

BOROUGH OF EAST GREENVILLE
BOROUGH COUNCIL MEETING MINUTES
February 22, 2017

Call to Order: Council President Ms. Hunsinger called the meeting to order at 7:30 p.m.

Attendance: The following Council members were present: Joseph Arahill, Tracey Hunsinger, Robert McCluskie, Jennifer Moran, Ryan Pugh, and Marita Thomson. Absent: None. Also present were Mayor Ryan Sloyer, Atty. Kramer, Solicitor, James Fry, Borough Manager, and Sharon Kachmar, Borough Secretary/Treasurer.

Exec. Session: Ms. Hunsinger advised there was an executive session at 6:30 p.m. for personnel and possible litigation for police issues.

Approval of Minutes: Ms. Thomson was concerned about the wording in the minutes on page 2. The words “per month” were to be added after \$200,000. A motion was made by Ms. Thomson to approve the minutes of the February 10, 2017, meeting with the amendment. Seconded by Mr. Pugh and unanimously approved.

Visitors: 26 visitors were present.

Public Comment: None.

Ms. Hunsinger asked interested candidates for the Borough Council vacancy to tell Council about themselves and their particular interest in serving on Borough Council. The following candidates addressed Council and answered questions: John Dingler, 503 Jefferson Street, Michael Perlow, 443 Main Street, and Keith Gerhart, 143 Cherry Street. Lon Brinckman, 551 Washington Street, withdrew from consideration due to child care issues. Greg Gaudreau, 451 Washington Street, withdrew from consideration due to concerns others raised about his past.

Ms. Moran made a motion to appoint John Dingler to Borough Council, seconded by Mr. Arahill. Roll call: Mr. McCluskie – no, Mr. Pugh – no, Ms. Thomson – no, Ms. Hunsinger – no, Mr. Arahill – aye, Ms. Moran – aye. Motion does not carry.

Mr. Pugh made a motion to appoint Michael Perlow to Borough Council, seconded by Ms. Thomson. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Ms. Moran – aye. Motion carries.

Ms. Hunsinger announced a short recess at 8:05 p.m. while Mr. Perlow was sworn in by Mayor Sloyer and paperwork was signed. The meeting resumed at 8:09 p.m.

Mr. Pugh made a motion to approve **Resolution 2017-02** appointing Michael Perlow to the Borough Council vacancy. Seconded by Ms. Thomson and unanimously approved.

Mayor Sloyer advised that the Borough is being reimbursed by himself and some Council members for the letter he sent to all residents and homeowners dated January 25, 2017.

Anna Finn, 541 Colonial Drive, suggested the option to sign up for digital copies of correspondence rather than paper.

Mayor’s Report: Mayor Sloyer asked Council to authorize the solicitor to draft an ordinance to develop their own police department. He also asked for authorization to complete a job description for a police chief which would

be presented to Council for their approval before advertised. He also asked for authorization to contact Cowan Associates to get a firm design on the clubhouse for a police station and create bid documents for advertising. The committee which consists of Mr. McCluskie, Mr. Arahill and Mayor Sloyer intends to meet as needed to be ready for the June 1, 2017, date.

Ms. Thomson made a motion to approve the solicitor to proceed with creating an ordinance to create a police department for the Borough of East Greenville, as well as a job description for a police chief and to reach out to Cowan Associates, the Borough engineer, to contract for the services for setting up the department, seconded by Mr. McCluskie. Mayor Sloyer clarified that the solicitor will be asked to have a draft ordinance by March 6, 2017, and the committee will work on the other two items. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Ms. Moran – aye. Mr. Perlow withheld his vote to ask questions concerning the authorization of the design of the clubhouse for the police department as well as the creating of the ordinance and budget numbers. Ms. Thomson pulled the motion off the table to allow for further public comment.

Tim Cunningham asked what the amount is that the Borough is on the hook for from June until the end of the year. Atty. Kramer advised that it's a legal matter that needs to remain confidential. Atty. Kramer said his obligation is to protect the best interests of the Borough, and Council should not discuss ongoing legal matters or contractual issues in public.

Mr. Perlow suggests that before they formalize any plan they consider all options such as creating an East Greenville Police Department, staying with UPPD, or extending the withdraw date so they can develop a longer term five-year plan.

Ms. Hunsinger called an executive session at 8:38 p.m. to discuss pending litigation with police issues. Meeting resumed at 9:03 p.m.

Ms. Thomson made a motion to approve the solicitor to create an ordinance to establish a police department for East Greenville, commit to work on a job description for a chief and contact the engineer for assistance on a proposal to establish a police station at the clubhouse, seconded by Mr. McCluskie. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Ms. Moran – aye, Mr. Perlow - no. Motion carries.

Jim Raftery, 319 State Street, asked how much it will cost in Borough tax dollars to draft the ordinance. Atty. Kramer said he doesn't have an estimate at this time.

Solicitor Items: Atty. Kramer reported he is waiting for the Comcast representative to forward him the draft cable franchise agreement. He plans to do a final review once received.

Atty. Kramer presented **Resolution 2017-03** for approval. This resolution authorizes the filing of an application to the Pennsylvania Municipal Assistance Program for reimbursement of Floodplain Management Activities. Mr. Pugh made a motion to approve **Resolution 2017-03**, seconded by Ms. Thomson. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Ms. Moran – aye, Mr. Perlow - aye. Motion carries.

Atty. Kramer presented **Resolution 2017-04** for approval. This resolution recognizes April 2017 as Safe Digging Month. Mr. Pugh made a motion to approve **Resolution 2017-04**, seconded by Mr. McCluskie. Roll call: Mr.

McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Ms. Moran – aye, Mr. Perlow - aye. Motion carries.

Atty. Kramer presented **Resolution 2017-05** for approval. Atty. Kramer explained that Quakertown General Authority is intending to issue bonds and notes for financing certain projects on behalf of LifeQuest. Since LifeSpan Day Care is located within the boundaries of East Greenville Borough and is part of the obligated group, federal tax laws require that the proposed financing be approved by the government entity. There is no financial obligation or liability to the Borough with regards to the projects or financing of these projects. Mr. Arahill made a motion to pass **Resolution 2017-05**, seconded by Ms. Moran. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Ms. Moran – aye, Mr. Perlow – aye. Motion carries.

Atty. Kramer informed Council about Act 133, which is a new law that changes the procedure for the way Use & Occupancy permits are issued. This Act amends the code which mandates how municipalities are permitted to issue certificates for real estate transfers. In order to comply with the new law, Council should consider updating their ordinance. Mr. Fry said it requires a temporary U&O be valid for one year for homes that are not inhabitable. The Borough has always allowed temporary U&Os with an Acceptance of Responsibility form, but he suggests clarifying this in the Borough ordinance so there is clear agreement between our Property Maintenance Code and Act 133. Mr. Pugh made a motion to have the attorney look into addressing Act 133 in the Borough code, seconded by Mr. Arahill. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Ms. Moran – aye, Mr. Perlow – aye. Motion carries.

Water Committee: Mr. Fry advised that De Nora Water Technologies, Inc. has asked us to be a prototype test site for their vacuum gas chlorination feeder. At the end of the trial, the Borough will get a complimentary gas chlorinator. They have prepared a non-disclosure agreement for our review. Mr. Fry recommends the Borough participate in the program and asked Council to allow him to sign the Test and Evaluation Agreement. They will also compensate the Borough for the legal review of the agreement. Ms. Moran made a motion to move forward with the agreement from De Nora, seconded by Ms. Thomson. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Ms. Moran – aye, Mr. Perlow – aye. Motion carries.

Mr. Fry informed Council that he has asked Cowan Associates to get basic engineering done for the sedimentation basin repair while waiting for the outcome of the H2O grant. The work has been budgeted for this year whether the grant is received or not.

The well piping replacement project has been ordered with the hope it can be completed in the next four weeks.

Quotes will be requested for budgeted window replacements at the treatment plant.

Zoning/Planning/Codes: Nothing to report.

Road Committee: Nothing to report.

Finance Committee: Nothing to report.

Personnel Committee: Ms. Moran has been trying to contact the resident with the hardship case who was sent a letter from the Borough agreeing to continue water service and attempting to set up a payment plan. Atty. Kramer cautioned about advocating for residents to help with fundraising efforts. Ms. Moran said she was just trying to get people who want to help together with people who need help.

Property Committee: Concerning the handicap accessibility improvement project, Mr. Fry advised that the pre-bid meeting has been set for March 14, with the bid opening on March 21, and potential award by Council on March 28. The bid request has been advertised by the Borough and Cowan engineering is doing the minority businesses and women enterprise notifications.

The annual inspection of the traffic lights was performed. Mr. Arahill advised that the report is on file at the office.

Recycling/Waste Management: Mr. Fry advised he received comments from Ms. Thomson which will be incorporated in the draft of the recycling ordinance. Ms. Thomson advised Mr. Pugh that she would have liked a committee meeting scheduled to review the draft. Mr. Fry suggested the committee or full Council discuss an agreement for the chipper usage. Ms. Hunsinger suggested a chipper only agreement be signed for equipment use, maintenance and fuel. In the interim, Mr. Fry suggests after each Borough uses the chipper, it gets refueled since East Greenville wants to be reimbursed for the fuel tax money. It was suggested the committee meet after the March 1, 2017, meeting with DEP at the recycling center.

Sewer Authority: Nothing to report.

Revitalization: Nothing to report.

Regional Planning: Mr. McCluskie advised that there is a new state law that allows local municipalities to enact a tax credit for volunteers of fire companies and nonprofit emergency medical services agencies. Atty. Kramer added that tax incentives can be made through local earned income tax or real estate taxes. He also advised that PSATS is working with legislature at this time to correct some inconsistencies to Act 172 which went into effect in January 2017. He recommends waiting to see how the legislature amends the Act. Mr. McCluskie asked if it could be implemented next tax year. Atty. Kramer responded that he's not sure how long but discussions are ongoing now. Mr. Fry added that something Council could decide now would be the level of service required to be applicable. He also said to keep in mind that property tax credit would only affect certain individuals, while earned income tax credit would affect everybody.

Emergency Management: Nothing.

Borough Manager Updates: Mr. Fry advised that the Planning Commission met last night. They will be reviewing a light industrial zoning text amendment at their March meeting and then recommending it to Council for consideration. An amendment to the zoning code will require a zoning hearing.

Mr. Fry was asked by DEP if he would sit on their state water plan committee for source water protection, which would entail mostly conference calls. He asked Council for their consent. It would be good to have someone represent this area of our state. Council was in agreement.

Police Report: Nothing to report.

Public Comment:

Joe Wenzel, 709 Morris Road, stated he directly asked Pennsburg officials at their meeting last night if they would be willing to reconsider mediation if East Greenville moved back their withdraw date. Only one council member,

Diane Stevens, responded in the positive. The others didn't want to answer the question. He asked Council to move back the pullout date to allow more time to set up their own department.

Debbie Finn, 541 Colonial Drive, said she looked back in the minutes and is confused that the Mayor is saying we cannot afford the police. She asked who kept approving the contracts with the police officer's union. Mayor Sloyer responded that the management side is the Chair and Vice Chair of Police Commission. The contracts are negotiated, and they try to stay out of arbitration.

Motion to Adjourn: Being no further business, Mr. McCluskie made a motion to adjourn, seconded by Ms. Moran. Meeting adjourned at 9:52 p.m.

Submitted by:



Sharon Kachmar, Borough Secretary