

## AMBLER BOROUGH COUNCIL MINUTES

**August 20, 2007**

The regular monthly meeting of Ambler Borough Council was held Monday, August 20, 2007 at 8:00 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. President Anita Pieri presided.

Mr. Tony Isabella led the public in the Pledge of Allegiance and a moment of silence.

**Roll Call** – Present: Mrs. Pieri, Mr. Isabella, Mr. Pugliese, Mr. Kenney, Mrs. Baigis, Mr. Dooley, Mr. Orehek and Mr. S. Pasceri. Mayor Wahl, Solicitor Bresnan, Sergeant Bill Foley and Mrs. Aversa also were present. Absent: Mr. G. Pasceri and Mr. Rocco Wack.

Mrs. Pieri stated that the Borough had purchased, at a cost of \$465, transcripts from the zoning board hearing of June 18, 2007 so that line item recommendations by Mrs. Baigis to amend the Minutes of the June 18, 2007 Meeting focusing on Ordinance 1007 (the Sign Ordinance) could be reviewed. A lengthy discussion ensued. Mrs. Baigis again invited Mr. Louis Silverblank of 348 Lindenwold Avenue to speak to the issue of “declined” petitions. Solicitor Bresnan stated that he did not reject receiving petitions against the sign ordinance, that he had “zero fault.” Mr. Silverblank cited text from the transcripts, stating that a “disconnect” had occurred as regards a County letter and the petitions. He apologized to Solicitor Bresnan, stating that he had not intended to falsely accuse Mr. Bresnan of not receiving the petitions. Mr. Isabella sought an apology from Mrs. Baigis, who stated that she was the vehicle conduit for Mr. Silverblank’s concerns. Mrs. Baigis reiterated that the sign ordinance had changed from what the Planning Commission had agreed upon and that which came to Council. Mrs. Pieri moved that the June 18, 2007 Minutes as previously amended, stand. Seconded. Vote: 7-Aye, 1-Nay (Mrs. Baigis). Carried.

### **COMMITTEE REPORTS**

#### **Public Safety Committee – Mr. Pugliese, Chairman**

The Committee met on Monday, August 6, 2007 at 7:30 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Committee members: Mr. Pugliese, Mr. G. Pasceri and Mr. Isabella. Also present: Mrs. Pieri, Mr. Kenney, Mr. Orehek, Mr. Dooley and Mrs. Baigis. Also present: Mayor Wahl, Sergeant John Kieffer, Solicitor Bresnan and Mrs. Mary Aversa. Absent: Mr. G. Pasceri, Mr. S. Pasceri and Mr. Rocco Wack.

The Public Safety Committee report was given by Mr. Pugliese.

**The Committee will recommend the following:**

1. Recommend installing a handicap sign on the 300 block of Lindenwold Avenue.
2. Recommend preparing an Ordinance to perform inspections of residential rental properties in all zoning districts.
3. Recommend preparing a Resolution to increase the annual residential rental registration fee and require residential rental permits.
4. Recommend preparing an Ordinance to require an inspection of all properties before ownership is transferred, to certify the property is up to current code.

Discussion ensued. Mrs. Baigis asked under which current codes the Borough of Ambler operates. Mr. Bresnan responded that Borough ordinance incorporates by reference the International Building Codes (IBC) incorporated by the Unified Construction Code (UCC).

**In other business the following was discussed:**

The Police Department report for July 2007 was received. The Ridge Avenue Stream Bank Restoration project has begun.

Mrs. Pieri asked if there were questions or comments from Council or the public. Andrea Koutoudis of 373 Heckler Street, a renter, asked what fire codes the Borough requires for residential properties. Mr. Bresnan responded that the National Fire Code is used and that it is incorporated into the Borough Code. Mr. Joe Mastromatteo spoke in reference to proposed rental ordinances and suggested that a people's ad hoc task force be established to work with Council on these matters. He suggested that rental owners should be required to live in the Borough and that the Borough should obtain Tax ID numbers from landlords to enable collecting applicable earned income taxes. Mr. Bresnan stated that there would be issues attached to trying to proscribe that landlords must reside in the Borough. Mrs. Pieri stated that these issues would be reviewed at the September 4, 2007 Committee Meetings.

There being no further comments or questions, it was moved the report be accepted and filed. Seconded, carried.

**Parks and Recreation Committee – Mr. Dooley, Chairman**

The Committee met on Monday, August 6, 2007 at 7:30 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Committee members: Mr. Dooley, Mr. G. Pasceri and Mr. Isabella. Also present: Mrs. Pieri, Mr. Pugliese, Mr. Kenney, Mr. Orehek, and Mrs. Baigis. Also present: Mayor Wahl, Sergeant John Kieffer, Solicitor Bresnan and Mrs. Mary Aversa. Absent: Mr. G. Pasceri, Mr. S. Pasceri and Mr. Rocco Wack.

The Parks and Recreation Committee report was given by Mr. Dooley.

**The Committee will recommend the following:**

1. Recommend holding Family Movie Night on Saturday, September 22 (rain date September 29) at 7:45 p.m. at Pickering Field at a total cost of \$625 (\$550 for the event and \$75 to reserve the rain date). (A-Z Rental has a contract with a company that has the equipment and does setup/teardown of the projector, screen and sound system. The Borough will supply the movie.)

**In other business the following was discussed:**

Ambler Junior Baseball will be presenting their requested field use for the Spring/Summer 2008 season to Borough Council in September. Mrs. Pieri stated that information on the backstop proposal for Knights Park would be forwarded to Committee.

Mrs. Pieri asked if there were questions or comments from Council or the public. There being none, it was moved the report be accepted and filed. Seconded, carried.

**Public Utilities Committee – Mr. Orehek, Chairman**

The Committee met on Monday, August 6, 2007 at 7:30 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Committee members: Mr. Orehek, Mr. Pugliese, Mrs. Pieri. Also present: Mr. Kenney, Mr. Isabella, Mr. Dooley and Mrs. Baigis. Also present: Mayor Wahl, Sergeant John Kieffer, Solicitor Bresnan and Mrs. Mary Aversa. Absent: Mr. G. Pasceri, Mr. S. Pasceri and Mr. Rocco Wack.

The Public Utilities Committee report was given by Mr. Orehek.

**The Committee will recommend:**

1. Recommendation to proceed with final completion of repair and upgrade to Whitmarsh Pumping Station at a total cost of \$26,396 as follows: Phase I (underdrain repair/installation of strainers at tank #1) at a labor cost of \$9,793 by All Services Contracting Corp., with parts purchased directly by the Borough; Phase II (air scour & media installation) at a labor cost of \$6,905 by All Services Contracting Corp., with parts purchased directly by the Borough; and Phase III (replacement of feed pumps, chemical storage tank, mixer, level switch and corp stop assembly) for a total cost of \$2,025, with Borough labor. It should be noted that All Services Corp. is the only company qualified in this specialty field that we have found who will be available to undertake this work in 2007.

**In other business the following was discussed:**

1. The July 2007 WWTP and Engineers report were reviewed.
2. The Meggar Testing bid was awarded to Brendan Stantion, Inc. at \$4,700. The required Bond had been received and the plant engineer had sent Notice to Proceed letter.
3. The plant engineer continues to prepare Bid and Specs for installing equipment necessary to meet the 2 mg/L Phosphorus limit by December 1, 2007. Funds for this Capital project are budgeted as follows: Design & Bid \$20,000; Equipment \$300,000.
4. Cleaning of the Loch Alsh Reservoir Tower is being scheduled with AQUA.
5. Written evaluation and videotape of Houston Road Tank and Broad Axe Tank had been received and is being reviewed by the Borough Engineer.
6. Mr. Bresnan stated that he had settled the PUC rate increase case and that once details had been worked out with PUC trial staff, he could release further details.

Mrs. Pieri asked if there were questions or comments from Council or the public. There being none, it was moved the report be accepted and filed. Seconded, carried.

**Finance and Planning Committee - Mr. Kenney, Chairman**

The Committee met on Monday, August 6, 2007 at 7:30 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Committee members: Mr. Kenney, Mr. G. Pasceri, Mr. Dooley and Mr. S. Pasceri. Also present: Mrs. Pieri, Mr. Pugliese, Mr. Isabella, Mr. Orehek, and Mrs. Baigis. Also present: Mayor Wahl, Sergeant John Kieffer, Solicitor Bresnan and Mrs. Mary Aversa. Absent: Mr. G. Pasceri, Mr. S. Pasceri and Mr. Rocco Wack.

The Finance and Planning Committee report was given by Mr. Kenney.

**The Committee will recommend the following:**

1. Recommend that the July 2007 invoices in the amount of \$860,819.39 be paid as follows: General (\$310,584.95); Street Lights (\$7,002.55); Fire (\$3,353.13); Parks & Rec (\$3,561.35); Water (\$113,916.81); Sewer (\$191,578.13); WWTP (\$145,203.28); Rail Corridor (\$0.00); Road Overlay (\$0.00); Debt Fund (\$0.00); Water Capital (\$24,559.01); Liquid Fuels (\$771.84); with end of month cycle totaling \$60,288.34 and July bills totaling \$800,531.05.
2. Recommend approving a proposal from Town Shapes LLC to oversee the Transit Revitalization Investment District (TRID) Planning Study.

Discussion ensued. Mr. Kenney stated that the Borough cost was not to exceed \$25,000 with a DVRPC TRID grant in the amount of \$75,000, totaling \$100,000.

3. Recommend approving a proposal from Town Shapes LLC to develop a parking action plan.

Discussion ensued. Mr. Kenney stated that the cost was not to exceed \$18,900 and that the purpose of this plan was to implement changes as identified by the parking study to add additional parking spaces in the Borough. Mrs. Baigis inquired as to potential hidden costs. Mr. Kenney stated that this cost was the total cost for a planner and that there would be costs to implement any suggestions. Mrs. Pieri stated that the cost for a planner equaled the cost for one parking space in a parking garage.

4. Recommend approval of the proposed sewer lateral agreement prepared for The Crossings at Ambler. Upon receipt of an executed copy, the DEP will issue planning module approval for the project.
5. Recommend sending to the County an Ordinance relative to the property at 1-3 Reiffs Mill Road to provide for certain low intensity office use in the R-3 Residential District as a conditional use.
6. Recommend signing a grant agreement for the Ambler Theatre Restoration Redevelopment Assistance Capitol Project.
7. Recommend consideration of changes to be made by Artman Home in its landscaping requirements.

A presentation was made by Christen Pionzio, attorney for Artman Home, who stated that the large-sized trees originally planned for the site were considered to be too large for transplant and survival. Artman Home therefore proposed planting trees sized as required by code. Such trees would be of 2 ¼" caliper as opposed to 4" caliper. Mr. Kenney asked whether more trees in total would be planted and Ms. Pionzio replied that more trees would not be planted but that there would be more space between the trees. The change in size of the trees would be a 10 year set back in terms of screening of the facility.

8. Recommend advertising for adoption and scheduling of a public hearing for the Zoning and Official Borough Map Change and for sending the Zoning and Official Borough Map Change Ordinance back to the County and the Planning Commission with the only change being that the property at the northwest corner of Butler Avenue and Hendricks Street (281 E. Butler Avenue) remain under current zoning (which is zoned office).

Discussion ensued. Joe Herron of 10 Hendricks Street stated his concern that commercial activities allowed by a zoning change might allow for a bar to be opened at the

commercially-zoned properties on Butler Avenue between Race Street and Hendricks Street. Mr. Orehek asked whether zoning could be modified to preclude allowing a liquor license. Solicitor Bresnan stated that zoning must be consistent with the Comprehensive Plan for Downtown Commercial. He stated that a bar could be made unworkable (as opposed to prohibited) by requiring a commercial enterprise to comply with setback and parking requirements. In response to Danele Herron's (10 Hendricks Street) concerns about the allowance of a 25% expansion by grandfathered businesses, Bresnan stated nonconforming use allows for expansion only for the same use and general nature. He distinguished between vacant and abandoned property, wherein a property demonstrating no activity for one year loses its nonconforming status.

**In other business the following was discussed:**

1. The Main Street Manager's July 2007 report was reviewed.
2. The Borough Engineer's July 2007 report was reviewed.
3. A request by Ambler Main Street for additional funding was under review.
4. A brief presentation was made by the developer to discuss the road layout for the project at 200 S. Main Street. The Borough met with the Fire Dept. and it was determined that the Common Green Area must be developed as a road to ensure access for emergency fire services. The Borough also met with the developer to discuss utility layout.
5. A revitalization proposal was made by David Michael Kenney of Act II Playhouse.

Mr. D.M. Kenney made a presentation on his envisionment of Cavalier Drive as an "Alley of the Arts." He proposed that a mural contest be held, including high school students, for a mural to be painted on the side of the Act II building. He stated that 3 planter box trees would need to be removed for visibility. He proposed that an artist review all submissions and that the Board of Directors of Act II and Ambler Borough work together to select the winning mural. He further suggested that Act II be allowed to "adopt" the kiosk near the Beauty School to make it a dedicated arts/fine arts kiosk. He sought \$2,500 from the Borough as financing for an artist for the project. Mrs. Pieri asked whether Act II had looked into grant monies. Mrs. Baigis stated concern about the removal of trees. Mr. D.M. Kenney assured Council that Act II insurance for the project (scaffolding would be used) would be underwritten by the Playhouse.

Mrs. Pieri asked if there were questions or comments from Council or the public. There being no further questions or comments, it was moved the report be accepted and filed. Seconded, carried.

## **Salary and Personnel Committee – Mr. Isabella, Chairman**

The Committee met on Monday, August 6, 2007 at 7:30 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Committee members: Mr. Isabella, Mr. G. Pasceri and Mr. Orehek. Also present: Mrs. Pieri, Mr. Pugliese, Mr. Kenney, Mr. Dooley and Mrs. Baigis. Also present: Mayor Wahl, Sergeant John Kieffer, Solicitor Bresnan and Mrs. Mary Aversa. Absent: Mr. G. Pasceri, Mr. S. Pasceri and Mr. Rocco Wack.

The Salary and Personnel Committee report was given by Mr. Isabella.

### **The Committee will recommend the following:**

1. Recommend hiring an assistant for the Code Enforcement department for a part-time position with anticipated full-time status in 2008.
2. Recommend hiring a new Code Enforcement & Zoning Officer. (A letter of resignation was received from Chuck Baily wherein he stated that his last day of employment will be August 24, 2007).
3. Recommend advertising for a part-time Fire Marshall. (Mr. Baily will continue this duty until a replacement has been hired.)
4. Recommend a motion to authorize Mary Aversa to co-sign checks and execute official documents until such authority is revoked by subsequent motion.
5. Recommend adopting the guidelines for confined space, including an entry permit. (This procedure is to be approved for inclusion in the Borough Safety Manual.)

### **In other business the following was discussed:**

The monthly Employee Safety Committee Minutes for July 2007 were distributed. **An Executive Session was held on a salary and personnel issue.**

Mrs. Pieri asked if there were questions or comments from Council or the public. There being none, it was moved the report be accepted and filed. Seconded, carried.

### **OLD BUSINESS/NEW BUSINESS**

Ms. Andrea Koutoudis of 373 Heckler Street stated that her address was that on an alley within the Borough and she inquired as to jurisdiction of the alley (speed limit, other signage, maintenance). Additionally she stated that a PECO telephone pole had been lying on the side of the alley for eight months.

Mrs. Pieri announced there are two vacancies on the Environmental Action Committee (EAC) due to the resignation of Mr. Couey and Ms. Williams. Mrs. Aversa stated copies of the Ambler Streetscape TEA-21 Construction Submission and the Race Street Streetscape Submission to be sent to PADOT were available for Council to review.

Mrs. Pieri asked Council and the public if there was further business to discuss or if there were further comments or questions. None received.

## **RECOMMENDATIONS**

**Public Safety Committee** – The Committee recommends and Mr. Pugliese moves:

Recommend installing a handicap sign on the 300 block of Lindenwold Avenue. Seconded, All Aye, Carried.

Recommend preparing an Ordinance to perform inspections of residential rental properties in all zoning districts. Seconded, All Aye, Carried.

Recommend preparing a Resolution to increase the annual residential rental registration fee and require residential rental permits. Seconded, All Aye, Carried.

Recommend preparing an Ordinance to require an inspection of all properties before ownership is transferred, to certify the property is up to current code. Seconded, All Aye, Carried.

**Parks & Recreation Committee** – The Committee recommends and Mr. Isabella moves:

Recommend holding Family Movie Night on Saturday, September 22 (rain date September 29) at 7:45 p.m. at Pickering Field at a total cost of \$625. Seconded, All Aye, Carried.

**Public Utilities Committee** - The Committee recommends and Mrs. Pieri moves:

Recommendation to proceed with final completion of repair and upgrade to Whitemarsh Pumping Station at a total cost of \$26,396. Seconded, All Aye, Carried.

**Finance and Planning Committee** - The Committee recommends and Mr. Kenney moves:



Recommend that the July 2007 invoices in the amount of \$860,819.39 be paid. Seconded, All Aye, Carried.

Recommend approving a proposal from Town Shapes LLC to oversee the Transit Revitalization Investment District (TRID) Planning Study at a cost not to exceed \$25,000. Seconded, All Aye, Carried.

Recommend approving a proposal from Town Shapes LLC to develop a parking action plan at a cost not to exceed \$18,900. Seconded, All Aye, Carried.

Recommend approval of the proposed sewer lateral agreement prepared for The Crossings at Ambler. Seconded, All Aye, Carried.

Recommend sending to the County an Ordinance relative to the property at 1-3 Reiffs Mill Road to provide for certain low intensity office use in the R-3 Residential District as a conditional use. Seconded, All Aye, Carried.

Recommend signing a grant agreement for the Ambler Theatre Restoration Redevelopment Assistance Capitol Project. Seconded, All Aye, Carried.

Recommend approval of changes to be made by Artman Home in its landscaping requirements from the planting of 4" caliper trees to 2 1/4" caliper trees. Seconded. 7-Aye; 1-Nay (Mrs. Baigis). Carried.

Recommend advertising for adoption and scheduling of a public hearing for the Zoning and Official Borough Map Change and for sending the Zoning and Official Borough Map Change Ordinance back to the County and the Planning Commission with the only change being that the property at the northwest corner of Butler Avenue and Hendricks Street (281 E. Butler Avenue) remain under current zoning (which is zoned office). Seconded, All Aye, Carried.

**Salary & Personnel Committee** – The Committee recommends and Mr. Isabella moves:

Recommend hiring an assistant for the Code Enforcement department for a part-time position with anticipated full-time status in 2008. Seconded, All Aye. Carried.

Recommend hiring a new Code Enforcement & Zoning Officer. (A letter of resignation was received from Chuck Baily wherein he stated that his last day of employment will be August 24, 2007). Seconded, All Aye. Carried.

Recommend advertising for a part-time Fire Marshall. (Mr. Baily will continue this duty until a replacement has been hired.) Seconded, All Aye. Carried.

Recommend a motion to authorize Mary Aversa to co-sign checks and execute official documents until such authority is revoked by subsequent motion. Seconded, All Aye. Carried.

Recommend adopting the guidelines for confined space, including an entry permit. (This procedure is to be approved for inclusion in the Borough Safety Manual.) Seconded, All Aye. Carried.

There being no further business, Mrs. Pieri moved the meeting be adjourned. Seconded, carried.

Respectfully submitted,

Elizabeth Russell  
Administrative Assistant  
Water Department  
For  
George W. Benigno  
Assistant Borough Secretary