



JENKINTOWN BOROUGH COUNCIL

**PUBLIC MEETING
AUGUST 25, 2014
7:30 P.M.**

700 Summit Avenue, Jenkintown Pennsylvania

MEETING MINUTES

1. **Call to Order:** President D. Pancoe called the meeting to order at 7:35 p.m.
2. **Pledge of Allegiance:** Police Chief A. DiValentino led those present in the Pledge of Allegiance.
3. **Roll Call**
 - **Council members present:** President D. Pancoe, Vice-President R. Bunker, Councilor J. Conners, Councilor T. Danilak, Councilor L. Durkin, Councilor C. Durkin, and Councilor C. Soltysiak, Councilor K. Farrell, Councilor M. Golden, Councilor M. Marlowe.
 - **Council members absent:** Councilor J. Mixon, and Councilor M. Boutcher.
 - **Others Present:** Manager G. Locke, Chief A. DiValentino, Public Works Director T. Frank, Solicitor Kilkenny, and Engineer Hyne.
4. **Approval of Minutes: July 28th, 2014:** On motion of President D. Pancoe, seconded by Councilor C. Durkin, the motion approving the minutes from the July 28th, 2014 meeting of Borough Council passed unanimously.
5. **Approval of Payrolls dated August 7th and August 21st in the amount of \$123,185.44 and Invoices totaling \$298,242.69:** On motion of Vice-President R. Bunker, seconded by Councilor J. Conners, the motion approving payrolls and invoices passed unanimously.

6. Public Comment

- **Steven Olk (309 Florence Beaver Hill Unit 621):** Mr. Olk appeared before Council in order to discuss his recent concerns regarding contacting Jenkintown Police Department. Mr. Olk stated that he tried to speak with a few people on August 25th about a few things. Felt that he was not acknowledged by the Chief of Police. His wife got a \$10 parking ticket in the Greenwood Parking Lot. Mr. Olk states there is no signage saying that it is metered parking. Mr. Olk stated he told his wife about the kiosk but she did not know what it was at that point in time and she also did not know that it was paid parking. The signs in the lot do give time limits, but nowhere do they say metered parking. Stated he called every number for the Jenkintown Police Department several times, and no one answered the phone. When Mr. Olk came to the Police Department and tried to discuss the situation Mr. Olk felt that he was not receiving the consideration that he deserved.

President D. Pancoe thanked him for sharing his concern and apologized for his unpleasant experience. She also stated they will look at the Greenwood Parking Lot in their Public Safety meeting. Councilor C. Durkin stated that a reasonable man who sees a kiosk should know that it is metered parking in that section.

Mr. Olk wanted to also bring to the attention that when he paid his ticket, his receipt is labeled with Jenkintown Police Department, he wanted to pay the township not the Police Department. President D. Pancoe proceeded to tell Mr. Olk the reason he is paying the Police Department is because they are the enforcing agency.

Police Chief A. DiValentino stated that he had been calling the 215-884-1202 business line if you call that number after business hours there is no office clerk in there. If he would have called the 215-884-1200 that goes directly to the County and an officer is dispatched. Chief A. DiValentino stated he sympathized with Mr. Olk over his ticket, but he cannot withdraw tickets at will. Chief A. DiValentino stated he could pay the ticket or fight the ticket.

Councilor J. Conners reaffirmed that they will add the concern to the Public Works meeting for September.

President D. Pancoe wanted to speak on behalf of the Police Department. President D. Pancoe stated that the Jenkintown Police Department is a very responsive and rarely get the complaints. President D. Pancoe gave the Police Department her full support. She also wanted to make it known that tickets are not fixed, which includes Council members as well.

7. Highway Theater

President D. Pancoe wanted to go out of the agenda and have the representative from the Highway Theater discuss about their projects to Council as well as the public.

Solicitor Kilkenny suggested that after the presentation if Council wanted to take action or President D. Pancoe wanted to take action or move forward with Highway Theater that President D. Pancoe should open the agenda, allow for the Presentation, make the motion, ask for public comment, close the agenda and go back into regular business.

John Tonner, Executive Director of the Highway Theater. Mr. Tonner wanted to come to Council to explain that the Highway Theater is refinancing their mortgage on the property which is with a non-profit financing fund. The non-profit financing fund has a first position mortgage and the Borough has a second position mortgage which is a result of the Borough applying for an anchor building grant through the State of Pennsylvania, being rewarded the grant and issuing the funds to the Highway Theater. Mr. Tonner explained that the Highway Theater is obligated to pay back the money that was issued from the grant in a fifteen year mortgage. Mr. Tonner is looking for the Borough to be willing to authorize a subordination agreement by which the Borough will continue to have the second position mortgage and the non-profit financing fund will continue to have first position.

Vice President R. Bunker wanted to clarify that our position does not change and that under the new agreement we will continue to stay in the second position mortgage. Vice President R. Bunker wanted to state that nothing has changed, they just need this subordination agreement in place. Mr. Tonner agreed that is the case, but stated there is a slight difference in the total amount about \$25000 more but it is the same.

Vice President R. Bunker made a motion to open the Agenda for the Highway Theater. Councilor C. Durkin seconded, the motion opening the agenda passed unanimously.

Vice President R. Bunker made a motion to have the Borough agree to the subordination agreement for The Highway Theater. Councilor J. Conner.

There was no public comment.

On motion of Vice President R. Bunker, seconded by Councilor C. Danilak, the motion to close the agenda passed unanimously.

On motion of Vice President R. Bunker, seconded by Councilor L. Durkin, the motion to authorize President Pancoe and the rest of Borough Council as well as the Borough Manager to sign the subordination agreement with the Highway Theater passed unanimously.

On motion of Councilor C. Durkin, seconded by Vice President R. Bunker, the motion go back into the regular meeting was passed unanimously.

Borough Manager G. Locke asked when President D. Pancoe wanted to hear about the 153 Highland Zoning Hearing Board case. Solicitor Kilkenny said there did not need to be a motion made, but normally it would fall under the zoning report, then the action would be taken. President D. Pancoe explained that since the Building, Zoning and Revitalization is the second report, 153 Highland would present then.

8. Committee Reports

- **Administration and Finance:** A written report was provided in the monthly meeting materials. Vice President R. Bunker stated that finances are as projected in the budget as well as the efforts to automate the Borough Hall office are coming along nicely.
- **Building, Zoning and Revitalization:** A written report was provided with the monthly meeting materials. Chairperson L. Durkin stated that the property at 204 Wyncote Road was coming along nicely and glad to see that the property owner is reaching set deadline. Councilor L. Durkin also stated that herself and Mayor E. Foley have been working on a draft ordinance for vacant properties. This ordinance would register all vacant properties with the Borough and allow the Codes Enforcer access to inspect the building at any time.

Adrienne Brockwell (247 Wyncote Road) came to the Council Meeting to speak on behalf of her father, Barry Jackson, about his property at 153 Highland Avenue. This property is adjacent to her garage. Her parents, Mr. & Mrs. Jackson, bought the property and would like to do renovations and also add an addition. The addition extends from the backside of the property. The problem is the property line itself is not parallel, and they are already a non-conforming existing lot. Mr. & Mrs. Jackson would also like to extend their entrance closer to the street, which is also a non-conforming existing lot. In both of these cases a variance is needed. They are going to the Zoning Hearing Board to try and approve these changes.

Solicitor Kilkenny wanted to inform Council that in most municipalities there is a report given at the monthly meeting stating who is getting a variance and for what reason. Council, Board of Supervisors, or Board of Commissioners can either stay neutral, take a position in favor of, or take a position against. Solicitor Kilkenny wanted to remind Council that Council is not the ones who make the decision.

Borough Manager G. Locke wanted to state that the project was brought in by Adrienne Brockwell and because of how the house sits on the back property line if the addition is added it will become closer to the property line than it now and it is the same situation in the front. This makes both the proposed front addition as well as the rear addition more non-conforming, therefore not meeting the zoning codes, and having to go to the Zoning Hearing Board. Borough Manager G. Locke has not been informed of any objections to this application, but the official notices have not gone out yet. He expects the Zoning Hearing Board to meet within the first two weeks of September. Neighbors within two hundred feet, an ad in the newspaper, as well as the property being posted will cover the advertisement stipulations. Borough Manager G. Locke wanted Council to know that it has gone through the Design Review Board and they were thoroughly pleased with the proposed plans.

Vice President R. Bunker asked Adrienne Brockwell if the property to which the house is moving closer to is hers. Adrienne Brockwell confirmed that is was.

Councilor C. Durkin did not want to take a side on whether to be in favor of the proposed changes. President D. Pancoe stated she was neutral because she did not know enough about the plans. Vice President R. Bunker stated he supported the plans. President D. Pancoe urged Council stayed neutral about this subject.

- **Public Safety:** A written report was provided with the monthly meeting materials.
- **Public Works:** A written report was provided with the monthly meeting materials. Councilor J. Connors wanted to highlight that the 2014 paving project started this morning and has gone very well so far.

Councilor C. Durkin wanted to thank Police Chief A. DiValentino for the Emergency Services Night. Councilor C. Durkin thought it was a terrific idea. President D. Pancoe seconded the thank you.

- **Jenkintown School District:** No Report Given
- **Jenkintown Community Alliance:** Councilor L. Durkin stated that the Jenkintown Community Alliance (JCA) has yet to emerge a "go-forward" plan as well as the new leadership in the organization. Councilor L. Durkin also wanted to make it known that the chairperson of the Jenkintown Arts Festival, Melissa Clark-Pho, will be stepping down after this year. This could have the consequence of the Jenkintown Arts Festival being up in the air for next year. Councilor L. Durkin urges Council to come up with a few ideas to help JCA that will also benefit the community.

President D. Pancoe stated that as Council, they needed to sit and have a "heart-felt" discussion about how Council would like to proceed about JCA, the Arts Fest, and all of the other activities JCA coordinates over the year. President D. Pancoe feels as though Council is all volunteering on a regular basis, and others are too but JCA really needs someone who will step forward and continue the JCA work. President D. Pancoe said she would be sad to see JCA not be a functioning part of the Borough anymore. Vice President R. Bunker acknowledged that the event they host and organize and very nice and welcoming.

- **Multi-Municipal Group:** No Report Given

9. Solicitor's Report: Solicitor Kilkenny had no report for the regular meeting. He would however like to give an update to some litigation in the Executive session.

10. Mayor's Report: No Report Given.

11. Police Chief's Report: A written report was provided with the monthly meeting materials. Chief A. DiValentino wanted to thank Public Works Director T. Frank for supplying the band for the Emergency Service Night.

Councilor L. Durkin asked for a brief update from Police Chief A. DiValentino about the session he attended in Abington pertaining to Michael Brown. Councilor L. Durkin was also wondering if the Borough had any defense planned incase this were to happen in Jenkintown. Police Chief A. DiValentino stated that the Jenkintown Police Department does not have any military equipment. Chief A. DiValentino stated that the equipment that was at Town Square during the Emergency Services Night is available to the Borough should they have any type of emergency. Police Chief A. DiValentino stated that it really "opened his eyes" to hear peoples concern while living in the suburbs, as well as hearing a real genuine fear that there is perception of a double standard. Police Chief A. DiValentino has since, at roll call, relayed the messages that were given at the Abington meeting to his on duty officers. President Pancoe was glad to hear that Police Chief A. DiValentino is reviewing policies and training for the awareness of how the community perceives the Police Force. Vice President R. Bunker wanted to thank Chief A. DiValentino for attending that meeting as well.

12. Director of Public Work's Report: A written report was provided with the monthly meeting materials. Director of Public Works T. Frank wanted to highlight the Borough did receive a Poly Tank for brining. They are currently in the process of getting that installed in the yard. The Public Works crew also did discover a structural issue with the retaining wall that goes from the parking lot into the Public Works yard. They are noticing that the wall is in the process of failing. Public Works Director T. Frank stated that the mortar has disappeared and there are currently rocks falling out. He stated they will be taking care of this issue in the upcoming week. Public Works Director T. Frank also wanted to highlight that all of the electrical work at Town Square has been completed in regards to the lights being independent from the outlets. Now all of the lights are on a photo sensor, which allows the lights to not be on but the outlets to be used.

Councilor J. Conners wanted to encourage Council to go over and take a look at the yard. He commended the Public Works crew on how nice it was looking. Councilor J. Conners also urged Council to look at the new brine tank.

13. Manager's Report: A written report was provided with the monthly meeting materials. Borough Manager G. Locke stated that the automation of the Borough Office has made great progress but there is still a few hiccups. Borough Manager G. Locke stated that the Borough Office need a network exchange, which is the new focus to continue to improve the automation. Borough Manager G. Locke stated that Friday August 29th will be the start of MUNICIPALPAY entering in our system, which helps move the process along to allow credit cards to be accepted in the Borough. Borough Manager G. Locke also wanted to highlight the Borough now has a night deposit key for TD Bank as well as the deposit bags that will help automate the banking deposits.

Borough Manager G. Locke also highlighted a few major purchases such as renewing the general liability with Joyce Insurance, also renewed dental insurance for the non-union employees at no rate increase.

President D. Pancoe wanted to acknowledge that she had full confidence and trust in the way he is spending his time. That being said President D. Pancoe that there was so much detail in the Manager's Report that it saved Council so much time to be able to read it than to hear the report on all the items. President D. also enjoyed the detailed report because it allows all of Council to be up to date on what is going on in the Borough.

- 14. Engineer's Report:** A written report was provided with the monthly meeting materials. Engineer O. Hyne reported that Cedar to Walnut has been an ongoing item and has been something that Remington, Vernick, and Beach have prepared a lot of reports and analysis on between Cedar to Walnut. Remington, Vernick and Beach have been working with Public Works on this project and have now decided to put a camera into the sewer to have a look at what the actual flow conditions look like to either validate or disprove the current report. Generally, Remington, Vernick, and Beach think there is a lot of flow coming down from Washington Lane coming down Cedar Street and actually passing the inlets that are designed to catch the water and direct it into the new storm sewer. Remington, Vernick and Beach believe the water is bypassing those inlets and going down into the low points. Remington, Vernick and Beach are waiting to see what the video shows but they believe the solution may be to divert some of the water into the new system which has the capacity for a fifty year storm. Engineer O. Hyne then wanted to discuss the I&I Report, this was required per the Intermunicipal Agreement with Cheltenham and Remington, Vernick, and Beach is working on the report currently. Finally, Engineer O. Hyne wanted to discuss the 2014 Paving Program on West Ave and Myrtle Ave. Both roads were milled on Monday August 25th and will be installing the new asphalt on Tuesday August 26th. Engineer O. Hyne stated that all the work for the 2014 Paving Program should be completed before school starts the following week.

President D. Pancoe was delighted to hear that the work would be completed before school would be in session the following week. President D. Pancoe wanted to express her dismay for missing the 2014 PEDAs Grant deadline. President D. Pancoe stated that the PEDAs Grant would have really helped the Borough along in their efforts to improve the Borough. Engineer O. Hyne stated he had "dropped the ball" on applying for the grant, and personally regrets not making the deadline. Engineer O. Hyne stated he did not feel comfortable enough with the information they had to submit the grant.

ORDER OF BUSINESS

- 1. Request For Qualification Notification:** Vice President R. Bunker moved that Council move forward with the approval of the Request For Qualifications to the Act 511 Tax Compliance Auditor. Councilor T. Danilak seconded the motion. Councilor J. Conners asked what this was in reference to. Solicitor Kilkenny state that this was to figure out who would spot check the local businesses to make sure the businesses are paying not only their taxes but the right amount in taxes. There was no further discussion and the motion passed unanimously.
- 2. Waste Management Proposal:** On motion of Councilor J. Conners, seconded by Councilor C. Durkin, the motion that Council allows the inclusion of Jenkintown Borough in the bid process for the Waste Management Proposal was passed unanimously.
- 3. Resolution #2014-24 - BPT Regulations:** On motion of Vice-President R. Bunker, seconded by Councilor T. Danilak, the motion that Council adopt Resolution #2014-24, BPT Regulations to revise and restate regulations regarding the administration of the Business Privilege Tax and the Mercantile License Tax. Solicitor Kilkenny discussed that Friedman Shuman put this Resolution together, specifically Barbara Merile, to make our Regulations compliant with the state. Councilor J. Conners asked if this means something as simple as a vending machine can get taxed. Solicitor Kilkenny answered that question affirmatively. Councilor L. Durkin asked that if a business has a base office in Jenkintown but outsourced work what would happen. Solicitor Kilkenny explained they would still have to pay taxes but they would be minimum. After this discussion the Resolution passed unanimously.

4. **Resolution #2014-25 - Guild Brewing Company Liquor License:** On motion of Vice President R. Bunker, seconded by Councilor T. Danilak, the motion that Council adopt Resolution #2014-25, to approve the Liquor License for the Guild Hall Brewing Company located at 208-210 York Road. Councilor C. Durkin asked if the Brewing Company would be open soon. Borough Manager G. Locke replied that it should be opening in October of this year. Councilor L. Durkin thought they had purchased the building. Solicitor Kilkenny stated that he would look into this and change if necessary. After the discussion the Resolution #2014-25 passed unanimously.

NEW BUSINESS AND DISCUSSION: There were no new business items for discussion.

EXECUTIVE SESSION: On motion of Councilor C. Durkin, seconded by Councilor T. Danilak, the motion to move into Executive Session for discussion of matters of litigation and personnel passed unanimously.

At the conclusion of Executive Session, President D. Pancoe announced that an Executive Session was held for the purpose of discussing matters of litigation. A motion made by President D. Pancoe seconded by Councilor C. Durkin to go back into the public meeting passed unanimously.

NEW BUSINESS AND DISCUSSION: On motion of Councilor J. Conners, seconded by Councilor C. Durkin, the motion allowing the Request for Proposals for a new Engineering firm passed unanimously.

ADJOURNMENT: On motion of President. D. Pancoe, seconded by Councilor L. Durkin, the motion adjourning the meeting passed unanimously.