

BOROUGH OF EAST GREENVILLE
BOROUGH COUNCIL MEETING MINUTES
March 6, 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: Michael Perlow. Also present were Mayor Ryan Sloyer, Atty. Kramer, Solicitor, James Fry, Borough Manager, and Sharon Kachmar, Borough Secretary/Treasurer.

Executive Session: Ms. Hunsinger advised that an executive session was held before the meeting to consult with legal council on threatened litigation for a breach of contract claim with the police labor agreements.

Approval of Minutes: A motion was made by Ms. Thomson to approve the minutes of the February 22, 2017, meeting as submitted. Seconded by Mr. Pugh and unanimously approved.

Visitors: 38 visitors signed in.

Public Comment:

Eric Grubb, 138 Main Street, asked why Mayor Sloyer's Town and Country Newspaper interview about East Greenville having its own police chief as of June 1st was a day before the motion was passed by Borough Council to move forward with their own force. Was there a vote taken before February 21st that he was not aware of? Ms. Hunsinger said ever since they announced the withdraw, they told the public that the plan was to create their own department. There has been no official action taken by Council at this time to advertise for that position. Mayor Sloyer replied that he stated his vision in the interview. Mr. Grubb asked why there is no resident representation on the newly formed police committee. Ms. Hunsinger stated she chose the current committee members, and they are Mayor Sloyer, Robert McCluskie and Joseph Arahill. Mr. Grubb asked why the Mayor is one of the three when he will have ultimate control over the department and why didn't other Council members get a chance to be on the committee. Ms. Hunsinger said it's her choice as Council President to select the committee members. Mr. Grubb also asked if a police chief will be properly equipped on June 1st and why EGPD is not an item on the agenda. Ms. Hunsinger replied that there is an agenda topic for Police which encompasses the current Police Commission and police committee reports.

Chrystal Connolly, 425 Jefferson Street, asked if it is even possible for residents to be on the police committee due to handling money. Atty. Kramer replied that there are other municipalities that have advisory boards with residents on them and the purpose is to help and to advise council, not to make final decisions or do spending.

John Dingler, 503 Jefferson Street, asked if anyone knew why Mr. Perlow was not at the meeting. Ms. Hunsinger replied he is out of the state.

Lon Brinckman, 551 Washington Street, addressed Council on behalf of a number of residents. He advised that five volunteers began a door to door campaign on December 10, 2016, to poll people about keeping UPPD for police protection. He presented results of the survey: 578 door hangers were left at houses where no one was home; they returned to those homes to obtain 150 signatures; approximately 450 residences chose not to respond for or against the decision to leave the Upper Perk Police District; approximately 200 residents told them they were happy either way; 49 people refused to sign. The petition contains a total of 701 signatures of residents asking to remain in UPPD. Out of the 2010 census total of 2185 adults living in the Borough, Mr. Brinckman submits that 1100 individuals should be deducted from that total to calculate a standing majority. He explained that if calculated in this way, 65% of the standing majority would be in favor of keeping UPPD. He

allowed Council to look at the results but would not give out copies until after the primary election. He believes there are multiple lawsuits that will ensue if the decision to withdraw is not reversed and that after the election the Council will be replaced and the police department will most likely be returned back to the way it was and any new department created this year will be dissolved. He also contends that any and all financial losses incurred would be totaled up and divided evenly via surcharge among the officials who choose to mismanage the funds of East Greenville. He asked Council to rescind the decision to leave the UPPD immediately and get to mediation. Ms. Hunsinger said they will take it under advisement. (Additional discussion on the topic of the petition and surcharges occurs on page 6).

Mike Schwenk, 112 Jefferson Street, asked what Council thought of Mr. Brinckman's presentation. Ms. Hunsinger repeated they will take it under advisement.

Ms. Moran made a motion to finish the contract with UPPD, seconded by Mr. Pugh. Roll call: Mr. McCluskie – no, Mr. Pugh – yes, Ms. Thomson – no, Ms. Hunsinger – no, Mr. Arahill – no, Ms. Moran – yes. Motion does not carry.

Mayor's Report: Nothing to report.

Solicitor Items: Concerning the Comcast franchise agreement, Atty. Kramer advised he received a new draft to review from Brian Jeter and should have it ready for Council's review at the next meeting.

Mr. Fry recently forwarded Council another draft of the mandatory recycling ordinance for their review which incorporated their suggestions. Mr. Pugh said he was planning to set up a recycling committee meeting.

Anna Uhl, 615 Morris Road, asked Atty. Kramer for a copy of the contract with Comcast. Atty. Kramer suggested she file a Right-To-Know Request.

Water Committee: Ms. Hunsinger advised that the water supervisor's report is on file at Borough Hall. She added that Mr. Perlow intends to set up a water committee meeting to discuss tiered water rates when he returns.

Zoning/Planning/Codes: Mr. Arahill advised that reports are on file in the office. Permit fees for February were \$1,013.60.

Mr. Fry asked if Council had time to review the Main Street Study for adoption. Decision was tabled until next meeting.

Atty. Carl Weiner addressed Council with proposed text amendments to Article X, LI Limited Industrial Districts, Section 95-90 and Section 95-92 and the addition of Section 95-102 of the East Greenville Borough Zoning Ordinance. This amendment will allow an existing industrial unit, such as S.O.S. Products on 401 Fourth Street, to be redeveloped for multi-family residential use. Atty. Weiner gave a brief overview of the proposed project. One hundred twenty parking spaces are anticipated for the rear of the building with primary access off Water Alley where it intersects with Long Alley. The exact number of units has not been finalized, but the maximum will be 80 with them leaning toward 70 to 72 units. They are planning a historic conversion similar to Carriage Works Apartments in West York, PA. Mr. Bill Pryor, current owner of the building, added that he saw the similar project and was impressed. The ordinance amendments include an addition to Section 95-90 to add reuse of existing buildings for residential use while preserving the historic character, and the addition of multi-family residential as a permitted use in Section 95-92. Section 95-102 added specific multi-family conversion standards such as maximum density and dimensional standards, design standards, general development regulations, plan

submission requirements and traffic impact study. The ordinance draft was first prepared by the Borough's consultant at the Montgomery County Planning Commission. They then took into account certain factors specific to the property and then met with East Greenville's Planning Commission. Input from the Planning Commission included changing the proposed parking space ratio from 1.5 to 1.7 spaces per unit and reducing the size of the parking spaces from 10 x 20 to 9 x 18 to allow for a sufficient amount of parking and ample open space. Provisions were made for exterior lighting and maintaining indoor facilities. Significant common area is planned for within the facility, such as a fitness center. Other provisions with parking aisles were based on discussions with the Planning Commission. Plan submission requirements were added to the zoning ordinance and will include the total number of dwelling units, mix of numbers of bedrooms, and landscape design and streetscape improvements. The development proposal with the expected number of trips per day will determine whether a traffic impact assessment or traffic impact study is required. The developer is asking for approval to move forward with a public hearing date scheduled for later this month or the next meeting to determine if the ordinance can be adopted. Mayor Sloyer asked what the Planning Commission's recommendation was for the ordinance. Mr. Fry replied their recommendations were to make the changes to the parking size spaces and ratio, which were incorporated, and the traffic study wording was to be worked out with the solicitor and engineer. Mr. McCluskie asked if the additional standalone buildings on the parcel would be impacted. John Randolph, representing the developer Ingerman, said the larger of the two buildings would be removed with the one behind remaining. All other buildings are attached. Mr. McCluskie asked for clarification of the traffic study. Mr. Randolph explained that if it's determined by the traffic engineer that there will be less than 500 trips per day, no traffic impact is needed, 500 to 1000 trips would require a traffic impact assessment, and with more than 1000 trips a traffic impact study is needed. Mayor Sloyer asked if the alleys can handle the traffic. Mr. Fry said the Borough owns part of Long Alley off of Fourth Street which could be expanded, and this was discussed by the Planning Commission. Mr. Randolph said they were going to look at opening up Long Alley for a more straight, direct entrance into the community. The loop would still be there for Water Alley, and their engineer would propose rebuilding and repaving Water Alley. Ms. Hunsinger asked how many occupants they are projecting. Mr. Randolph said as of last Friday the architect is currently looking at 67 to 70 units. The column distance and window distance make it unique to develop properties like this one. They are generally looking at six to seven units per floor in the five-story section, five units per floor in another section and four units per floor in the oldest section of three stories. Mayor Sloyer asked about preserving any antique equipment for display. Mr. Randolph said they will do research with a historic consultant to preserve the history of the building. He anticipates monthly rental of the units to be \$750 to \$1,250. UMJA is aware of the project and told Mr. Fry they could service the building. Mr. Arahill asked if there are EPA concerns with materials. Mr. Randolph replied it's a benefit to have an owner there who has a working business, and any chemicals will be removed before the property is acquired. Anything found later will be mitigated. Mr. Arahill asked about start and finish time for the project. Mr. Randolph said the start date would be late 2018 with it ready for occupancy in late 2019. Dan Moriarty, 238 Jefferson Street, expressed concern about the impact of traffic on Fourth Street. A discussion ensued about the narrowness of Fourth Street. Atty. Kramer advised Council that the next step would be to advertise a public hearing and send the project to the county for review. Ms. Moran made a motion to advertise for a public hearing. Seconded by Ms. Thomson and unanimously approved.

Road Committee: Ms. Moran reviewed the monthly Road Supervisor's report. Highlights include salting for two snow events, signage at the clubhouse, removing waste oil from shop, repairing street sign at Third and State and patching potholes in Colonial Village.

Mr. Fry will be attending the mandatory meeting on March 8th for this year's CDBG application. Council will need to confirm a project for the grant application and adopt a resolution before the application deadline in mid April.

Last year the application was for rebuilding the 200 block of Cherry Street, which was denied partly because the Borough had received too many grants in a row.

Finance Committee: Ms. Thomson made a motion to approve the bill list for March, seconded by Mr. Pugh. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Ms. Moran – aye. Motion carries.

Ms. Thomson made a motion to accept the Treasurer’s Report for February 2017 as submitted, seconded by Mr. Pugh. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Ms. Moran – aye. Motion carries.

Ms. Thomson advised that EMC Insurance refunded to the Borough a safety dividend in the amount of \$1,274.18 for the January 1 through December 31, 2016, time period. In answer to Eric Grubb’s question, Ms. Thomson advised the deposit will go into the General Fund.

Ms. Thomson had samples showing the new real estate tax bill format. Different software was used by the tax collector this year.

Seth Howard, Pennsburg resident, asked if East Greenville will participate in the Shop with a Cop program this year. Ms. Hunsinger advised it was not discussed yet.

Personnel Committee: Nothing to report.

Property Committee: Mr. Fry reported that the handicap accessible improvements project pre-bid meeting will be held on March 14th with the bid opening on March 21st. It is hoped Council can award the project at the March 28, 2017, Borough Council meeting.

Mr. Arahill advised that Avaya has presented an updated maintenance agreement for the Borough phone system. Mr. Fry added that we are waiting for more options from Avaya, and we may need to budget for a new phone system in the next year or two since parts of the current phone system are obsolete.

Recycling/Waste Management: Mr. Pugh reported that bag sales and recycling reports are on file. He will be setting up a committee meeting to discuss the latest report.

Ms. Hunsinger and Ms. Moran attended the recent recycling meeting at Pennsburg Borough with DEP concerning dissolving the recycling center. The only piece of equipment they were going to keep is the chipper. Council discussed their desire to have an agreement with Pennsburg to share use of the chipper. If Council agrees, Ms. Moran wanted to reach out to Pennsburg Borough to discuss drafting an agreement to split costs for chipper maintenance and insurance. Mr. Fry suggests each municipality provide their own fuel. Ms. Hunsinger added that as far as the other equipment, DEP has an agreement with just Pennsburg Borough so East Greenville doesn’t have a responsibility with DEP, just an intermunicipal agreement with Pennsburg. A visitor asked who takes the chipping material. Ms. Hunsinger said they will dispose as they have in the past unless the quarantine zone changes for the spotted lanternfly. Council discussed making a motion to have Atty. Kramer reach out to Pennsburg’s solicitor about drafting an agreement. Ms. Moran wanted to reach out to Pennsburg Borough first to see if they are interested in having an agreement to share the chipper, and then get the solicitors involved. It was then suggested the recycling committee meet with Pennsburg’s recycling committee to discuss the details and report back to full Council. Concerning all other recycling equipment and materials, Mr. Fry said East Greenville

will help Pennsburg with disposal. Equipment valued under \$1,000 can be scrapped or given away. Value of more than \$1,000 must be put out to bid. Mr. Fry will be meeting with Paul Brady of Whitetail Disposal to see if they will take the remaining recyclable materials at the center. Mr. Pugh, chairman of the recycling committee, is to reach out to Pennsburg's recycling committee to set up the joint meeting.

Sewer Authority: Nothing to report.

Revitalization: Nothing to report.

Regional Planning: Nothing to report.

Emergency Management: Nothing to report.

Borough Manager Updates: Concerning MS4, Mr. Fry reported that Cowan Associates is working on a pollution prevention control plan.

Main Street is scheduled for resurfacing by PennDOT. This will be a daytime project with milling to take place on or about March 13th. Once milling is complete, an overlay will be done from Second Street in Red Hill to Tollgate Road in Upper Hanover Township. The Borough is resetting some of the storm water inlets and water valve boxes. PennDOT has indicated they will repaint all existing markings. If for some reason they don't replace the parking Ts, the Borough will. A standard crosswalk will replace the decorative crosswalk on Third Street. Eric Grubb, 138 Main Street, asked if they could work around the decorative crosswalk leaving it intact. Mr. Fry said that would not give a seamless transition, and he has ideas for future highlighting of the crosswalk area. Signs for no parking during the work will be posted by the contractor.

Diane Criddle, 274 Washington Street, asked when Council members get their agendas. Ms. Hunsinger advised that for the Monday meeting, agendas and attachments are emailed out the Friday before the meeting.

Police Report: Mayor Sloyer advised that the monthly allocation is \$53,631.49, less East Greenville's portion of the Gazan & John Invoice #4638 in the amount of \$213.75. At the last Police Commission meeting, Officer Dalbey resigned. There was also a discussion of Gazan & John fees not being paid by Pennsburg Borough.

Eric Grubb, 138 Main Street, asked about the letter sent from the Borough to the Police Commission concerning layoffs. Mayor Sloyer advised that there was a letter sent re-emphasizing the withdraw date and mentioning the article in the contract about the provision of layoffs for financial relief. Ms. Hunsinger added that the contract allows for three month's notice of layoffs which would need to be agreed on by the Police Commission. Mr. Grubb asked if serving them with three month's notice was to not make the Borough responsible for salaries. Atty. Kramer explained that the collective bargaining agreement allows for layoffs of officers, and Council was reminding the Commission that they had an obligation to give notice.

Ms. Thomson made a motion to pay the Gazan & John Invoice #4638 in the amount of \$213.75, East Greenville's portion, seconded by Mr. Pugh. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Ms. Moran – aye. Motion carries.

Joe Wenzel, 709 Morris Road, asked with the resignation of Officer Dalbey, does the allocation change or get reduced since his expense is no longer incurred. Mayor Sloyer said that will have to be discussed at the next commission meeting. They just found out he was resigning the day of the meeting.

Mayor Sloyer reported that the police committee met and they want to explore consultant rates to search for a police chief. The engineer is collecting data on the clubhouse and downstairs of the old firehouse, and he will have more information in the future.

Mike Schwenk, 112 Jefferson Street, asked Council to table the withdraw.

Correspondence: Ms. Hunsinger advised that a complaint was received for speeding in the 200 block of School Alley. Mr. Fry said he can ask the police to monitor speed in the alley. Speed limit signs are posted. An orange diamond could be added to draw extra attention to the signs. It is believed that slow signs would not get any more attention than speed limit signs.

Other: Keith Gerhart, 143 Cherry Street, asked Council if Mr. Brinckman's report can be placed on the next meeting agenda.

Lon Brinckman, 551 Washington Street, said someone from outside the Borough is dropping off their cardboard on Washington Street, and it blew all over the road. Mr. Fry said he is aware of the situation and has talked to the person and explained that it's not allowed. People believe they are doing the Borough a favor by contributing recycling, but that is not the case because it costs the Borough to get rid of newspaper and cardboard. Debbie Finn, 541 Colonial Drive, said the trash hauler takes her cardboard for free so why are we paying for it? Mr. Fry advised that it is not part of the trash contract for the hauler to take the cardboard and newspaper. Mayor Sloyer added that the boy scouts collect those materials as part of the money they raise. The Borough pays \$100 per container. These items were left out of the bid documents for the trash contract to reduce the cost of recycling to residents and support the boy scouts in our community. Chrystal Connolly, 425 Jefferson Street, asked if the Borough will get charged back if residents put cardboard in with their weekly recycling. Mayor Sloyer said they may at some point not collect it, and Atty. Kramer added that the trash hauler is violating their own contract by taking it.

Chrystal Connolly, 425 Jefferson Street, asked if the solicitor can advise on what the law says about signatures on the petition presented by Mr. Brinckman. Atty. Kramer said there is no legally binding aspect of the petition. Ms. Connolly asked about the percentage of the sampled population. In raw numbers, it was stated that out of the 2185 adults, 701 of them signed the petition. 1100 of the 2185 adults had no opinion either way, so of the remaining population who responded, 701 of them (or 65% of the opinionated people) signed the petition.

Ms. Hunsinger asked Atty. Kramer to address the issue of surcharge which was brought up by Mr. Brinckman in his earlier presentation. Atty. Kramer advised that Borough Council has the right to withdraw and enter into agreements that it establishes. Surcharges are unauthorized expenditures on the part of a Council member. An example of a surchargeable offense would be an elected official bypassing bidding requirements. Keith Gerhart, 143 Cherry Street, said the statute on surcharges also includes the misappropriation of funds. Atty. Kramer said he has read the statute, and there is no surchargeable issue here.

Doug Criddle, 274 Washington Street, said in regard to the total number of the population in the petition, if you elect not to vote in an election, you have to accept the outcome for those who did. Ms. Hunsinger stated she spoke with people who did not want to answer the petition question because they were worried they could be retaliated against. Ms. Connolly said her name was on the petition but when she asked questions on the UPPD website that others were too afraid to ask, she was retaliated against, was called stupid and misinformed, and had her questions taken off the website.

Mr. Criddle said that while there may not be any legal ramifications, could there be moral ramifications to elected officials. Atty. Kramer said there is no oath taken to do what every resident wants. Decisions are made by Council on behalf of the Borough.

Motion to Adjourn: Being no further business, Ms. Moran made a motion to adjourn, seconded by Mr. Arahill. Meeting adjourned at 9:19 p.m.

Submitted by:



Sharon Kachmar, Borough Secretary