

BOROUGH OF EAST GREENVILLE
BOROUGH COUNCIL MEETING MINUTES
August 1, 2016

Call to Order: Council President Mr. Young called the meeting to order at 7:34 p.m., followed by the Pledge of Allegiance to the Flag.

Attendance: The following Council members were present: Tracey Hunsinger, Robert McCluskie, Ryan Pugh, Marita Thomson and James Young. Also present were Mayor Ryan Sloyer, Michelle Forsell, Solicitor, James Fry, Borough Manager, and Sharon Kachmar, Borough Secretary/Treasurer.

Approval of Minutes: A motion was made by Ms. Thomson to approve the minutes of the July 26, 2016, meeting. Seconded by Mr. Pugh and unanimously approved.

Visitors: Jeromy Schulz-Arnold; Bradley Schlegel of Town & Country; Douglas & Diane Criddle; Jennifer Moran; plus one other visitor

Visitor Comments: None.

(Mayor Sloyer requested verbatim minutes for any discussions or statements with regards to Pennsburg Borough, Police Department and recycling.)

Police Commission Report:

Mayor Sloyer (MS): I was not at the meeting but I understand it had some interest to it. Bob and Marita, can you touch base on the meeting and then I want to talk about some things that have come up that everybody should be aware of.

Mr. McCluskie (RM): I don't have the meeting agenda in front of me from the last meeting but there were questions raised about the charges made by the solicitor, one for \$37.50. It basically came down to Pennsburg officials didn't think that we should be cc'ing the solicitor on routine matters, because if he opens it he charges for it. One was for just letting everybody know that the police chief wasn't going to be there and the other one I don't recall but I disagreed with that one I remember. It was about something he should be aware of. Do you remember what that was about, Marita?

Ms. Thomson (MT): And the discussion again was they weren't going to approve his invoices and they kept bringing up these emails. I didn't have those items in front of us as is very typical. They don't ever bring those things and share them, they just expect you to have ESP and know which emails they are talking about. One of them was the one you said about the meeting that the chief wasn't going to be there and they said there was no reason for you, it was actually Bob who sent it, they said there was no reason for him to know that. But Tracey brought up a really good point after the meeting that if the solicitor had issues that were ongoing with the chief, he obviously would want to talk to the chief about them, and he should know that the chief wasn't going to be there. So they're nit picking. Do you remember Tracey what the other email was?

Ms. Hunsinger (TH): The other email was an email that I believe the Mayor sent to the chief asking the chief questions about the drug task force and he cc'ed the solicitor, which when I went back I could see why he would want the solicitor on the email because we needed to make sure we were covered from a liability standpoint because up until that point we weren't sure what exactly the drug task force was which is why we voted to cover Officer Lavin while he was at those meetings.

RM: I do recall a few other things about the meeting now. The solicitor pressed for proof of bias and Kris Kirkwood just said, you're not going to get it, the matter is done and over with and I'm not talking about it any more. When it came to the drug task force, it came up that the Pennsburg officials assured that the police officer

was doing it on his own time and has nothing to do with Police Commission and it really shouldn't be on the agenda.

MT: Sgt. Adam confirmed it was not a police matter.

MS: So, then I assume he will not be in uniform, he will not send any emails out through the department's email. It would be all through personal emails and street clothes.

MT: Yes, we should address that.

BM: I was at the task force meeting last weekend, and he was not in uniform for that.

MS: Ok. But he is sending emails out using the department's email. So he needs to have everything sent out on his personal email and be completely volunteer if that's the case. You can't have it both ways.

MT: They didn't want to share anything.

MS: Surprise there.

TH: I do have a question. Are the officers allowed to use their work email for personal use? I'm assuming that would already be covered in their handbooks whether there is a policy for using your work email for personal use. We would have to look into that.

MS: That I'm not sure of.

MT: The other issue they wouldn't give us anything on is the regional police. They asked why it was on the agenda and Vicki's comment was that it's Pennsburg business.

MS: I'll touch base on that because she alludes to it'll eventually come to Police Commission. So, I guess that's when she feels it's necessary. Is that it then?

BM: I think from an outsider's perspective looking in as far as the drug task force being totally separate, and your input on this would be helpful too, we have a police officer presiding over it, we have one of the mayors of the town there, we have borough council members from both towns there, yet it has nothing to do with the police. From an outsider looking in, it looks like they're there.

MS: Once an officer, always an officer, whether you are in street clothes or not. That's the way he'll be looked at and that's because of the job. But, I have a feeling there is more to it than what they are telling us which has been par for the course for the past year to two years or so.

BM: I went to this past meeting, and there was a good meeting. It was very non partisan and it was geared towards actually trying to figure out ways to help the community work through some of the drug issues that are going on. It was a good first step but it was a baby step. There's a lot of people involved.

MS: I'm going to re-emphasize that East Greenville thinks it's a good idea, for the reporter, so it doesn't get misquoted. And that we have people attending it; we just need to find out liability-wise and make sure that the department plus the boroughs are covered. And I'm going to go into a couple of other things that took place. I took the liberty of sitting down for two hours in Pennsburg chambers to record their meeting minutes from June 7th, which was very interesting as to what all was talked about. A couple of things came out that prompted some of these emails. One was that Mayor Lightcap announced that Chief Devlin was asked to do a traffic study for Home City Ice and trucks and also that he was going to be in contact with Home City Ice to talk about the truck issue, which is sending him as a representative of Pennsburg to discuss stuff with a business in East Greenville. When I asked the chief if he had conversations, we played the cat and mouse game for a little bit back and forth with emails and then his response was (when I asked him I sort of covered myself with email, phone) he said he had it by phone. So email, phone, reports whatever, I tried to cover all the bases so that one email could be answered and his reply to me was... (and I'll share this email with council which most of you have I believe already. I think I forwarded it to everybody.) It says, Mayor, I can't remember exactly who I spoke to but the male individual was in management. Our discussion detailed the travel routes of both the two-axle trucks and the tractor trailers. It was discussed that the two-axle trucks would continue to utilize Second Street. The tractor trailers utilizing Penn Street were discussed as well and no decisions were made regarding what direction and route they could take. Pennsburg is looking into that issue. I think it's the first time in 18 years that I've known the chief not to have the detail as to who he talked to, time, date and what the conversation was. So, he's not being forthcoming with this borough as to conversations he had to a business that sits in East Greenville Borough.

And then I asked him about the traffic study on July 5th at 1:38 p.m., and this was a month after the Pennsburg meeting that I listened to, he tells me, as of today I have not received any request for traffic study. And then on 7/29 we get an email from Sgt. Joe Adam that provides us with a traffic study that was from July 6th through July 29th. So I guess under that 24-hour period they must have requested real quick for that traffic study to start. Again, the traffic study was being conducted, and we are not getting information as to it and it regards a business in our borough. I asked for reports and Kirkwood then sends an email that there were no reports, it was just by phone with what was the meeting with the chief. So, they can talk a story down in Pennsburg, they can throw out accusations, they can talk trash about people here in East Greenville, but we are not the ones that have bias. We are the ones who are receiving the bias because we are not getting the information, especially something that reflects a business that is valuable to this borough. It is a business valuable to the water system. So, I'll support what I'm saying with black and white; where as you heard at the police commission meeting, they don't have anything to support what they are saying. They won't give their support out there because they don't have it. I think this Council needs to reach out to Home City Ice at this point and find out what the conversation was. On that June 7th recording it was very clear that they were looking at banning all trucks but making sure that anybody who lives within their borough limits would be able to receive any trucks that come through. So, I think we need to find out and my suggestion would be to have our solicitor reach out to Home City Ice and find out what exactly took place and what has been decided or if there have been no decisions made.

MT: Did they ever indicate what started the reason for this traffic study?

MS: They say people complained about the trucks and during the 6th of July and 29th of July it's been recorded, and there is no recording of any other vehicles going down Penn Street just Home City Ice is singled out, as to two tractor trailers that used Penn Street during that time frame from July 6th to July 29th. That's all I have to say on that. Anybody have anything different?

MT: I agree. We need to find out what actually was discussed, who they talked to, and since we're not getting it from the chief, then I think we should reach out on our own.

TH: I would like to find out exactly why Pennsburg is upset and what they would like to see changed and if that's going to be a reasonable request for Home City Ice and if it's going to make it impossible to run their business within the borough. They are with FEMA right? They supply ice?

MS: The last I knew they were on the county's emergency plan for ice if needed. Jim, do you know if that's changed?

Mr. Fry (JF): As far as I know, it's still the same.

Mr. Pugh (RP): What gives them the right to ban the trucks, just Home City Ice trucks going to East Greenville. That pisses me off.

Audience: I live right by there and I don't have an issue with their trucks. You live right down there.

MT: The last complaints I heard were the noise from Home City Ice. Like sometimes you hear that humming, that generator. Sometimes I can hear it from my house but it's not a real loud, offensive noise. I didn't hear anything about trucks.

MS: We did an unofficial noise meter reading and the cars driving past as you sit on the street registered louder than the plant. We've talked to Home City Ice. Their box trucks use Second Street and the road was constructed with the knowledge that they were going to be coming up. Two tractor trailers in a month... I don't know what Pennsburg's problem is when the prep school paid them \$15,000 to build dorms. Their construction vehicles took their mud and trash and run down Third Street and they never cleaned it up and we didn't say anything. Maybe this Borough need to start watching what gets done and banning anything that Pennsburg has being done in East Greenville but that's just tit for tat and b s.

Audience: Is it people in East Greenville that live there that are complaining?

MT: Most are Pennsburg residents.

MS: Pennsburg mayor and that say that people are telling them they are not happy. The ice plant was built back in the day and it got modernized but that ice plant generates a lot of ice and a lot of business to help with our rates for here. It's critical for our water system. So, I don't know what...

Audience: There are so many trucks that go down that street that shouldn't be going down that street.

MT: That's an enforcement issue that we haven't been able to get them to...

MS: And last August, Lee's not here but Jim you have it on record, we had Dominos and all kinds of trucks going through Penn Street and Washington Street and it was very little Home City Ice. And the police watched it then and so I don't know what their issue with it is. They seem to have a problem with a lot of stuff.

Audience: Can we get copies of the Pennsburg complaint?

MS: I don't know if they have official complaints and if they will give you official complaints. When I did the right to know for the meeting minutes to listen to it, I had to take my own tape and they pushed me off 30 days to record it. Why I needed to wait 30 days to record it, I don't know, but I just waited the 30 days and went to record it. That's when I found out a lot of this stuff and why I started asking through emails and I think you'd agree that an officer of 20 some years wouldn't forget or not document what they've done. To say it was just a male in management and doesn't remember the conversation. So, I don't know what Pennsburg's ultimate plan is. They seem to be on the high horse of just throwing out accusations and picking on businesses in the borough.

RP: What gives them the right to tell us what to do in our borough? Nothing does.

MS: Well, we went through our proper and legal proceedings and not a single person through those proceedings were here and complained about it and then after everything was done and it wasn't an overnight thing, then all the sudden we had people who came and complained and people in Pennsburg, but once you've gone through the legal proceedings, once you've gone through the whole process, there is not much you can do after the after and that's why you had the legal proceedings that you go through.

(multiple brief overlapping conversations)

MS: There is one resident who lives there and his driveway is right next to the plant. He is probably one of the closest to the plant from Pennsburg along with another one and we haven't heard a peep out of him. And he is one I would have thought he'd have been up here and he hasn't been.

MT: Can we ask the solicitor to check for us if they can legally stop that? Because of the trucks banned on Main Street, there is no other reasonable way for them to get in there. You don't want to take them through town.

MS: Is Council asking her to talk with Home City Ice to find out what the conversation was?

MT: Yeah, I think we should.

TH: Yes

RP: Yes

Jim Young (JY): Yup

MS: I think that's all I have for now.

Mayor's Report: Volunteers are welcome and needed to help with set up and clean up on Community Day. Three service awards will be presented that day.

MS: Backing up to the Police Commission. Headlines of the paper, which I haven't read yet, say the Police Commission Solicitor Wants Proof of Bias against Pennsburg. I think I speak for the commission members and the Council, correct if I'm wrong anybody who doesn't feel the same, we feel that police commission solicitor should be informed of what's going on, should be kept up to date, we have always done that. We have always kept the solicitor informed so that when it comes to a meeting he will have information or if he has to get information before a meeting he can look that information up. We again say that Pennsburg should be providing specifics and details as to what their complaints are and the reasonings. We support the solicitor until Pennsburg can prove there is bias against them. East Greenville has been fully open in communication with the solicitor and Pennsburg and that's how they have received the emails that have been forwarded to the solicitor.

MT: We haven't been informed of what this bias is.

MS: Yes. And we have not had any evidence of this bias that they claim. Again this past meeting they talk about two specific emails and don't bother providing anybody with details or which emails they are talking about.

MT: Well ultimately they did, but when you get a packet for a meeting and there are things on the agenda to discuss or even if that wasn't on the agenda and the item was coming up, they should have shared with us what they were talking about so we weren't all just sitting there trying to remember what of the 500 emails we've read they're specifically talking about.

MS: And they want to now end it unless they want to bring it up again, which doesn't do anybody any good because it doesn't clear the air. But they need to provide that proof, again, accusations that have no evidence or background backing to it. So, I'm done talking about that. I don't think they deserve more breath than that.

MT: No, but could we ask the newspaper, can you make sure that if you can't put something in that addresses that can you let us know because if not then I want to write a letter to the editor because they got their headline and the solicitor deserves a response from him and we support that.

Bradley Schlegel: I can write about that but it will overshadow whatever else you guys do.

MS: That's perfect. We feel the whole police commission and what's going on is something the public needs to know the honest trust to and needs to understand the accusations are not being supported and it just doesn't go away. The people have a right to know what's behind the accusations and the police commission solicitor deserves and should have the respect given him what they are talking about, the evidence he is asking for since they've drug him through with saying there is bias.

BM: To add on to that, within that article there is a laundry list of items mentioned, I'm not sure where they came from, but I hope the solicitor would have the chance to explain or refute a lot of those items.

MS: He deserves the respect of giving him the proof of the claims that they are saying.

Solicitor Items: Atty. Forsell presented the Comcast Franchise Agreement draft. The current agreement was for a 10-year term expiring 2018. The new agreement is mostly the same except they are asking for a 15-year term with auto renewal every five years. Notice of not wanting to renew must be made three years in advance. Atty. Forsell was asked by Council to respond offering a five-year contract with no auto renewal.

Atty. Forsell presented Resolution 2016-08 appointing Jennifer Moran to the Zoning Hearing Board as an alternate. Ms. Thomson made a motion to approve Resolution 2016-08. Seconded by Mr. McCluskie and unanimously approved.

Water Committee: There was no monthly report due to DEP filings being completed. Mr. Fry reported that well control valve maintenance is to be done on Wednesday and sludge hauling is done for the year. He is working on getting permission from the Fish and Boat Commission to look at adjusting the flow at the upper end of the dam. Some erosion is causing water to not flow to the impoundment dam as needed. Mr. Fry is also looking at a permit amendment to get the tank mixing system project started.

Zoning/Planning/Codes: Code officer's report is on file.

A check was received to pay for violations filed with district court at the bank-owned Cherry Street property. Since several citations are pending with district court, it was sent back with instructions to address the charges directly with the court.

Road Committee: Change order #3 was sent to Floyd Hersh for signature on the Second Street Reconstruction Project. In the meantime, the Borough continues to cut grass along the sidewalk at 145 Main Street.

Concerning PennDOT's upcoming repaving project for Main Street, Council discussed options to preserve the decorative crosswalk at Third Street. One suggestion was to keep the crosswalk intact and just mill up to but not through it. Council was concerned about the type of joint they might get there. The consensus was to mill through the crosswalk and the Borough would apply wide white bars. Mr. Fry was directed to look into getting

hot tape for the crosswalk that is reflective. The parking tees would also have to be redone. Mr. Fry offered to contact the company who did it previously for pricing.

Finance Committee: Ms. Thomson made a motion to approve bills as submitted, seconded by Mr. Pugh. Roll call vote: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Mr. Young – aye, Ms. Hunsinger - aye. Motion carried.

Ms. Thomson made a motion to accept the Treasurer’s Report as submitted. Seconded by Mr. McCluskie and unanimously approved.

Concerning Hoff Properties at 413 Jefferson Street, Cowan Associates recommended release of the maintenance escrow after their 18-month site inspection. The escrow release recommended is \$9,298.91 plus interest. There are also land development escrow funds to release. Ms. Thomson made a motion to release a total of \$9,713.59, seconded by Mr. Pugh. Roll call vote: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Mr. Young – aye, Ms. Hunsinger - aye. Motion carried.

Ms. Thomson made a motion corresponding to that final escrow release to close the Hoff Properties escrow account currently held by Univest Bank. Seconded by Mr. Pugh and unanimously approved.

A letter was received from Paul and Kelly Shelmire concerning the water bill for their rental property at 125 Main Street. They asked for a reduction because their bill was unusually high due to a tenant not being aware the toilet was leaking. Council discussed allowing a waiver of the late fee but not water usage. A payment plan without additional charges is also an option if all payments are made as scheduled. Ms. Thomson made a motion responding to their request with a penalty waiver of \$63.75 and relaying to them that we’d be glad to set up a payment plan for the balance of their account. Seconded by Mr. McCluskie and unanimously approved.

Personnel Committee: Two applications for crossing guard were received. Interviews will be scheduled with Mr. Fry.

Property Committee: No quote was received yet from Reed Sign for installation of the wayfinding sign.

Mr. Fry advised that some of the trees in the 400 block of Main Street are starting to die. Some Zelkovas in the 200 and 300 block are pushing up the tree grates. Mayor Sloyer suggested getting a quote to see about cutting them out before it ruins the sidewalk. URDC was the engineer on the streetscape project who recommended the Zelkovas. Cowan Associates gave an opinion that Snow Goose Cherry trees would be a good replacement. Mr. Fry advised that we can take stones out and reset tree grates but will need to do something more permanent next year.

Council discussed the grant available to purchase 1.49 acres on Arlington Street. Ms. Hunsinger liked the idea of buying the property, installing greenhouses and funneling food to the Open Link year round. Ms. Thomson asked Mr. Fry if he knew of water sitting on the alley side of the property. Mr. Fry said in the past there were some areas where water was ponding. Council discussed negotiating a lower purchase price with the property owner due to lower grant award. Mayor Sloyer added there is not much open space in the Borough and nothing on the east side for recreation. Ms. Thomson wondered if Love Upper Perk would be interested in working towards a contract with the Borough to maintain the property if it’s purchased. She questioned if utilities such as water and electric would be needed. Mayor Sloyer said those details can be worked out later. Ms. Moran added that as a board member for youth football and cheerleading, there may be interest in them using that property for their

playing fields. Council suggested the property owner come to the next meeting so they can be advised that a grant was received but the terms have changed and the Borough would like to renegotiate.

Recycling/Waste Management Report: Monthly bag and recycling reports are on file.

RP: Marita, you've had some issues with the contract documents as not fitting our needs.

MT: Jim, did you have a chance to review what Diane sent? I did not.

JF: There was an email that went back to Chuck Garner, Pennsburg solicitor, that the wording for the use of the bags or the totes was not clarified, but I've not seen an updated draft.

MT: Ok, so she was still trying to address that?

JF: Yes, it was still being addressed but I haven't seen an updated draft copy come through.

MT: I'm just concerned. When I read it, it just seems to me like it's very confusing.

JF: It was to me too.

MT: I did send you an email with a detailed list of things that we talked about at the meeting that I was concerned about and when I looked at what she originally sent back, it I didn't feel like they addressed...

JF: No, I don't think it was and I may send an email out tomorrow to everybody and just ask if there's been any...

MT: I feel like we're running out of time here and if we're not going to get a contract written to at least give the options that we talked about then I think we need to talk about whether or not we want to just do our own contract.

JF: I'll send an email over to Garner's office tomorrow.

MS: Why is this one so difficult compared to the past years?

JF: I don't know. We were hoping that they would take Kate Ferry's matrix for bidding and use that because that was very straightforward and then use the bid specifications that we've used in the past which just gave the outline of what the bidder's responsibilities were and how to bid the job and I think it just got rewritten instead of being basic.

MS: I can't remember in 18 years that we've had this much difficulty with a bid document for the trash contract.

RP: I was on the committee five years ago when we did it and I don't remember this much trouble at all.

AF: Can I ask, were the other years debating between using a tote or trash bags?

MS: No.

JF: That might be the difference.

MS: It was with or without recycling and bags but it should be simple to just add the totes into it.

MT: They want the totes, right? We discussed we were probably staying with the bags and so they wrote it based on their intention and Red Hill was still involved at that point.

Atty. Forsell (AF): Maybe the other option is that they have to write the documents with Pennsburg using totes and East Greenville using trash bags. They are having trouble figuring out, x number of customers for the totes and x number for the trash bags. It's going to impact unless you have a definitive number.

MT: I tried to do that on the options sheet. I took the tote and the bags situation out of the text and said provide service based on options and then included that in the options on the back but it didn't come back that way.

JF: From what the committee decided, at least I thought there would be a list of options: trash collection with bags, trash collection with totes, trash collection with recycling and trash collection without recycling.

MT: And that's not how it looks.

RP: I remember that.

JF: That's not how it really came out in word. Where Kate Ferry, the recycling study that she did, she has a matrix where it lists everything and there are totes for recycling and there are totes for refuse and I think the whole thing just got more complicated than it needed to.

MS: And then we'll have to be prepared to discuss the recycling center depending on how this comes out.

Sewer Authority: Nothing.

Revitalization: Nothing to report.

Regional Planning: Nothing.

Emergency Management: Nothing.

Borough Manager Updates: Mr. Fry advised that the warranty period will start on August 31, 2016, for the new police radios that are currently being paid for on a loan from the county. Between August 31st and October 2nd, if there are any radios out of service for damage or repair, the county will pick up the repair bill. The first radios in service will be the police radios.

Executive Session: Mr. Young called an executive session at 8:40 p.m. for possible litigation.

Regular meeting reconvened at 10:30 p.m.

Other Business:

Ms. Thomson made a motion to pull out of the trash bid contract with Pennsburg Borough and bid it on our own. Seconded by Ms. Hunsinger and unanimously approved.

Motion to Adjourn: Being no further business, Ms. Thomson made a motion to adjourn the meeting, seconded by Ms. Hunsinger. Meeting adjourned at 10:34 p.m.

Submitted by:



Sharon Kachmar, Borough Secretary