



**JENKINTOWN BOROUGH COUNCIL  
PUBLIC MEETING  
March 18, 2013  
7:30 P.M.  
700 Summit Avenue, Jenkintown Pennsylvania**

**MINUTES OF MEETING**

1. **Call to Order:** President Dobbs called the meeting to order at 7:30 p.m.
2. **Pledge of Allegiance:** Mayor Foley led those in attendance in the Pledge of Allegiance.
3. **Roll Call:**
  - **Council members in attendance:** President Dobbs, Vice-President Marlowe, Councilman Boutcher, Councilman Bunker, Councilman Conners, Councilman Danilak, Councilman Durkin, Councilwoman Durkin, Councilwoman Farrell, Councilman Golden, Councilwoman Pancoe, Councilwoman Soltysiak
  - **Council members absent:** None
  - **Others present:** Mayor Foley, Chief DiValentino, Interim Manager Locke, Assistant Manager Bashore, and Engineer Hughes
4. **Approval of Minutes from February 25, 2013:** Vice-President Marlowe requested that the minutes be amended to indicate the date of the meeting.

**ACTION:** On motion of Councilwoman Pancoe, seconded by Vice-President Marlowe, the motion approving the minutes from the February 25, 2013 meeting as amended passed unanimously.
5. **Approval of Payrolls dated March 7 and March 21 in the amount of \$110,290.68 and Invoices totaling \$566,621.98:** On motion of Vice-President Marlowe, seconded by Councilman Durkin, the motion approving payrolls from March 7 and March 21 and invoices passed unanimously.
6. **Public Comment:** There was no public comment at this time.
7. **Committee Reports**
  - **Administration and Finance:** A written report was provided in the monthly meeting materials.
  - **Building, Zoning and Revitalization:** A written report was provided in the monthly meeting materials.

- **Public Safety:** A written report was provided in the monthly meeting materials. Councilman Durkin thanked Councilman Connors for chairing the monthly meeting of the Public Safety Committee in his absence.
  - **Public Works:** A written report was provided in the monthly meeting materials.
  - **Jenkintown School District:** Councilwoman Farrell reported that the Jenkintown School District would be holding a fundraiser for Hurricane Sandy relief efforts. Councilwoman Farrell noted the April performances of “Annie” by the Jenkintown Musical Theater. President Dobbs noted the work of the Borough staff on a lease agreement with the Jenkintown School District for the playground property.
  - **Jenkintown Community Alliance:** There was no report provided.
  - **Multi-Municipal Group:** Councilman Golden noted the upcoming Montgomery County Boroughs Association Dinner on March 28, 2013.
8. **Solicitor’s Report:** Solicitor Kilkeny reported that there were arguments on the Zoning Hearing Board decision appeal filed by the owners of 111 York Road were held the week of March 11. Solicitor Kilkeny noted that he will items for discussion during Executive Session.
  9. **Mayor’s Report:** Mayor Foley reported on the upcoming Rec Board events, noting the March 30, 2013 Spring Egg Hunt and that he is working to arrange music in Town Square every Tuesday during the summer months.
  10. **Police Chief’s Report:** A written report was provided in the monthly meeting materials.
  11. **Manager’s Report:** A written report was provided in the monthly meeting materials. Interim Manager Locke noted that he will meet with Major and Mastro in order to discuss the reporting requests outlined by the Financial Sub-Committee, real estate tax bills have been mailed, and solid waste bills will be mailed out on March 19, 2013.
  12. **Assistant Manager’s Report:** A written report was provided in the monthly meeting materials. Assistant Manager noted the March 1 meeting with Cheltenham Township regarding the Greenwood Ave. Bridge project, the Boroughs Association Dinner on March 28, 2013 at the Abington Arts Center, and the cost savings realized through the change to a new life and long-term disability insurance provided.  
  
Councilwoman Durkin asked about an explanation for the delay in completion of the project. Assistant Manager Bashore noted that PennDOT had not properly anticipated the length of time it would take to relocate the utilities.
  13. **Engineer’s Report:** A written report was provided in the monthly meeting materials.

## ORDER OF BUSINESS

1. **Resolution #2013 - 9: Civil Service Commission Rules & Regulations:** On motion of Councilman Durkin, seconded by Councilman Boutcher, the motion to adopt Resolution #2013-9, amending the rules and regulations for the Jenkintown Borough Civil Service Commission passed with 11 “yes” votes and one (1) abstention (President Dobbs).

**2. Ordinance #2013 - 2: Amendment to Chapter 92 (Firearms) of the Jenkintown Borough Code**

Councilman Durkin made a motion to adopt Ordinance #2013-2, amending chapter 92 of the Jenkintown Borough Code pertaining to firearms. Councilman Golden seconded the motion.

Councilwoman Pancoe asked about the barrel length provisions and if a firearm exceeding these lengths would be legal. Solicitor Kilkenny stated that the provisions are modeled off of the PA code and that any larger firearms would be illegal. Councilman Golden asked provisions for other projectiles, such as darts or pellets. Councilman Durkin stated that he believes that the language prohibiting the discharge of similar devices provides for this prohibition. President Dobbs noted the provisions for educational purposes.

There being no further discussion, the motion adopted Ordinance #2013-2 passed unanimously.

**3. Ordinance #2013 - 3: Amendment to Chapter 142 (Rental Property) of the Jenkintown Borough Code:** On motion of Councilwoman Pancoe, seconded by Councilwoman Durkin, motion to adopt Ordinance #2013-3, amending chapter 142 of the Jenkintown Borough Code pertaining to rental properties passed unanimously.

**4. Ordinance #2013 - 4: Peddling & Soliciting - Authorization to advertise:** Vice President Marlowe made a motion to authorize the advertisement of proposed Ordinance #2013-4, amending Chapter 135 of the Jenkintown Borough Code pertaining to peddling and soliciting. Councilman Golden seconded the motion.

Councilman Golden noted typos in certain sections of the proposed ordinance. Mayor Foley recommended that the exempt categories be permitted to conducted their activities on weekends and amend section 3 to read "Bona fide candidates for elective office and their representatives." President Dobbs asked that the discussion of the proposed permit fee be added to the agenda for the April meeting of the Administration and Finance Committee. There was no further discussion.

**ACTION:** On motion of Vice-President Marlowe, seconded by Councilman Golden, the motion to authorize the advertisement of proposed Ordinance #2013-4, amending Chapter 135 of the Jenkintown Borough Code pertaining to peddling and soliciting as amended passed unanimously.

**5. Ordinance #2013 - 5: Tax Certification Fee:** On motion of Vice-President Marlowe, seconded by Councilman Durkin, motion to authorize the advertisement of proposed Ordinance #2013-5, allowing for a fee for the issuance of a tax certification from the Borough Tax Collector passed unanimously.

**6. Section 902 Recycling Grant - Accepting Grant Agreement:** On motion of Councilman Boutcher, seconded by Councilman Durkin, the motion to approve the Grant Agreement between the Borough of Jenkintown and the PA Department of Environmental Protection for the Section 902 Recycling Implementation Grant passed unanimously.

**7. Cedar to Walnut Storm Sewer Project - Awarding of Contract:** On motion of Councilman Boutcher, seconded by Councilman Durkin, the motion to award the contract for the Cedar to Walnut Storm Sewer Project to Carusone Construction in the amount of \$433,300 passed unanimously.

**8. H2O Projects - Engineering Services Change of Scope:** On motion of Councilman Boutcher, seconded by Councilman Durkin, the motion to approve the request from Remington & Vernick Engineers for additional engineering fees related to Jenkintown Borough's H2O Projects as outlined in their letter dated February 26, 2013 passed unanimously.

## **NEW BUSINESS AND DISCUSSION**

- 1. Release Agreement with Carolyn Hanel:** On motion of President Dobbs, seconded by Vice President Marlowe, the motion to approve the release agreement between Jenkintown Borough Council and Carolyn Hanel dated March 5, 2013 in the amount of \$25,615.82 passed unanimously.
- 2. Sidewalk and Curb Maintenance Program:** Councilwoman Pancoe stated that the Borough is exploring an enforcement program in order to improve sidewalks and curbs in the Borough, noting that repairs will be coordinated with the annual paving project. Interim Manager Locke presented cost data to Council for review and noted that initial letters were distributed to all residents on roads slated for paving in 2013. Councilwoman Pancoe noted that the Borough is looking into a loan program for residents. Councilman Golden stated that he does not support the enforcement program, but noted his appreciation for the work that has been done. Councilwoman Durkin noted that the ordinance is currently in place in the Jenkintown Borough Code. Councilman Bunker stated that he supported establishing a loan program for residents.

Mayor Foley asked if Frequently Asked Questions related to the program should be added to the Borough website. Councilwoman Pancoe requested that Mayor Foley draft this for the website. President Dobbs recommended a primer for assisting residents in seeking to work together for a contractor. Mayor Foley asked why the Borough could recommend a banker, but not a contractor. Solicitor Kilkenny stated that the Borough would be liable if they recommended a contractor and the work went wrong. Solicitor Kilkenny noted that contractors will send information to residents if they know this program exists.

Councilman Connors asked if this would only be mandated to streets being paved. Councilwoman Pancoe stated that it is mandated where the condition has degraded significantly, but the Borough is attempting to connect maintenance to the paving program. President Dobbs noted that the major issue in terms of timing was the curb repair due to the depth of pouring curb. Interim Manager Locke noted the importance of having the integrity of the road being maintained to the curb.

Councilman Golden asked if letters would only be sent to residents with significant maintenance issues. Interim Manager Locke stated that an initial letter was sent to all property owners on streets slated for paving and an inspection was done in order to determine who would receive subsequent letters. Councilman Golden stated that he believes the letters should include any issue that may impede travel on the sidewalk, including trees and bushes. Councilwoman Durkin asked how long in advance notice would be given to residents impacted by this program. Interim Manager Locke stated that he hoped to provide six (6) months notice.

Councilwoman Pancoe stated that the Borough has not budgeted for repairs in the event that a homeowner refuses to comply. Solicitor Kilkenny noted that the Borough would do the repairs and then lien the property. Councilman Golden recommended discussing this further in committee.

Council directed the Interim Borough Manager to discuss loan programs with other banks. Council determined that a public informational session should be held. Council determined that an informational session on this program will be held on Tuesday, April 9, 2013 at 7:30 p.m. and directed the administrative staff to advertise the meeting.

- 3. Zoning Hearing Board and Human Relations Commission appointments**

- **Human Relations Commission:** On motion of Councilman Bunker, seconded by Councilman Durkin, the motion to appoint Jake Marcus, Esq., Matthew Miller, and Rev. Marshall Mitchell (alternate) to the Human Relations Commission with terms to expire on 12/31/2014 passed unanimously.
- **Zoning Hearing Board:** On motion of Councilwoman Pancoe, seconded by Councilman Durkin, the motion to appoint Belinda Hull to a term on the Zoning Hearing Board to expire 12/31/2017 passed with 11 “yes” votes and one (1) “no” vote (Vice-President Marlowe).

**4. Abington Township Zoning Hearing Board meeting - SEPTA Substation:** Solicitor Kilkenny stated that he has outlined options for the Borough to consider at the March 19, 2013 meeting of the Abington Township Zoning Hearing Board regarding the proposed SEPTA substation. Councilman Durkin stated that the Greenwood Ave. Bridge project must be the greatest consideration, noting concern with the egress onto Walnut Street while the Greenwood Ave. Bridge is closed. Solicitor Kilkenny stated that the Borough could either request full party status at the hearing, including calling witnesses, or simply voice the Borough’s concerns and request that the Borough’s requests be used in the decision.

Councilwoman Pancoe asked about the question of the site line, the right turn only requirements, and having trucks use Walnut Street through Jenkintown. Councilman Boutcher stated that the “right turn only” sign is a PennDOT requirement. Councilman Bunker asked why material could not be brought on trains. Councilman Boutcher noted difficulty with diverting trains if material was brought in by train and the train was stopped on the tracks. Engineer Hughes stated that the plan has been reviewed by a variety of agencies in order to obtain environmental permits. Councilwoman Durkin noted that she concurs with Jim Rose and his belief that SEPTA does not have the best interest of the Borough in mind during this project.

**ACTION:** On motion of President Dobbs, seconded by Councilwoman Pancoe, the motion to authorize the Borough Solicitor’s office to attend the meeting in order to voice the Borough’s concerns passed with 10 “yes” votes and two (2) “no” votes (Councilman Bunker and Councilwoman Durkin).

**5. Resolution #2013-10: DCNR C2P2 Grant Application:** On motion of Councilwoman Farrell, seconded by Councilman Boutcher, the motion adopting Resolution #2013-10 to apply for funding under the C2P2 grant program for the Jenkintown Playground passed unanimously.

**EXECUTIVE SESSION:** On motion of Councilwoman Pancoe, seconded by President Dobbs, the motion to adjourn into Executive Session for the purpose of discussing potential litigation passed unanimously.

**Re-open the agenda:** On motion of President Dobbs, seconded by Councilwoman Pancoe, the motion to re-open the agenda passed unanimously.

**Property appraisal:** On motion of President Dobbs, seconded by Councilman Durkin, the motion to engage Indian Valley Appraisal to perform an appraisal of Borough property based on their proposal dated March 15, 2013 passed unanimously.

**Adjournment:** On motion of Vice-President Marlowe, seconded by Councilman Boutcher, the motion adjourning the meeting passed unanimously.

**Please see “Action Items” list on next page.**

# Action Items

## March 18, 2013

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<b>George Locke, Interim Manager</b>	<b>Sidewalk and Curb program:</b> Speak with banks about other loan opportunities
<b>Chris Bashore, Assistant Manager</b>	<b>Ordinance #2013 – 4:</b> Advertise for consideration at April meeting <b>Ordinance #2013 – 5:</b> Advertise for consideration at April meeting <b>Sidewalk and Curb program:</b> Advertise public informational meeting <b>Boards &amp; Commission Appointments:</b> Notify applicants of decisions
<b>Sean Kilkenny, Esq., Borough Solicitor</b>	<b>Ordinance #2013 – 4:</b> Amend to allow soliciting on Saturdays for exempt categories <b>Abington ZHB meeting:</b> Attend meeting on behalf of the Borough <b>Property appraisal:</b> Notify Indian Valley Appraisal of acceptance of proposal
<b>Paul Hughes, P.E., Borough Engineer</b>	<b>Cedar to Walnut Storm Sewer Project:</b> Notify Carusone Construction of project award