase is expected to last more than a year, the purchase must be filed with the State.

Motion passed 10-0

3. **Professional Services Contract Policy:** Vice President R. Bunker made a motion, seconded by Councilor K. McGlenn, to approve the Professional Services Contract Policy.

Vice President R. Bunker noted that the professional services contract policy is for the pension programs.

Motion passed 10-0

4. **2016 CDBG Advertisement of Bid Specifications:** Councilor J. Conners made a motion, seconded by Councilor C. Soltisiak, to advertise the bid specifications for the 2016 CDBG Grant.

Councilor J. Conners highlighted that the survey has been completed as well as the bid specifications, this is the advertisement of those bid specifications. The 2016 CDBG Grant is to replace handicap accessible ramps throughout the Borough.

Motion passed 10-0

5. **Hiring of Part-time Fire Marshal:** Councilor C. Whitney made a motion, seconded by Vice President R. Bunker, to hire Kevin Lynch as the Borough's part-time Fire Marshal.

Councilor C. Whitney highlighted that this after completing interviews of four candidates.

Motion passed 10-0

6. **Resolution #2017-6 Supporting Legislative Redistricting:** Councilor J. Lugar made a motion, seconded by Councilor C. Whitney, to adopt Resolution #2017-6, a resolution in support of a constitutional amendment in Pennsylvania that would, among other reforms, assign the task of congressional redistricting to an independent citizens' redistricting commission

Vice President R. Bunker wanted to thank Councilor J. Lugar for bringing this resolution forward to Council as this is very important.

Motion passed 10-0

NEW BUSINESS AND DISCUSSION: President D. Pancoe wanted to discuss rejuvenating the Human Relations Committee. This has been discussed at the Administration & Finance Committee meeting and President D. Pancoe has is now asking for Council's approval for Mary Mulderigg as a new member of the HRC.

President D. Pancoe made a motion, seconded by Councilor K. Farrell, to appoint Mary Mulderigg as the chairperson of the Jenkintown Borough Human Relations Committee.

Motion passed 10-0

President D. Pancoe also wanted to discuss the proposed tree purchase for Town Square. The Borough is looking to install a tree in the planter in town square for the holiday lighting. President D. Pancoe would like to take this item back to committee for further discussion regarding size of the tree and the type of the tree.

President D. Pancoe wanted to make a statement regarding ice cream vendors. President D. Pancoe stated that there has been at least one ice cream truck that drives around the Borough. At the current moment, the Borough has an ordinance that prohibits the sale of any goods on the street or sidewalk. President D. Pancoe stated that the Solicitor informed Council that they can waive the ordinance for a special event or a specific period of time. This waiver will allow Council to place conditions on the waiver, however the waiver must be applied for in writing to Council. At the moment, the Borough has no proposal from any vendors, therefore the Police are being advised to stop all ice cream sales.

Mayor E. Foley suggested that we do not throw them out of town but politely explain the situation and possibly put a list together stating how to receive a waiver from the Borough

Councilor K. McGlenn wanted to note that the School District has made it very clear that they do not want an ice cream truck on their property.

Dave Downs, 301 Runnymede Avenue, wanted to know when the ordinance pertaining to the prohibition of ice cream trucks and street sales went into effect. Mr. Downs wanted to know if the Ordinance was new.

Vice President R. Bunker stated that the ordinance is not new, however, the Borough has been receiving complaints that the Borough is not abiding by their ordinances pertaining to street sales.

Councilor J. Conners wanted to discuss the Highland Avenue issue regarding SPS. Councilor J. Conners stated that GPS is confusing Jenkintown's Highland Avenue with the Highland Avenue that SPS is located on and therefore large trucks are getting stuck and trying to turn around due to having a long address. Councilor J. Conners will be reaching out to Representative McCarters Office to see if they can assist. Vice President R. Bunker suggested that a sign be placed informing truck drivers of the location of SPS. President D. Pancoe asked that this item be brought before the Public Safety Committee for further discussion.

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

At the conclusion of Executive Session, President D. Pancoe announced that an Executive Session was held for the purpose of discussing matters of personnel. 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.