



JENKINTOWN BOROUGH COUNCIL

PUBLIC MEETING
November 28th, 2016
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 J. Conners, Councilor K. Farrell, Councilor C. Whitney, and Councilor K. McGlenn.
 - **Council members absent:** Councilor T. Danilak, Councilor J. Mixon, Councilor M. Golden, Councilor M. Ashton-Young, and Councilor L. Durkin.
 - **Others Present:** Manager G. Locke, Chief A. DiValentino, Solicitor S. Kilkenny, Solicitor N. Taylor-Smith, Engineer K. Hassan, Mayor E. Foley, and Director of Finance R. Ware.
4. **Approval of Minutes: October 24th 2016:** On motion of Vice President R. Bunker, seconded by President D. Pancoe, the motion approving the October 24th 2016 council minutes were approved unanimously.
5. **Approval of Payrolls dated October 27th, November 10th, and November 23rd in the amount of \$233,732.95 and Invoices totaling \$264,578.90.** On motion of Vice President R. Bunker, seconded by Councilor J. Conners, the motion approving payrolls and invoices passed unanimously.
6. **Public Comment:** Ryan Downs, 301 Runnymede Avenue, appeared before Council to discuss what he believes is appearance of a business being run out of the property at 303 Runnymede. Mr. Downs stated that he would like to receive a status report of the citations that are being issued to 303 Runnymede Avenue, due to the tenant "removing the items at the concrete job at McGoldricks Funeral Home and returning them to the property at 303 Runnymede Avenue". Mr. Downs sent pictures of the items being returned to Council asking that a citation be issued per the conversation at the November 21st Building, Zoning and Revitalization meeting. President D. Pancoe stated that Council has received those pictures, however Borough Manager G. Locke did not as they were forwarded to him after. President D. Pancoe stated that discussion on this matter is to come and a status report is not readily available.

Peggy Downs, 301 Runnymede Avenue, appeared before Council to express her concerns regarding what she feels is the operation of a concrete business out of 303 Runnymede Avenue. Ms. Downs stated that she does not understand why a valid permit was issued to McGoldricks Funeral Home without the contractor listed. Ms. Downs also wanted to point out that when the Borough was made aware of the contractor, why didn't the Borough "shut down the work due to not having all approvals such as current bpt, licensing etc." For those reasons, Ms. Downs believes that the application should have been terminated. Ms. Downs also wanted Council to know that she filed for a Right to Know on November 15th asking for licensing, bpt information and the insurance information for JC Glass Masonry, to which when she received the information the insurance date was the 17th of November. Ms. Downs wanted to know if the Borough would have been liable during the time his insurance expired and was not renewed. Also, Ms. Downs noted that the Borough's policy is that the Borough must be c if the insurance was expired, and if the Borough was notified why was the permit allowed to be issued to JC Glass Masonry knowing that the insurance was not valid. Ms. Downs stated that "this business continues to be defiant but there are no consequences for not following procedures."

Borough Manager G. Locke responded to Ms. Downs' inquiries by stating that it is the property owners responsibility to make sure a permit is pulled for the work completed and if the property owner applies for a permit, it is therefore issued to the property owner himself/herself. The property owner is also more than welcome to complete the concrete work their self as long as they call for the required pre-pour and final inspections. If a property owner chooses a contractor between filing for the permit and the work beginning, the property owner or the contractor usually gives the Borough a call and sends over the required insurance information. The insurance company is to notify the Borough if a contractor's insurance has not been renewed, to which the office staff informs the contractor before the issuance of the permit, if the contractor is known. In this scenario, the Borough contacted the insurance company and the contractor that the insurance was expired to which the contractor renewed his insurance shortly after. Also, Borough Manager G. Locke wanted to note that since the property was required by the paving program to do concrete replacement, the Borough does not and has not held any of the properties to the sixty-day expiration date as the Borough understands that some property owners may be on a waiting list to have the work performed.

President D. Pancoe also wanted to respond to Ms. Downs stating that the Borough does not require any licenses to be on file, except Master Plumbers licenses and that the Borough will be discussing potential policy changes in committee for this as well as the collection of Business Privilege Tax within the coming months.

Vice President R. Bunker wanted to assure Ms. Downs that the inspection process is the same for all contractors as well as if a property owner was completing the work their self.

Deborah Maha, 103 Runnymede Avenue, wanted to know if it was normal for a property owner to pull a permit, or if the contractor usually pulls the permit. Also, Ms. Maha wanted to know if the Borough recommends contractors

Borough Manager G. Locke responded to Ms. Maha's inquiry stating that it usually depends on the type of work being completed. Borough Manager G. Locke stated that a lot of residents apply for their concrete permits to satisfy the Borough knowing that the work is not going to be completed for a few weeks due to the contractor's schedule. Borough Manager G. Locke stated that in the case of this contractor, usually the contractor pulls the permit; however, if this permit was applied for before the contract between the property owner and the contractor was signed this particular contractor would use the permit that the property owner applied for.

Dave Downs, 301 Runnymede Avenue, wanted to note that at the November 21st Building, Zoning and Revitalization meeting, Borough Manager G. Locke stated that if the construction material was brought back to the property at 303 Runnymede Avenue that Borough Manager G. Locke would constitute that as running a business and issue a citation to the applicable parties. Mr. Downs stated that the email sent over the holiday weekend indicated that the construction material was brought back and stored at 303 Runnymede Avenue therefore Mr. Downs would like to know when the citation will be issued.

Borough Manager G. Locke responded to Mr. Downs' inquiry stating that he was not included on the email and supporting documents until today, to which he has not had a chance to review the information sent as he has been preparing for the budget meeting. Borough Manager G. Locke did confirm with Mr. Downs that he spoke to the contractor and stated that if the construction material was brought back to the property at 303 Runnymede Avenue that Borough Manager G. Locke would constitute that as running a business and issue a citation to the applicable parties.

Lucy Malone, 507 Runnymede Avenue, wanted Borough Council to know that she does not understand why this matter has not been taken care of and it is unconscionable.

Joann Treacy, 215 Runnymede Avenue, wanted Borough Council to know that this is an ongoing issue and seems to be going in circles. Ms. Treacy stated that it is very upsetting and frustrating.

President D. Pancoe responded to Ms. Malone and Ms. Treacy's concerns stating that the Borough is sympathetic and is doing everything possible to make sure that the zoning code is followed. President D. Pancoe assured both Ms. Malone and Ms. Treacy that the emails and photos will be review and that Council has spoken to Borough Manager G. Locke regarding the limits and burden of proof required for the citation.

Solicitor S. Kilkenny responded to President D. Pancoe stating that the citation is not Council's decision. Council stated that it is up to the Zoning Officer and his professional opinion to decide if a citation needs to be issued. Solicitor S. Kilkenny stated that he does not advise Council to support a citation to be written.

Cynthia Pronko, 307 Runnymede Avenue, wanted Council to know that the new neighbor is a registered sex offender and that his new address was not announced to the neighbors in the area as well as changed on the Megan's Law website. Ms. Pronko is concerned that the required notifications have not taken place.

Police Chief A. DiValentino responded to Ms. Pronko stating that the Police Department has been in contact with Megan's Law and will continue to be in contact with them. Police Chief A. DiValentino also stated that the tenant has changed his home address to 303 Runnymede Avenue and the level of the tenant's sex offender status does not require a mailing or door to door notification.

Solicitor N. Taylor-Smith stated that the residents should call the Police Department or the District Attorney's Office as they are the ones who handle the criminal complaints and Megan's law. Solicitor N. Taylor-Smith did want to note that she believes that the Pennsylvania State Police, the District Attorneys Office and Megan's Law have all been kept in the loop regarding this matter. Police Chief A. DiValentino agreed.

Solicitor S. Kilkenny also wanted to add that if the tenant meets the guidelines given, he is permitted to live in the neighborhood and has federal rights against persecution and harassment.

Peggy Downs, 301 Runnymede Avenue, wanted Council to know that all of these things affect the value of her property as well as surrounding properties and their lifestyles. Ms. Downs wanted Council to know that this has created turmoil in town and that the tenant is more defiant than compliant. Ms. Downs wants Council to not tolerate these actions.

Christian Wurst, 445 Leedom Street, wanted to know if the Borough has received an update regarding the business license of JC Glass Masonry.

Borough Manager G. Locke responded to Mr. Wurst stating that the business owner has been in contact with Berkheimer and intends to pay all of the previously due business privilege tax.

Peggy Downs, 301 Runnymede Avenue, stated that she solicited the opinion of Borough residents who own a business in town and have applied for a license. She made sure to solicit opinions from contractors of all trades who apply for the license every year. Ms. Downs does not want the Borough to get the reputation that we want non-compliant contractors in town and cannot understand why we do not require the non-compliant contractors to work with a license.

Councilor K. McGlenn responded to Ms. Downs' inquiry by stating that the Borough intends to work on this in the coming months but as of now a license is not required.

Solicitor S. Kilkenny wanted to note that if a zoning violation would be issued the hearing would be before the Zoning Hearing Board, not by Judge Elizabeth McHugh. However, if a citation for a code violation would be issued that citation would be going before Judge Elizabeth McHugh. Solicitor S. Kilkenny plans on getting clarification and relay the information to Borough Manager G. Locke as soon as possible.

7. Presentations: None at this time

8. Committee Reports

- **Administration and Finance:** A written report was provided in Dropbox. Vice President R. Bunker highlighted that the Borough is at the end of the budget season with the approval of the budget on December 12th at the Council meeting. Vice President R. Bunker wanted to note that the Borough is requesting a moderate increase in the 03 fire fund, however there is no increase for the 01 General fund which is approximately 58% of the Borough's operating funds. Vice President R. Bunker highlighted that the Borough's cash balance is still in line with the governmental recommendations. With the approval of this budget, the Borough is also looking to hire two additional full time police officers, reducing the part time officers, and reaching "appropriate staffing levels". The increase to the 03 fund is .16 mils or approximately \$24 per house assessed at \$150,000. This increase would go to the fire department for their operating budgets. Vice President R. Bunker also asked for a few minutes in executive session for matters of personnel.
- **Building, Zoning and Revitalization:** A written report was provided in Dropbox.

- **Public Safety:** A written report was provided in Dropbox.
- **Public Works:** A written report was provided in Dropbox. Councilor J. Conners highlighted that the Borough is geared up for fall and winter. The leaf schedule is out and Public Works has begun the brining preparation and the cleaning of the leaf truck and trailer. Councilor J. Conners also wanted to highlight that the Public Works Department just bought a snow plow for the skid steer to help plow the smaller streets such as Healy Street and Linden Street.
Mayor E. Foley asked where the leaves go once collected. Councilor J. Conners explained the leaves are collected and taken to Abington where they are then mulched for residents to use free of charge. The mulch is stored at Baederwood Park.
- **Jenkintown School District:** Councilor K. Farrell stated that the School has undertaken the task of creating a comprehensive plan as well as forming a steering committee and are looking all residents to fill out the comprehensive survey. Councilor K. Farrell also highlighted that the School District is continuing the discussion of space issues for the elementary school.
Borough Manager G. Locke wanted Council to know that the School District applied for a sign permit for an electronic display on the corner of West Avenue and Walnut Street and the Borough has since denied that application allowing for the School District to go before the Zoning Hearing Board if they should choose. To date, no application has been received for Zoning Hearing Board for this matter.
- **Jenkintown Community Alliance:** Councilor K. Farrell highlighted that JCA will be using their funding to replenish the Holiday Decoration around Town Square and York Road.
- **Multi-Municipal Group:** No Report.
- **Comprehensive Plan:** No Report.

9. Engineers Report: A written report was provided in Dropbox. Engineer K. Hassan highlighted that he will be meeting with representatives from the Borough as well as Glanzmann Subaru regarding the Welcome sign. Engineer K. Hassan stated that most of his report is a follow up from October's agenda and report items.

President D. Pancoe wanted to add that the welcome pylons have been worked on with the Borough and the Jenkintown Planning Commission. The intent of these signs is to have a gateway on York Road, Route 611. Ideally the Borough would like to have a welcome sign on the left at the new property, and on the right at the bank property, however the design of these signs are still being worked on.

10. Solicitor's Report: Solicitor S. Kilkenny highlighted that his office has been working with the Borough on a few code matters, Right to Know requests and preparing new bid specs for the trash hauling that will have to be re-bid before the end of January.

11. Mayor's Report: No Report.

12. Police Chief's Report: A written report was provided in Dropbox. Police Chief A. DiValentino asked that there be an executive session for a matter of personnel.

13. Public Work's Report: A written report was provided in Dropbox. Public Works Foreman K. Riggins highlighted that they had lost an employee this month, Sean Kenna, however have been able to maintain a steady work force with gaining a new part time employee. The Public Works Department has also been busy with collecting leaves and preparing for the winter and holiday seasons that are approaching.

14. Manager's Report: A written report was provided with the monthly meeting materials. Borough Manager G. Locke wanted to highlight that most of the month was spent preparing for the budget. Tonight, Council will be voting to advertise the budget as well as voting to advertise the slight increase in the tax levy for the 03 Fire Protection Fund. Borough Manager G. Locke also highlighted that the fire training audit is almost complete and the findings are being presented. Borough Manager G. Locke also wanted to note that the gas main replacement project planning is moving along. PECO will be starting on Rodman Avenue and Linda Vista Avenue in February, therefore the Borough will be paving these two streets along with Washington Lane between York Road and Greenwood Avenue in 2017. Finally, Borough Manager G. Locke highlighted that the Associated Press for the Intelligencer did an unannounced study on obtaining information from Right to Know submittals within seventy-five communities in Montgomery and Bucks County. The Borough received yes in all three categories that was

asked about, including was the information received, a thirty-day extension filed, and a response within the required five days.

ORDER OF BUSINESS

- 1. Ordinance #2016-4: 2017 Tax Levy Permission to Advertise:** Vice President R. Bunker made a motion, seconded by President D. Pancoe, to advertise Ordinance #2016-4 setting the tax levy for 2017.
Motion passed 7-0
- 2. 2017 Budget Permission to Advertise:** Vice President R. Bunker made a motion, seconded by Councilor K. Farrell, to advertise the 2017 operating budget. This budget will be available for public review at Borough Hall during normal business hours.
Motion passed 7-0
- 3. Solid Waste Bid Permission to Advertise:** Vice President R. Bunker made a motion, seconded by Councilor K. McGlenn, to advertise the Solid Waste & Recycling Bid contract.
Motion passed 7-0

NEW BUSINESS AND DISCUSSION: None at this time.

EXECUTIVE SESSION On motion of President D. Pancoe, seconded by Councilor K. Farrell, 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 President D. Pancoe seconded by Vice President R. Bunker to go back into the public meeting passed unanimously

ADJOURNMENT: On motion of President D. Pancoe, seconded by Vice President R. Bunker, the motion adjourning the meeting passed unanimously.