

BOROUGH OF EAST GREENVILLE
BOROUGH COUNCIL MEETING MINUTES
March 28, 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, Michael Perlow, Ryan Pugh, and Marita Thomson. Absent: Jennifer Moran. Also present were Mayor Ryan Sloyer (via remote access), Atty. Kramer, 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 March 6, 2017, meeting as submitted. Seconded by Mr. Pugh and unanimously approved. A motion was made by Mr. Pugh to approve the minutes of the March 20, 2017, special meeting as submitted. Seconded by Ms. Thomson and unanimously approved.

Visitors: 46 visitors were present.

Public Comment:

Luanne Stauffer, Upper Perkiomen Chamber of Commerce, updated Council on the bidding process for the wayfinding sign project. The fabrication selection was broken into three projects to allow more local contractors to bid. She requested a motion from Council to affirm Perk Up Corporation's decision to hire Urban Signs for Projects 1 and 2 and MS Signs for Project 3. Mr. Pugh made a motion to approve Projects 1 and 2 to Urban Signs and Project 3 to MS Signs, seconded by Mr. Arahill. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Mr. Perlow – aye. Motion carries. Ms. Stauffer advised the projects should be completed by the end of 2017.

Mr. McCluskie, made a statement that Mayor Sloyer's remarks at the last meeting had nothing to do with a veteran's status. If that were the case, Mr. McCluskie, a 20-year active duty Marine veteran, would have expected outrage about the names and insults he endured by those who disagreed with his decisions on Council. In early November 2016, Lon Brinckman made a threat against him and his family. The threat included comments that State Representative Justin Simmons was contacted and that he would be recalled to active duty to be court-martialed and lose his veteran's benefits. Later, it was learned that State Representative Justin Simmons was never contacted nor did he even know Mr. Brinckman. Mr. McCluskie stated that name calling is childish and attacking someone solely because you are a veteran is reprehensible. He asked Mr. Brinckman and We The People group where his veteran's apology was.

Mike Schwenk, 112 Jefferson Street, said the Mayor still shouldn't have said what he did at the last meeting.

Diane Criddle, 274 Washington Street, said she would never call Mr. McCluskie any names and thanked him for his service. She added there should be no name calling, especially by the Mayor.

Chrystal Connolly, 425 Jefferson Street, said those on Facebook and candidates running for office should be held to a higher standard as well. She also doesn't condone bringing up one's family members.

James Raftery, 319 State Street, addressed Mr. McCluskie to say he never did any name calling. He respects him for service to this country and asked him not to generalize that comments were said by all candidates. He asked if Mr. McCluskie brought this up to counteract what Mayor Sloyer had said. Mr. McCluskie replied it was to battle the hypocrisy.

Seth Howard, 500 Penn Street, Pennsburg Borough, complained that he was open carrying peacefully at the last meeting, and the police were called in. He also claimed members of Council were harassing him for exercising his constitutional rights.

Mayor's Report: Nothing to report.

Solicitor Items: Atty. Kramer finished reviewing the Comcast franchise agreement with minor revisions. This agreement has many built in protections that weren't there in the prior agreement. He forwarded it to Mr. Fry for his comments. It will then need final approval by Council before being presented to Comcast.

Mr. Fry advised that the mandatory recycling ordinance draft was sent to the recycling committee for their review. The latest draft included comments from Kate Ferry.

Atty. Kramer presented **Resolution 2017-06** approving the destruction of a set of records in accordance with Act 428. The documents listed are in line with the state Municipal Records Manual retention schedule. Ms. Thomson made a motion to approve **Resolution 2017-06** covering approval of destruction of specific records as listed on the resolution. Seconded by Mr. Pugh and unanimously approved.

Due to a recent increase in Right-To-Know requests, it has been brought to Atty. Kramer's attention that there is no Borough policy formalizing basic protocol for the handling of requests and responses. No one objected to Atty. Kramer reviewing it for a procedure.

Water Committee: Mr. Perlow advised that the three items on the agenda will be discussed in more detail at the next meeting after the water committee meeting. He indicated the water tank will be scheduled for additional painting and the well pump pipe replacement should start in April. Quotes are being solicited to replace windows at the plant. Hydrant flushing, which is usually performed one day per week during April, will be performed all in one week this year.

Zoning/Planning/Codes: Mr. Arahill advised that the adoption of the Main Street Study will be discussed by the committee and a recommendation will be made to council. He inquired if anyone had comments on the proposed LI Text Amendments. Atty. Kramer advised that the public hearing is not until April 25, 2017, to allow time for the legal notice advertisement and required time frame for the county to review. Mr. Perlow said he has reviewed the amendments and it's to help improve properties in the Borough. Mr. Fry said unofficially the county has already performed its review and expects to get the official review results in about two weeks.

Road Committee: Ms. Hunsinger reported that a roads committee meeting is scheduled for later this week and the agenda items will be addressed at the next meeting.

Finance Committee: Nothing to report.

Personnel Committee: Nothing to report.

Property Committee: Mr. Arahill reported that the CDBG bid opening on the handicap improvements project was delayed due to having only one bidder. Damaged slates on the 433 Main Street building were repaired and there is no update on damage done by the bird found inside the building.

Recycling/Waste Management: Mr. Pugh said he was in contact with Pennsburg Borough concerning the termination agreement. Atty. Kramer added that two agreements are needed; one to terminate recycling and one for the shared use of the chipper. Mr. Pugh made a motion authorizing Atty. Kramer to move forward with drafting one of those agreements, seconded by Mr. Arahill. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Mr. Perlow – aye. Motion carries

Sewer Authority: Nothing to report.

Revitalization: Nothing to report.

Regional Planning: Mr. McCluskie attended the regional planning meeting on March 22, 2017. They discussed the wayfinding and identify project and multi-regional greenway study. He also advised that the state is working on a draft resolution for municipalities to consider about offering tax incentives to emergency responders. Mr. McCluskie suggested that once the draft is presented, neighboring municipalities get together for consensus on the tax incentive to be offered.

Emergency Management: Nothing to report.

Borough Manager Updates: Mr. Fry advised that the Borough is being billed from Avaya for maintenance on the phone system under the old contract which costs \$202.92 per year. The new contract, which removes coverage on phones that are obsolete, is \$150.36. The maintenance contract can be cancelled with 30 days notice. Mr. Fry reported that he is in the early stages of looking at alternate phone systems such as one that allows phone calls to come to Borough Hall and then have extensions over the internet to the other buildings. The Borough could then remove landlines no longer needed. Mr. Arahill made a motion to sign the agreement that renews maintenance coverage on the phone system at \$150.36 per year, seconded by Ms. Thomson. Roll call: Mr. McCluskie – aye, Mr. Pugh – aye, Ms. Thomson – aye, Ms. Hunsinger – aye, Mr. Arahill – aye, Mr. Perlow – aye. Motion carries. Council agreed that the office employees could execute the agreement.

Police: Mayor Sloyer reported that budget proposals were posted on the website Monday morning, March 27, 2017.

Concerning the independent survey by Lon Brinckman, Ms. Hunsinger advised she contacted the law firm holding the petition to get details and was told due to political reasons she cannot view the petition. Mr. McCluskie advised he also has no comment on something they are not allowed to see.

Lon Brinckman, 551 Washington Street, said his lawyer advised not to release the petition so voters would not be targeted at the polls. Ms. Hunsinger advised she was told she could not even view the document. She was interested in validating the names on the petition. Mayor Sloyer asked if those who signed the petition knew that their signatures were going to be withheld. Mr. Brinckman replied he didn't know that at the time. Mr. Arahill asked if the statistics that were summarized could be made available. Mr. Brinckman said he would give him a copy of the summary as early as tomorrow. Mr. McCluskie questioned the accounting process of not including those who chose not to give an opinion in the standing majority. Mr. Brinckman said he calculated the standing majority according to Roberts Rules of Order. Mr. McCluskie said he is very familiar with Roberts Rules of Order and said that process is for determining a quorum for a governing body, not for statistics. Mr. Brinckman said he may have misinterpreted it. Mr. McCluskie stated that as someone who is a candidate, it is disconcerting that all people are not included. Mr. Hunsinger added that when door hangers were left, it only asked people in favor of

the petition to reach out; therefore, it may not be fair to not count people who did not contact you. Mr. Brinckman apologized for his words to Mr. McCluskie which were perceived as a personal attack on him back in the fall.

Seth Howard, 500 Penn Street, Pennsburg, asked why he couldn't finish his previous statements. Mr. Hunsinger advised it was because he wanted to read a police report which had nothing to do with Borough business. Mr. Howard asked why the police were called on him for exercising his Second Amendment right. Mayor Sloyer said there was also a second caller in the building who asked for police presence.

Mike Schwenk, 112 Jefferson Street, asked if the \$800 for the Mayor's letter was being refunded. The answer is yes.

Joe Wenzel, 709 Morris Road, asked about the procedure to adopt the police ordinance. Ms. Hunsinger replied that it will be considered for adoption at the April 3, 2017, council meeting. Mr. Perlow added that he believes this will be the most important decision council makes all year. He reviewed the budgets and is convinced that too much money is going in to subsidize the increase to the police force. However, he is concerned about the June 1st pullout date and asked for more time to have an independent review of the budget and help in setting up a police department. He indicated that by pushing back a decision to the end of the year, they will also have more time to determine if there are partners in the district interested in regionalizing.

Lynette Madden, 228 Main Street, inquired why Ms. Hunsinger wanted to know how many people who signed the petition were business owners. Ms. Hunsinger replied it was for clarification of statistics presented by Mr. Brinckman, who was basing his numbers on residents in East Greenville and not necessarily adding in business owners.

Keith Gerhart, 143 Cherry Street, thanked Mr. Perlow for his comments and asked Council to not rush the pullout.

Mr. Pugh made a motion to extend the withdraw date to December 31, 2017, seconded by Mr. Perlow. Roll call: Mr. McCluskie – no, Mr. Pugh – yes, Ms. Thomson – no, Ms. Hunsinger – no, Mr. Arahill – no, Mr. Perlow – yes. Motion does not carries 2-4.

Chrystal Connolly, 425 Jefferson Street, asked if Mr. Brinckman's number of 2165 residents included business owners who were not residents. She stated it's about all tax payers, whether earned income tax, real estate tax or local service tax payers. Ms. Hunsinger added that to get proper statistics, more information is needed to determine who was included and who signed it. Ms. Connolly expressed concern that the petition is under lock and key at a lawyer's office instead of given to Council as was her understanding when she signed the petition.

Melanie Cunningham, owner of Titanium Finishing, 248 Main Street, pointed out that the poll was more of an opinion poll and not an actual vote. She questioned the survey done by the Borough last year. Ms. Hunsinger said the Borough sent one survey to each homeowner, anticipating that landlords would get the tenant's opinion. She added that the survey was not taken into consideration due to the controversy. Ms. Cunningham asked when they will hire a police chief. Ms. Hunsinger said the police committee is having a meeting in the next week and will be suggesting a course of action. Mayor Sloyer added they are reaching out to consultants and compiling what is needed and will make a recommendation to Council. Council will then make the final decisions. Ms. Cunningham asked about record destruction of Right-To-Know requests. All requests prior to 2015 are to be destroyed, which follows the Municipal Records Manual retention schedule.

Joe Wenzel, 709 Morris Road, asked if a separate meeting would be held to specifically discuss the police. Ms. Hunsinger replied it is not yet decided but, if needed, special meetings could be called to discuss police issues. Mr. Perlow stated he would like to make sure that they ask for an independent review of the new police budget and the schedule before the ordinance is approved. Ms. Hunsinger said the police budget was available in the fall. Atty. Kramer responded that according to the draft ordinance, the police department's jurisdiction doesn't occur until a chief of police is hired.

Diane Criddle, 274 Washington Street, asked why nothing was set in stone if it's been discussed since the fall. Ms. Hunsinger replied that the public asked them to try mediation first. Plans were put on hold while attempts were made to mediate. They are now continuing with the process of planning the department and believe the numbers in the budget are accurate. Ms. Criddle asked why they chose to bid out for clubhouse renovations estimated at \$50,000 if Borough Hall renovations were estimated at \$30,000. Ms. Hunsinger said they would have had to renovate two buildings, which would have added to the cost.

Angie Fegely, 501 Third Street, asked if inventory between the two boroughs is not done by June 1st is there a plan to purchase additional equipment. Ms. Hunsinger advised they are planning for that situation. Mayor Sloyer gave the example that for patrol vehicle payments UPPD budgeted \$13,600 where the EGPD budget planned for \$20,000 to be sure plenty would be available. He added it is a tight schedule, but it can be accomplished and they are looking for a consultant to come on board to help.

Ed McQue, 219 W Sixth Street, asked what happens if there is no police chief on June 1st. Ms. Hunsinger said the Borough would be on state police coverage. She indicated that special meetings would be called as needed to make the deadline. Mayor Sloyer advised that the Skippack State Police are kept up to date, have the full records of call volume for East Greenville, and know where Council is in the process.

Tim Cunningham, Titanium Finishing, asked if the Borough is on the hook for \$400,000 after June 1st. Atty. Kramer replied that is a contractual issue which cannot be discussed.

Melanie Cunningham, Titanium Finishing, stated why not count on the fact that you will have state police coverage from June to December and give everyone a chance to vote in the primaries and November election. She added to not spend money renovating and buying cars until you know what people really want.

Chrystal Connolly, 425 Jefferson Street, asked how much of the allocation to UPPD would be freed up from June to December to allocate to the new police department? Atty. Kramer advised that Council is cautious about giving those numbers. Danielle Felix, Third Street, said unless the contract is broken, she believes we have to keep paying under the contract. Ms. Connolly said if Pennsburg Borough is paying for UPPD, the Borough is not breaking the contract.

Diane Stevens, 8th Street, Pennsburg, stated that what happens on June 1st is the Police Commission is dissolved as it is now, a joint department. What Pennsburg does on its own is Pennsburg's share.

[Mayor Sloyer's remote access was disconnected on or about 9:18 p.m.]

Mr. McCluskie announced that the chamber is holding a community and business expo on April 25, 2017, at the YMCA.

Ed McQue, 219 Sixth Street, expressed concern about the quality of the trash bags. He was told to exchange any bad bags at the office.

Motion to Adjourn: Being no further business, Ms. Thomson made a motion to adjourn, seconded by Mr. Pugh. Meeting adjourned at 9:21 p.m.

Submitted by:



Sharon Kachmar, Borough Secretary