



JENKINTOWN BOROUGH COUNCIL

PUBLIC MEETING

MAY 19, 2014

7:30 P.M.

700 Summit Avenue, Jenkintown Pennsylvania

MEETING MINUTES

1. **Call to Order:** President Pancoe called the meeting to order at 7:30 p.m.
2. **Pledge of Allegiance:** Mayor Foley led those present in the Pledge of Allegiance.
3. **Roll Call**
 - **Council members present:** President Pancoe, Vice-President Bunker, Councilor Connors, Councilor Danilak, Councilor L. Durkin, Councilor Farrell, Councilor Golden, Councilor Marlowe, Councilor Mixon, and Councilor Soltysiak.
 - **Council members absent:** Councilor Boutcher and Councilor C. Durkin.
 - **Others Present:** Mayor Foley, Manager Locke, Assistant Manager Bashore, Chief DiValentino, Public Works Director Frank, Solicitor McDonald, and Engineer Hyne.
4. **Approval of Minutes: April 28, 2014:** On motion of Councilor Marlowe, seconded by Vice-President Bunker, the motion approving the minutes from the April 28, 2014 meeting of Borough Council passed unanimously.
5. **Approval of Payrolls dated May 1 and May 15 in the amount of \$123,363.62 and Invoices totaling \$168,202.48:** On motion of Vice-President Bunker, seconded by Councilor Golden, the motion approving payrolls and invoices passed unanimously.
6. **Public Comment**
 - **Jonathan Wilt (Hiway Theater):** Mr. Wilt appeared before Council in order to discuss the status of the Hiway Theater. Mr. Wilt highlighted that cost savings and recent membership increases that have been witnessed as a result of the new management group, Renew Theaters. Mr. Wilt highlighted the success of the summer film festival this past year. Mr. Wilt stated that the Hiway Theater is working to re-capitalize its debt and work to partner with the Jenkintown Library on their upcoming capital project for their roof replacement.

President Pancoe asked about the library partnership. Mr. Wilt stated that the Hiway Theater was approached by the library and noted that the theater supported the project. Councilor Golden noted his support for the partnership between the theater and the library. Councilor Danilak noted his appreciation for the summer music series.

Mayor Foley asked about the reduction in contribution income for the Hiway Theater. Mr. Wilt stated that it was a recalculation in order to more accurately reflect the funds received. Mr. Wilt noted that the contributions and membership income have been separated for accounting purposes. President Pancoe asked about the separation between education and fundraising expenses. Mr. Wilt stated that the fundraising expenses are the costs for events throughout the operating year. Mr. Wilt stated that educational expenses are for training of employees. Councilor Farrell noted her appreciation for the summer music series and recommended that the Hiway Theater seek to partner with local restaurants for increased business traffic. Mr. Wilt stated that he hoped to have more community partnership.

Council thanked Mr. Wilt for his presentation and noted their appreciation for the success of the Hiway Theater. Council invited Mr. Wilt to appear before them at a future meeting.

7. Committee Reports

- **Administration and Finance:** A written report was provided in the monthly meeting materials. Vice-President Bunker stated that the Tax Collector provided a report at the meeting and that the Committee is discussing a policy for expense reimbursement.
- **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 a major topic of conversation. Public Works Director Frank stated that he visited the property and work is underway. Chairperson L. Durkin stated that she would like to ensure that the Borough is prepared to file for an administrative search warrant if the items are not addressed by the June 1 deadline. Manager Locke stated that he was aware of the process and will be prepared to file for one.

Councilor Golden asked if there was any reason why the Borough would not want to file for the administrative search warrant. Councilor Marlowe asked why this would be a tool if progress is being made. Mayor Foley noted that the property owner is reactive and this has been the history. Manager Locke stated that, in order to obtain an administrative search warrant, the Borough would need to specify a reason to gain access to the building and that it is believed to be structurally unsound. Councilor Danilak asked what items on the house are being brought to light since work has begun. Manager Locke stated that he did not inspect the property, but he suspects that the property remains too overgrown to assess the structural condition of the house. Solicitor McDonald asked if the deadline for compliance was in writing. Manager Locke stated that it was. Councilor Danilak noted his opinion that if compliance is not reached by June 1, there is a legitimate concern for the condition of the property given the property owner's history.

Chairperson L. Durkin stated that the 30-day time period is to assess the condition of the property and that the Borough administration should be prepared to file for the administrative search warrant by building a case. Mayor Foley asked what information is being sought in order to build the case to obtain an administrative search warrant. Manager Locke stated that you view the property from the street and see if there was exposure to the elements through holes that may result in the property becoming structurally unsound. Mayor Foley asked if you could view the property from neighboring properties. Manager Locke stated that you could if the neighboring property owners gave the Borough permission to enter their properties for this purpose.

Councilor Golden asked about the 30-day deadline. Manager Locke stated that the 30-day deadline was June 1. Councilor Golden asked if it would make sense that Manager Locke build a case for an administrative search warrant and report to Council if he does not believe there is strong enough evidence to support filing for an administrative search warrant. President Pancoe stated that this is the direction that has been given to Manager Locke. Vice-President Bunker noted concerns with continuing to cite once things came to light and recommended citing for every issue all at once in order to provide a comprehensive picture. President Pancoe stated that she believes that the staff has done all it can in terms of citations given the current condition of the property and noted that a full review of the property once the other items are addressed may be the only course of action.

Mayor Foley asked if the property owner could be cited for the condition of the paint on the property. Manager Locke stated that they could be and noted that the property owner understands that the Borough intends to inspect the exterior of the structure once the exterior vegetation issues are addressed. Manager Locke noted concerns with issuing a citation for the condition of the paint and stated that the property owner could assess other properties on the street and charge selective enforcement. Mayor Foley asked if this could be done with the other issues, such as vegetation. Manager Locke stated that this round of enforcement is for items that are glaring and may be viewed from the public street.

Public Works Director Frank reviewed the situation and stated that he has met with the property owner, noting that the public safety and view is of greatest concern at this time. Public Works Director Frank stated that the property owner understands that the exterior of the structure will be inspected once the vegetation is addressed. Public Works Director Frank stated that pictures of the roof will be easier to obtain once the vegetation is addressed, which may assist in obtaining an administrative search warrant.

Public Works Director Frank stated that the property will be re-assessed on June 1. Vice-President Bunker stated that he appreciated Public Works Director Frank's concept, but he disagreed with the approach and believes that every issue should be cited in order to provide as comprehensive a picture as possible. Solicitor McDonald stated that all communication should be in writing and sent via certified mail. Chairperson L. Durkin stated that the Borough must be aggressive due to the property owner's history.

Manager Locke noted that the property owner may be open to using a third-party inspector to inspect the interior of the property. Solicitor McDonald stated that the property owner must understand that he would be cited for conditions found by a third-party inspector as if the Borough went in itself. Councilor Marlowe asked if the Borough would be able to obtain a copy of the report if the property owner hired a third-party inspector. Manager Locke stated that a condition would be that the property owner provides a copy of the inspector's report to the Borough. Councilor Golden asked about the cost for a third-party inspector. Manager Locke stated that it would be a few hundred dollars. Councilor Golden recommended that the Borough send a letter to the property owner offering to pay for a third-party inspector from select inspection firms.

Mayor Foley asked if the Borough was aware of the history of when the property was last occupied. Manager Locke stated that he was unsure. President Pancoe stated that a property may be owned without being occupied and that the issue is property maintenance. President Pancoe recommended documenting how long property maintenance has been an issue.

Public Works Director Frank stated that June 1 is the deadline for addressing the exterior vegetation and the Borough will be able to obtain better documentation once it is addressed. President Pancoe directed Manager Locke to continue to pursue an administrative search warrant while the June 1 time-clock is running and issue citations for as many items as possible as soon as possible. Councilor Golden noted that he believes that Manager Locke should contact the property owner about obtaining a third-party inspector as soon as possible if Manager Locke believes that the property owner will be agreeable to this matter. Councilor Marlowe stated that she is cautious about the Borough hiring a third-party inspector. Councilor Connors asked if we could request that a representative from the Borough is present if the property owner hires a third-party inspector. Solicitor McDonald stated that the Borough could make such a request. Chairperson L. Durkin stated her support for the Borough hiring a third-party inspector.

Councilor Golden recommended that the process continue and that Manager Locke contact the property owner about having a third-party inspector enter the structure as soon as possible. Council determined that the Borough will continue on its course of action through June 1, obtain permission to view the property from surrounding areas as soon as possible, and have Manager Locke pursue an administrative warrant, as well as contacting the property owner about having a third-party inspector enter the property.

- **Public Safety:** A written report was provided with the monthly meeting materials.
- **Public Works:** A written report was provided with the monthly meeting materials.
- **Jenkintown School District:** Councilor Farrell stated that the School Board is voting on the proposed budget for the 2014-2015 school year and noted that the budget proposes a 2.98% tax increase. Councilor Farrell reported that an article was circulated highlighting that Jenkintown High School was ranked 20th out of 698 schools in terms of SAT scores. Councilor Farrell stated that the annual Color Day will be held on May 23, 2014.
- **Jenkintown Community Alliance:** Councilor L. Durkin stated that the Jenkintown Community Alliance (JCA) held a board meeting on May 16, 2014. Councilor L. Durkin reported that the current President, Steve Spindler, will be stepping down as of June 30. The future of the organization was discussed. Mayor Foley stated that the recommended accountant was contacted and many of the required 501(c)(3) filings have been addressed. Councilor L. Durkin stated that the two major JCA events, the 5K Sunset Run and the Arts Festival, were discussed. Councilor L. Durkin reported that the coalition that runs the Arts Festival have stated that this will be last Arts Festival that they will commit to running. Councilor L. Durkin stated that opportunities are being reviewed for how the Borough may continue the work of the JCA. Councilor Farrell noted her attendance at the meeting and that the JCA Board recommended a meeting between the Borough and the JCA Board to discuss ideas. Mayor Foley noted that there is a

lack of support from members listed on the JCA Board and voiced support for continuing the mission with new membership. Councilor L. Durkin noted Steve Spindler's effort to move JCA forward when the Business Improvement District was voted down.

President Pancoe noted her support for meeting with the JCA Board and recommended that Council brainstorm a proposal to take to the JCA Board. President Pancoe recommended that the newly formed Recreation Board assist with certain JCA events, such as the 5K Sunset Run, but voiced concern over assuming the responsibilities of the Arts Festival due to its size. Councilor Golden noted his support for meeting with the JCA Board. Councilor Danilak asked if this would include a financial commitment from the Borough. President Pancoe stated that this is something that will be discussed. Council determined that dates will be recommended to the JCA Board for a meeting.

- **Multi-Municipal Group:** Councilor Golden stated that Building One PA had a statewide meeting on May 16, 2014 concerning infrastructure.
8. **Solicitor's Report:** Solicitor McDonald stated that she will have two items for discussion concerning litigation and personnel matters.
 9. **Mayor's Report:** Mayor Foley reported that he is arranging the party to open up the Greenwood Avenue Bridge and he has been provided with permit applications from PennDOT.
 10. **Police Chief's Report:** A written report was provided with the monthly meeting materials.
 11. **Manager's Report:** A written report was provided with the monthly meeting materials. Manager Locke stated that the transition to the new energy supplier has been completed and the Borough has saved approximately \$500.00 per month since the transition two months ago. Vice-President Bunker recommended a press release on the cost saving initiatives that the Borough administration has undertaken over the last year. Manager Locke highlighted the financial courses that he has attended. Manager Locke stated that new reports were provided with the monthly financial report.
 12. **Assistant Manager's Report:** A written report was provided with the monthly meeting materials. Assistant Manager Bashore reported that there will be night work scheduled for the week of May 19 for the Greenwood Ave. Bridge project. Assistant Manager Bashore reported that the opening on the Zoning Hearing Board has been advertised an applications will be accepted through June 11, 2014.
 13. **Engineer's Report:** A written report was provided with the monthly meeting materials. Engineer Hyne reported that a change order is being prepared for Tri-State Grouting in order to complete the grouting work under the H2O grant. Engineer Hyne stated that the project will target streets on the Runnymede Ave. flow meter as there are the most significant peaks during major storm events.

ORDER OF BUSINESS

1. **600/602 Greenwood Ave. - Land Development Application:** Councilor L. Durkin moved that Council accept the recommendations of the Jenkintown Planning Commission and approve the land development application for 600/602 Greenwood Ave. conditioned on complete compliance with the review of the Borough Engineer. Vice-President Bunker seconded the motion. Solicitor McDonald recommended amending the motion to include compliance with the decision of the Jenkintown Zoning Hearing Board. Councilor L. Durkin amended her motion to include compliance with the decision of the Jenkintown Zoning Hearing Board. Vice-President Bunker seconded motion as amended. There was no further discussion and the motion passed unanimously.
2. **Ordinance #2014-4 - Amendments to Parking Regulations:** On motion of Vice-President Bunker, seconded by Councilor Connors, the motion that Council adopt proposed Ordinance #2014-4, amending chapter 172 of the Jenkintown Borough Code pertaining to the parking of vehicles passed with nine "Yes" votes and one "No" vote (Councilor Golden).
3. **Ordinance #2014-5 - Recreation Board Amendments:** On motion of Vice-President Bunker, seconded by Councilor Marlowe, the motion that Council adopt proposed Ordinance #2014-5, amending chapter 46 of the Jenkintown Borough Code pertaining to the Recreation Board passed unanimously.

4. **Resolution #2014-15 - Appointments to the Recreation Board:** On motion of Vice-President Bunker, seconded by Councilor Marlowe, the motion that Council adopt Resolution #2014-15, appointment members to the Jenkintown Borough Recreation Board passed unanimously.
5. **Sewer Rate Study:** On motion of Vice-President Bunker, seconded by Councilor Golden, the motion to award the contract for the Sewer Rate Study to Keystone Alliance Consulting, Inc. based on their proposal dated January 31, 2014 for a not-to-exceed cost of \$15,000.00 passed unanimously.
6. **Inter-municipal Sewer Agreement with Cheltenham Township:** On motion of Councilor Conners, seconded by Councilor Marlowe, the motion to table the inter-municipal sewer agreement between the Borough of Jenkintown and Cheltenham Township passed unanimously.
7. **Resolution #2014-16 - PA Small Water & Sewer Program:** On motion of Councilor Conners, seconded by Vice-President Bunker, the motion that Council adopt Resolution #2014-16, requesting a grant through the PA Small Water and Sewer Program for sewer lining and grouting work passed unanimously.
8. **Resolution #2014-17 - Cheltenham Township Act 537 Sewage Facilities Plan:** On motion of Councilor Conners, seconded by Councilor L. Durkin, the motion to table Resolution #2014-17, pertaining to the Act 537 Sewage Facilities Plan for Cheltenham Township, passed unanimously.

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

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

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

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