



**JENKINTOWN BOROUGH COUNCIL  
PUBLIC MEETING  
July 28, 2014  
7:30 P.M.  
700 Summit Avenue, Jenkintown Pennsylvania  
MEETING MINUTES**

**Call to Order:** President Pancoe called the meeting to order at 7:30 p.m.

**Pledge of Allegiance:** Mayor Foley led those who were present in the Pledge of Allegiance.

**Roll Call:**

**Council members present:** President Pancoe, Vice President Bunker, Councilor Conners, Councilor Farrell, Councilor Danilak, Councilor Mixon, Councilor Golden, Councilor Soltysiak.

**Council members absent:** Councilor L. Durkin, Councilor C. Durkin, Councilor Marlowe, Councilor Boutcher.

**Others Present:** Mayor Foley, Manager Locke, Police Chief DiValentino, Public Works/Code Enforcement Director Frank, Solicitor Kilkenny and Engineer Beach.

**Approval of Minutes of June 23, 2014:**

Councilor Conners made a MOTION, seconded by Councilor Mixon to approve the minutes of the June 23, 2014 Council meeting.

MOTION was ADOPTED 8-0.

**Approval of Payrolls dated June 26<sup>th</sup>, July 10<sup>th</sup> and July 24<sup>th</sup> in the amount of \$184,518.80 and invoices totaling \$584,251.04:**

Vice President Bunker made a MOTION, seconded by Councilor Danilak to approve payrolls dated June 26<sup>th</sup>, July 10<sup>th</sup>, and July 24<sup>th</sup> in the amount \$184,518.80 and invoices totaling \$584,251.04.

MOTION was ADOPTED 8-0.

**Public Comment:** None.

**Presentation:**

Resolution No. 2014-20 Recognition of EisnerAmper Accountants & Advisors:

President Pancoe made a MOTION, seconded by Councilor Golden to adopt Resolution No. 2014-20 recognizing EisnerAmper Accountants & Advisors for their contribution to Jenkintown Borough, their success in their field and recent business expansion.

President Pancoe presented the award to Laurie Reiner, Partner of EisnerAmper’s Philadelphia and Jenkintown offices.

**Ordinance No. 2014-6 – Consideration of Adoption to Chapter 66 (Animals):**

President Pancoe said proposed change to existing ordinance came about because a resident had a complaint about a neighbor’s dog that barked all night long, and this resident suggested that after review of existing ordinance, that it should be revised. So Council referred this to Public Safety Committee as well as to direct the Manager to research ordinances from surrounding municipalities.

The resolution before Council this evening is a revision of existing ordinance, Section 66-14, titled “Disturbances of the Peace,” and she asked Solicitor Kilkenny to explain what the previous ordinance says and what the proposed revisions state.

Solicitor Kilkenny replied language in the existing ordinance is similar to proposed revision, which says, “It shall be unlawful to own, harbor or keep in custody any dog which disturbs the peace through continuous barking, howling or the making of other loud noises to the annoyance and discomfort of persons in the Borough of Jenkintown.” Existing ordinance caused enforceability issues for the District Justice and that is why the language was revised to be more general in nature. Abington Township’s ordinance contains a subjective standard similar to proposed ordinance and that is before Council this evening.

Mayor Foley clarified that the intent for proposing to make the ordinance less-specific is so that the police can use discretion in terms of whether or not there is an actual violation. Is that correct?

Solicitor Kilkenny replied that is correct.

Chief DiValentino provided a copy to Council of a complaint form that the Police Department uses to notify residents of a complaint about their dog. Most complaints the department receives about dogs are after-the-fact, so we try to contact the dog owner, and if not, the form is filled out and left in the homeowners’ door.

Councilor Farrell commented that as member of the Public Safety Committee, when we discussed proposed change to the ordinance regarding concerns about dogs barking all night as well as in the early morning hours, the intent was to make it more understandable for residents and to have more opportunities to address complaints without going to the citation stage, which is what the existing ordinance leads straight to.

President Pancoe asked for public comments.

Mark Adams, 219 Hillside Avenue, requested that Council oppose proposed changes to the ordinance and for the existing ordinance to remain as is because he feels it is being changed for one person.

Debbie Newlcumet, 221 Hillside Avenue, asked that the time limit listed in existing ordinance remain because her neighbor has complained about her dogs to the excess of threatening them.

Stephanie Smith, 500 West Avenue, commented that the ordinance does not address multiple complaints about barking dogs.

Patrick McGinnis, 501 Runnymede Avenue, expressed concern about proposed changes being too subjective and questioned who defines “continuous.”

Jennifer Weinik, 502 Runnymede Avenue, commented that making the ordinance subjective “opens up a can of worms.”

Julie Smethers, 512 Division Street, questioned how she can protect herself as a dog owner from someone complaining about her dogs when there are six other homes that have dogs.

Scott Smethers, 512 Division Street, expressed concern about protecting himself from someone who is harassing his dog and family because they believe his dogs are barking.

Mark Flood, 331 West Avenue, commented that he does not see how proposed ordinance change will be better than what exists now because the police will still not be able to prove or qualify to the District Justice. This should not be warranted because of one person complaining in the Borough.

Adrienne Redd, 321 Summit Avenue, said she feels this ordinance should not be changed and provided a copy via email as well as a copy in writing of suggestions for Council’s review.

Jeff Orkin, 606 Greenwood Avenue, requested that Council table this matter until further research has been done or vote against this change. The real issue is not about barking dogs, but neighbor problems.

Jim Oyer, 305 Runnymede Avenue, commented that previously, he had an issue with a neighbor's dog and it was resolved by calling the police, so we do not need a nebulous new law.

Eric Steinhauer, 314 Greenwood Avenue, commented that he is not convinced based on what has been said that there is a problem with existing ordinance, but there are better considerations if Council feels they need to fix the problem.

Greg Lester, 315 Greenwood Avenue, commented that most dog complaints are resolved in a decent manner and he questioned whether Council is legislating to fix outlining problems, which is not the best way to go especially because we have a Police Department that is willing to bring neighbors together to talk. He does not see a need for this change.

John Catefina, 407 Walnut Street, commented that his neighbor's dogs bark to protect him and his wife and we appreciate it, and Council should not pass this because of that.

Angela Basemen, 221 Mather Road, commented responsible dog owners see why they are barking and take care of it. If the dog has to bark for a long time, then the owner is not being responsible, but that does not seem to happen in Jenkintown. Her concern about changing specific language that includes a time limit to non-specific language is not a good idea.

Jackie Boutcher commented that she agrees with everyone. She owns rescue dogs and they bark from the nuisance of the bars that she lives behind.

Annabelle Moreno expressed concern about the subjectivity of the proposed change in the law because she owns two dogs and has an ongoing neighbor dispute. What if her dogs bark in the early morning hours and she is not there, she has no control over it and would be facing a fine because the dogs are protecting her house.

Michael Baurle commented that there is no justification for the current ordinance. He read through other municipalities' ordinances and did not find them remotely similar to the Borough's current ordinance. Also this ordinance as it exists now protects 90% of the people and it should protect 100%.

Gerry Harmer commented that she is a K-9 Handler with Pennsylvania Wilderness Search and Rescue and dogs bark for a reason. The proposed changes do not say excessive or continuous and many municipalities use that language. Also, she suggested adding language that handlers can mediate the problem instead of having the Borough's paid police doing it.

Jennifer Casey commented there has only been one big issue. Why should it be changed so that we will all have issues?

Joe Kroll, Cedar Street, commented that it seems to be more of a “people” issue and what is in place works. He feels we are trying to make irresponsible people be responsible dog owners, and this ordinance is supposed to be for the best of everyone.

Jay Pastelak, Summit Avenue, commented that after reading the ordinance, he found it to be vague and imprecise and the language is open to definition. He requested that Council table this matter.

Pete Cooney, 419 Cedar Street, commented that if there is a problem, the police should be called. He asked Council to oppose changes to the ordinance and keep the old one.

Herm Schecater, 504 Shumaker Avenue, commented that he agrees the law should be more specific than what is being proposed.

Councilor Golden made a MOTION, seconded by Councilor Farrell to table this matter and send it back to committee.

MOTION was ADOPTED 8-0.

### **Committee Reports:**

#### Administration and Finance:

Chairman Bunker noted that a written report was provided with monthly meeting materials. Due to increase in parking meter revenue and Business Privilege Taxes as well as oversight by our professional staff, it is projected that the Borough will end the year approximately \$150,000 better in cash position.

Building, Zoning and Revitalization: No report.

#### Public Safety:

President Pancoe noted that minutes of Public Safety committee meeting were provided with monthly meeting materials.

#### Public Works:

Chairman Connors noted that minutes of Public Works Committee meeting were provided with monthly meeting materials.

Jenkintown School District:

Chairperson Farrell reported there was a meeting held at the school on July 22<sup>nd</sup> to discuss the Florence Field runoff issues. We discussed short-term and long term remediation plans and the School Board will have consultants take a look at the situation. Sidewalks are close to being completed along the West Avenue side as well as other renovations being done including bathrooms. Also, the School Board appointed a Liaison to Council, Stephen Schaphorst.

President Pancoe suggested meeting on a different night as the School Board so we can attend their meetings if necessary.

Jenkintown Community Alliance:

Mayor Foley reported that planning has begun for the Arts Festival on September 21<sup>st</sup> and volunteers are needed.

Multi-Municipal Group:

Chairman Golden reported that he, along with Mayor Foley are working on filling out extensive informational questionnaire for classic town application.

Solicitor's Report:

Solicitor Kilkenny requested that Council convene an Executive Session to discuss a matter of litigation.

Mayor's Report:

Mayor Foley reported there was discussion during BZR committee meeting about the possibility of having a food truck at the Town Square on the four remaining Tuesday night music series until they conclude. No ordinance is needed for having a food truck at an event, but will require a few parking spaces since the truck parks sideways to the square. The first food truck coming this Tuesday is BBQ with entrees costing about \$6.

Police Chief's Report:

Chief DiValentino noted that his report has been provided for Council's review.

Director of Public Works Report:

Director Frank noted that his report has been provided for Council's review.

Manager's Report:

Manager Locke noted that his report has been provided for Council's review. Freedom Software System will be integrated for automatic pay and cashier service, and staff will be trained. Also, bulk pickup will be done every Tuesday with fees remaining the same.

Engineer's Report:

Tom Beach, Engineer (filling in for Owen Hyne) noted a report has been provided for Council's review. Regarding the Cedar and Walnut project; we will provide recommendations to the Manager that can be presented to Council at its meeting next month. Also, the paving program will begin on August 5, 2014.

**Resolution No. 2014-21- Support of Local Use of Radar:**

Councilor Mixon made a MOTION, seconded by Vice President Bunker to adopt Resolution No. 2014-21 supporting the use of local radar that is equal to that of Pennsylvania State Police for public protection.

MOTION was ADOPTED 8-0.

**Resolution No. 2014-22 – Zoning Hearing Board Appointment:**

President Pancoe made a MOTION, seconded by Councilor Golden to adopt Resolution No. 2014-22 appointment of David Ballard as member of the Zoning Hearing Board.

MOTION was ADOPTED 8-0.

**New Business and Discussion:**

Appointment of Borough Manager George Locke to Pension Board:

Councilor Connors made a MOTION, seconded by Vice President Bunker to appoint Borough Manager George Locke to the Non-Uniformed Pension Board for a two (2) year term.

MOTION was ADOPTED 8-0.

**Executive Session:**

On motion of President Pancoe, seconded by Vice President Bunker, to move into Executive Session for discussion of matters of litigation passed unanimously.

At the conclusion of Executive Session, Council reconvened in open session. President Pancoe announced that matters pertaining to litigation were discussed during the Executive Session.

**ADJOURNMENT:** On motion of President Pancoe, seconded by Councilor Golden to adjourn the open meeting passed unanimously. Meeting adjourned at 9:39 p.m.

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