

BOROUGH OF JENKINTOWN  
JENKINTOWN, PENNSYLVANIA

MINUTES OF REGULAR COUNCIL MEETING

JUNE 26, 2006

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CALL TO ORDER:

President Whitney called the June Meeting of the Borough Council to order in Council Chambers of Borough Hall at 7:32 p.m. this 26th day of June 2006.

PLEDGE OF ALLEGIANCE:

Mayor Wall led all present in the Pledge of Allegiance to the flag.

ROLL CALL:

Mr. Clark (7:36), Mr. Davis, Ms. Dobbs, Ms. Goldman, Mr. Kilkenny, Mr. McCabe, Mr. Montanaro, Ms. Pancoe, Ms. Wolff, Vice-President Golden and President Whitney (11). Mr. Madden asked to be excused (12).

OTHER OFFICIALS PRESENT:

Mayor Gregory Wall, Solicitor Michael Hynes, Police Chief Albert DiValentino, Secretary/Manager Edwin Geissler, Assistant Manager Meghan Jack.

APPROVAL OF MINUTES:

Councilman Davis moved, seconded by Councilman Kilkenny, to approve the minutes of the May 22<sup>nd</sup> 2006 Regular Council Meeting, and the June 14<sup>th</sup> Special Meeting, as presented.

MOTION CARRIED, all present voting "AYE".

APPROVAL OF PAYROLLS AND INVOICES:

Vice-President Golden reported the fund expense totals for the various funds for the month of May 2006, as listed in detail in the agenda packet and summarized below:

General Fund (including 2 payrolls)	\$ 297,322.78
Streetlight Tax Fund	\$ 92.39
Fire Tax Fund	\$ 5,281.38
Fire Apparatus/Building Reserve Fund	\$ 2,256.69
Library Tax Fund	\$ 148,828.65
Escrow Fund	\$ 788.75
Solid Waste Collection Service	\$ 28,333.08
Sanitary Sewer Fund	\$ 261.71
Street Tax Account	\$ 5,044.80
Capital Account	\$ 1,443.38
Police Pension Fund	\$ 15,693.80
Non-Uniformed Employees Pension Fund	\$ 1,224.48

Councilman Davis moved, seconded by Councilman Madden, to approve the payrolls and invoices for the month of May 2006, as listed in the agenda packet.

MOTION CARRIED, all present voting "AYE"

COMMENDATIONS AND SPECIAL RECOGNITION:

President Whitney , along with Dr. Boccuti, made a special presentation to Ms. Ginny McKenna, who is retiring from the Jenkintown School District after 21 years of service. Dr. Boccuti explained that Ms. McKenna is one of four teachers retiring this year, who collectively share over 100 years of service to the children of Jenkintown.

CITIZEN COMMENTS:

Citizen comments were postponed at the privy of the President so that an order of business could be addressed.

ORDER OF BUSINESS:

FULL TIME OFFICER:

Jenkintown Borough Civil Service Commission has submitted Notice of Certification for Full Time Employment of Mark Welsh as a Jenkintown Borough Probationary Police Officer.

Councilwoman Wolff moved, seconded by Councilman Montanaro, to appoint Mark Welsh as a Full Time Police Officer on the Jenkintown Borough Police Department effective June 27, 2006.

Before administering the Oath of Office, Mayor Wall stated that Mark Welsh has been a Part-Time Officer with the Jenkintown Police Department for some time and is well liked by all. Mayor Wall then administered the Oath of Office and welcomed Officer Welsh aboard. Officer Welsh thanked everyone and introduced his family.

CITIZEN COMMENTS:

Dennis Cline, 701 West Avenue, spoke to Ordinance 2006-5 on the rental permit, stating that he had been heavily involved in the first go round when this ordinance could not get out of Committee. Since he has been busy, and thus, not in attendance, he assumed that it had made it out of the Committee, but he still has several concerns. Mr. Cline believes that this ordinance adds another level of bureaucracy for, and increases the expenses of, the landlord, whether large or small. He is also concerned that this ordinance only targets households that are tenant occupied and not all households that are simply occupied.

**Public Hearing**

**Ordinance 2006-3**

**President Whitney**

Ordinance 2006-3 An Ordinance to amend Chapter 181, Zoning, Article XI, Provisions applicable in all districts, of the Code of the Borough of Jenkintown. Section 181-36 Fences, walls and other property enclosures.

Councilman McCabe began the Public Hearing by asking if a six foot fence is allowed on the side, to which Manager Geissler replied yes, a six foot fence is allowed on the side and in the back.

Councilman McCabe stated that he is concerned that a six-foot fence is proportionate for some properties, but not for others, to which Councilman Davis replied that he is against all six-foot fences. Councilman McCabe asked if this was Borough wide, to which Manager Geissler replied yes. Vice-President Golden noted that there were some changes left out, specifically that the language regarding the need to obtain notarized statements from the abutting neighbors was not needed. Vice-President Golden asked what else needed to be changed. Councilwoman Pancoe asked whether or not people could come to the Building, Planning and Zoning Committee meetings for fence problems, to which Vice-President responded by asking the other members of Council if fences should be handled like signage. Councilwoman Dobbs asked if the Ordinance can be amended, to which Solicitor Hynes stated yes. Councilman McCabe asked if the Ordinance can be redirected back to the Committee for further discussion, to which Solicitor Hynes stated yes. Councilman Davis asked the Manager if Council had sixty days to act, to which Manager Geissler replied yes. Vice-President Golden asked Councilman McCabe how he saw Council implementing his thoughts with language, to which Councilman McCabe replied that he does not know, but if you look at the difference between Vernon and Hillside, it is evident that there is great disparity. Councilwoman Dobbs asked if the Ordinance can be sent back to the Committee with the requirement that it comes back to Council next month, to which Councilman McCabe stated that he is not sure what the solution is and is not necessarily advocating sending it back to the Committee. Councilman Madden stated his opinion that as a resident with a 12 x 15 backyard, a six-foot fence gives privacy. Vice-President Montanaro asked if there are any provisions for spot zoning, to which Solicitor Hynes replied no. Councilman Clark stated his opinion that six foot is fine in the rear, but what about anything over four feet on the sides and should we have that go through the Committee. Manager Geissler stated that there is no provision within the Municipalities Planning Code for zoning decisions to through a Committee. Councilwoman Wolff asked if you can replace an existing fence without a survey, to which Vice-President Golden replied yes, you can replace an existing fence without a survey, which is what most people complain about. Manager Geissler stated that the Borough has more requests for six-foot fences than complaints about the requirement of a survey. Councilman Clark stated his opinion that four-foot fences ought to be the standard, and that a conditional use permit ought to be brought to Building, Planning & Zoning for a six-foot fence. Councilman Kilkenny asked whether or not Council wants to make it a practice to weigh in on zoning issues. Councilman Davis replied no, but that Council is trying to get around the expense of going to the Zoning Hearing Board. Solicitor Hynes stated that the ZHB fee is high because all of the required expenses. Councilman Clark stated that it is his opinion that Council ought to vote on the motion before them. Councilman McCabe asked whether part of this is to take out the part about having a survey for the replacement of an existing fence. If so, we are taking it at face value that an old fence is accurate. Councilwoman Dobbs asked if a vote could be taken on the six foot, but not on the survey. President Whitney stated that it does not look like Council is ready to vote, so the ordinance needs to be sent back to the Committee.

The Public Hearing commenced at 8:00 p.m.

#### COMMITTEE REPORTS:

##### Administration & Finance:

Vice-President Golden stated that his minutes were in the packet and that there were one or two items on the agenda.

### Public Works:

Councilman McCabe reported that his minutes were before everyone with one or two items on the agenda and that he would be happy to entertain any questions.

### Public Safety:

Manager Geissler reported that the minutes were electronically lost, but that he would get them to everyone. Councilman McCabe asked about the Traffic Calming Policy that is apart of the packet, to which Manager Geissler stated that it is a generic draft to start the discussion. Vice-President Golden added that it is part of the Traffic Calming contract that was awarded to Pennoni.

### Building, Planning & Zoning

Councilwoman Pancoe stated that there are no minutes in the agenda packet or in front of everyone, so she apologizes. Councilwoman Pancoe asked whether the two signage appeals needed to be on the agenda, to which Manager Geissler replied no, they only need to be approved by the Committee.

### Jenkintown School Board:

Councilwoman Goldman reported that there is no contract, as mediation has been unsuccessful, so they have entered into fact finding to settle. The two sides are far apart on salary and benefits at this time. The bids for Phase II of the project are coming in. Aramark has taken over school lunches.

### JCA:

Councilman Dobbs reported that the monthly meeting would take place the following morning. A Public Hearing was held on the BID, during which there was unpleasant discussion about the Borough. Most people, however, are in favor of the BID. There will be another Public Hearing in September, which will be followed by the vote, so they should be set for a January turnover. The Summer Sunset Run was held on June 21<sup>st</sup> with about 150 runners, which raised about \$2,000. The JCA website has a number of hits and was designed by Kenric Strohm. The Board is beginning their discussions on shared parking and the sidewalk sale is set for July 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup>.

### Redevelopment Oversight Committee:

Councilman Kilkenny and Vice-President Golden had no comments.

### Solicitor's Report:

Solicitor Hynes stated that he has not heard anything from Mr. Jonas regarding the Jenkintown/Abington Zoning issue, but that a brief was due in two weeks, which he would be filing.

### Mayor's Report:

Mayor Wall distributed a handout that outlines the Mayor's responsibilities.

### Chief's Report:

Chief DiValentino reported that the recently hired, second Parking Enforcement Officer has resigned, so he is interviewing again to fill the position. In addition, other Police Departments have asked the Jenkintown Police Department to participate in their National Nights Out.

### Assistant Manager's Report:

Ms. Jack stated that she had no report.

### Manager's Report:

Manager Geissler informed Council that Johnson Street is well ahead of schedule, and without the rain would have been done, as 90% of the East side is now complete. Elm Street is out to bid with a bid opening date of 7/6. Councilman McCabe asked about the check issued to the school for the Playground, to which Manager Geissler stated that the school bills very late. Councilman Montanaro asked if there has been any increase in business rentals as a result of the streetscaping efforts, to which Manager Geissler stated not that he can report, but it is evident that the amenities the Borough has installed, coupled with the enhancements that the property owners have done on their own, have increased property values. In addition, the cooperation among the property owners in that area has been incredible. Councilman Golden asked if there are any new businesses, to which Manager Geissler stated not yet. Manager Geissler also stated that the Borough received permission from the involved property owners to remove the cyclone fences on Johnson Street, which has really enhanced the character back there. Councilman McCabe stated his opinion that it is high time that the Borough staff calls attention to what they have accomplished and pats themselves on the back. Council has approved the spending of the money and there is nothing wrong with calling attention to the finished product. President Whitney added that the changes that have occurred over the past ten years are amazing.

### President's Appointments:

President Whitney appointed Councilman Kilkenny Chair of the Building, Planning, & Zoning Committee and appointed Councilwoman Pancoe Chair of the Redevelopment Committee.

## ORDER OF BUSINESS

### STREETLIGHT BUY-BACK

Councilman McCabe moved, to authorize the administration to enter into an agreement with PECO Energy to purchase the street lights, once repaired and in working order, for a sum not to exceed \$20,695.54 and to accept the credit from PECO Energy for \$27,625.92, which is to be used toward the purchase price.

MOTION CARRIED, all present voting "AYE".

ORDINANCE 2006-3

ORDINANCE 2006-3 AN ORDINANCE TO AMEND CHAPTER 181, ZONING, ARTICLE XI,  
PROVISIONS APPLICABLE IN ALL DISTRICTS, OF THE CODE OF THE BOROUGH  
OF JENKINTOWN. V. P Golden

Vice-President Golden moved, seconded by Councilwoman Dobbs, to send the ordinance back to the  
Committee for further discussion.

MOTION CARRIED, all present voting "AYE".

ORDINANCE 2006-4

ORDINANCE 2006-4 AN ORDINANCE TO AMEND THE VEHICLES AND TRAFFIC CODE,  
CHAPTER 172 OF THE CODE OF THE BOROUGH OF  
JENKINTOWN. Councilwoman Goldman

Councilwoman Goldman moved, seconded by Councilwoman Dobbs, to adopt Ordinance 2006-4,  
which will amend the Vehicles and Traffic Code and will include all the recent 90-day experimental  
regulations along with:

Ten (10) hour parking meters on the 200 block of Leedom Street.

Ten (10) hour parking meters on Johnson St. Hillside to Cherry.

Parking on the east side of Thomas Street, Willow to Water.

Making Thomas Street one-way north, Willow to Water.

Permit Parking on the west side of the 400 block of Cedar Street, Hillside to the post office  
driveway.

Prohibit parking within three (3) feet of a driveway.

Before the question was called to a vote, there was a lengthy discussion on the components of this ordinance. Councilman McCabe stated that the term permit parking has been used a lot and has not gotten off of the ground. So, are we ready to move forward, ie tickets, permits, etc. Manager Geissler replied that there have been extensive workshops on the Vehicle and Traffic Code with residents from Cedar Street, but we have not prepared anything to date. Councilman Clark stated that he did not attend the last meeting, but it seems that the residents prefer to have it put back to the way it was with one side during the day rather than two sides. Therefore, the knee jerk response is to make it one way up to the driveway at the post office and sign West Avenue up to the driveway. Councilwoman Dobbs stated that we have a permit parking system in place, with which Manager Geissler concurred, stating that there is permit parking on Cottman Street that allows for parking at an expired meter. Vice-President Golden asked if the problem would be solved by removing it from the Ordinance, having it as a 90 trial, and then putting it into the Code if it is sufficient. Councilwoman Pancoe asked why the west side, to which Vice-President Golden replied that people thought it would be best with non-enforced no parking signs, which the Borough will not do. Councilwoman Goldman stated her concern that these are things that came out of the workshop meeting and the residents left thinking that these things would be done and solve the problem. Vice-President Golden expressed his concern that this will not been done in thirty days, to which Manager Geissler stated that everything would be ready a week from this evening. Councilman Montanaro expressed his concern that a lot is being done in a short period of time and questioned what is being done to get this out to the public. Chief DiValentino stated that the Police Department generally gives warnings for a period of 30 days and that when people call to complain about others, a warning ticket is given. Councilwoman Pancoe stated that she is particularly concerned about the required

distance when parking near the driveway, as she will lose three spots in front of her house. Chief DiValentino replied that the PD will not ticket unless there are complaints, or if the driveway is being blocked. Councilwoman Wolff noted that the situation may go back to the way it was on its own, depending how this all plays out. Councilman Kilkenny proposed that the motion be amended to state that the provision of permit parking is adopted, but must be enacted by resolution. Mayor Wall asked why the postal workers are not eligible for the permits, as there are about 80 of them. Councilwoman Goldman stated that there has been quite a bit of discussion with the Postmaster regarding the postal parking, which he is going to take to the next general employee meeting. President Whitney stated his opinion that he is not sure why they will not walk from lots. Vice-President Golden stated that Councilman Kilkenny has made a motion. The vote was called.

The motion was amended by Councilman Kilkenny, and seconded by Councilwoman Goldman, to state that permit parking would be done by separate resolution.

MOTION CARRIED, 10-1 (McCabe Nay)

### ORDINANCE 2006-5

#### ORDINANCE 2006-5AN ORDINANCE ADOPTING A RENTAL LICENSE PERMIT REQUIREMENT. Councilman Kilkenny

Before the question was called, Councilman Kilkenny shared his experience with this type of ordinance. Though several have raised the possibility of discrimination, this type of ordinance has been held up as non-discriminatory. Vice-President Golden asked if this was simply a motion to advertise, to which Councilwoman Dobbs replied that even if it is, she is interested in hearing about it. Councilman Davis stated his opinion that Council often rushes through these things without hearing all that needs to be discussed. Councilman Kilkenny proceeded by explaining that the requirement to furnish a tenant list has grown out of two main concerns, security and taxes, and that there is no inspection requirement in this ordinance, but would require that a rental license fee be set. Councilwoman Wolff asked if a range could be set for the fee, to which Councilman Kilkenny replied that he does not recommend a ranging fee, but that it could be done. Councilman Davis stated his opinion that family renting to family should be excluded. Vice-President Golden asked if this was only for residential, to which Councilman Kilkenny replied that the designation is part of the ordinance and Councilman Montanaro stated that the proposal before Council is for residential only. Councilman McCabe stated that this is the third pass for this ordinance and it has not been enacted thus far. Councilman McCabe further stated that this ordinance is “Big Brother” and that it is not going to get any more of the “bad” people. Therefore, this is simply another bureaucratic hurdle for people to invent and needs to be tossed around at the Committee level more, as it is thin on the citizen comments. Councilman Kilkenny replied that this was due to be on the agenda in May, but did not appear due to an administrative error. Councilman Montanaro asked Councilman Kilkenny to articulate the benefits, to which Councilman Kilkenny replied that there are two main reasons: an increase in the cooperation between the Administration and the School District, which leads to an increase in taxes and an education process for the landlords, which has increased the safety regulations. Councilman Montanaro stated that we are loosing much in the way of solid waste, to which Manager Geissler stated that we are loosing on solid waste, per capita, earned income. Councilman Montanaro asked how many houses are masquerading as single family dwellings, to which Manager Geissler replied several. Paul Boutcher, 204 Walnut Street, stated his opinion that he owns rental units all over and has no problem with having inspections done, but does have a problem with giving out names and information. Councilwoman Pancoe stated that as an owner of property in Conshohocken your are required to furnish names, ages, and jobs, which is

when it was discovered that there were two additional persons living at her property than she had not known about. Vice-President Golden asked the Chief if this was something that he viewed as beneficial, to which he replied that it would be beneficial to know who is living there. The question was called to a vote.

Councilman Kilkenny moved, seconded by Councilman Montanaro, to authorize the administration to advertise Ordinance 2006-5, An Ordinance adopting a rental license permit requirement.

MOTION CARRIED, 9-2 (McCabe, Davis Nay)

#### COMMENDATIONS / SPECIAL RECOGNITION

Vice-President Golden moved, seconded by Councilman McCabe, to adopt Resolution 2006- 13 a resolution of the Borough of Jenkintown honoring Frank Ventresca for 25 years as a merchant, an anchor store in the business community, and his redevelopment work as a developer. We're sad to see him go, but understand the benefits of reducing his commute time substantially.

MOTION CARRIED, all present voting "AYE".

Vice-President Golden moved, seconded by Councilman Clark, to adopt Resolution 2006-14 a resolution of the Borough of Jenkintown honoring Phoebe Woods, on her 30<sup>th</sup> year of business at Framers Workshop and the contributions she has made as a long time business owner/operator in the central business district.

MOTION CARRIED, all present voting "AYE".

Vice-President Golden moved, seconded by Councilwoman Goldman, to adopt Resolution 2006-15 a resolution of Special Recognition presented to Deputy Fire Chief Joseph Connolly for his life saving efforts by administrating CPR to a victim prior to the arrival of emergency crews and for his devote attention during the trip to the emergency care center and the time spent thereafter.

MOTION CARRIED, all present voting "AYE".

Vice-President Golden moved, seconded by Councilman Montanaro, to adopt Resolution 2006-15, a resolution of Special Recognition from the Borough of Jenkintown presented to Richard Scaffidi for sharing his knowledge and the time he spends instructing the Borough Fire Fighters in CPR and Emergency Responders use of the AED units.

MOTION CARRIED, all present voting "AYE".

#### PART TIME POLICE OFFICERS

Councilman McCabe moved, seconded by Councilman Golden, to offer employment as a Part Time Police Officer on the Jenkintown Borough Police Force to: Scott Schillinger & Matt Pichorny & Giancarlo Lagovney . Each shall be at will employees with no guaranteed hours.

#### EXECUTIVE SESSION

Councilman McCabe moved, seconded by Councilman McCabe, to adjourn to executive session at 9:04 p.m. to discuss matters, as permitted under the sunshine laws.

MOTION CARRIED, all present voting "AYE"

RECONVENE:

Councilman McCabe moved, seconded by Councilman Davis, to reconvene the Order of Business at 10:00 p.m.

MOTION CARRIED, all present voting "AYE"

ADJOURN:

Councilman McCabe moved, seconded by Councilman Davis, to adjourn the June 26, 2006 Regular Council Meeting at 10:05 this 26th day of June 2006.

MOTION CARRIED, all present voting "AYE"