

MINUTES

January 16, 2007

The regular monthly meeting of Ambler Borough Council was held Tuesday, January 16, 2007 at 8:00 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. President Anita O'Hara Pieri presided.

Sal Pasceri led the public in the Pledge of Allegiance and a moment of silence.

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

Mr. George Pasceri made opening remarks relevant to recent coverage of Ambler Borough Council by the *Ambler Gazette*. He directed his remarks to Councilperson Baigis, stating that he found her remarks to be degrading to the Wack family and degrading to Council. He stressed that Council's mandate should be teamwork. Mrs. Baigis countered that she has always worked according to her best judgment as to what is right and that teamwork does not always work in a democracy. Chief Wack remarked that the Wack family has had a long history working for the Borough and that the Wack family has not received more than any other family. He continued that it is right in a democracy to defend one's family and that he does not intend to sit back and be chastised. He stated that he will seek legal advice apart from the professional auspices of his position if his family is attacked in the future. He encouraged Mrs. Baigis to approach him in his capacity as Borough Manager should there be a note of discord.

Doris Wack, widow of former Police Chief Wack urged that accusations of nepotism stop and encouraged that Borough employees be reviewed on the merits of their performance and be respected. Mrs. Pieri conveyed her respect to Mrs. Wack and her late husband. Mrs. Baigis stressed that as to the hiring practices of the Borough, she wanted to ensure that positions were publicly advertised and that resumes were thoroughly reviewed, especially as regards family members, so that Council could make an informed vote. Chief Wack cited a prior month's vote when two unknown job candidates and one "Wack" were being voted on. He noted that all three had proper resumes presented to Council, and that Mrs. Baigis voted nay only on candidate "Wack" because of his name. Chief Wack stated that Ambler is an honest town and has an honest Council and that there was no wrongdoing. Solicitor Bresnan noted that Borough Code does not preclude the hiring of family members and that family service is a tradition in many municipalities. Mrs. Pieri encouraged that Council work for the betterment of the town.

Moving forward, Mrs. O'Hara Pieri recommended that the December 18th Minutes be revised to read (pg. 3, para. 2): "At this time, Mrs. O'Hara Pieri asked Mr. Dooley how he would like to proceed with the vote. He could proceed with a vote on each recommendation item if he wanted, as was suggested by the Solicitor. Mr. Dooley chose

to call for a vote on each item.” Additionally, Mrs. O’Hara Pieri suggested changes in Council review of the Minutes, wherein she asked that all Council Member recommendations to modify the Minutes be submitted in writing to the Borough Manager by the Thursday before each month’s Council Meeting.

COMMITTEE REPORTS

Finance and Planning Committee - Mr. Kenney, Chairman

The Committee met on Tuesday, January 2, 2007 at 7:30 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Committee members: Mr. Kenney, Mr. G. Pasceri and Mr. Dooley. Also present: Mrs. O’Hara Pieri, Mr. Pugliese, Mr. S. Pasceri, Mr. Isabella and Mrs. Baigis. Also present: Mayor Wahl, Solicitor Bresnan, Mr. Rocco Wack and Mrs. Mary Aversa. Absent: Mr. Orehek.

The Finance and Planning Committee report was given by Mrs. O’Hara Pieri.

The Committee will recommend the following:

With the Court Reporter present due to proposed zoning ordinance changes, and with such zoning ordinance changes having been properly published in *The Times Herald* on January 5 and January 9, 2007, and with public comment being allowed for consideration in adoption, the Committee will recommend the following:

1. Recommend adopting zoning ordinance change **Ordinance 1005**, amending the Flag Lot Ordinance.
2. Recommend adopting zoning ordinance change **Ordinance 1004**, amending the TOD Ordinance parking requirement.

Mrs. O’Hara Pieri asked if there was any public comment regarding these two ordinances. Discussion ensued. Jeremiah Couey of 318 Forest Avenue asked for a clarification on “green space” requirements and whether Ordinance 1004 would affect any green space requirement. Solicitor Bresnan explained that green space requirements are covered in a separate ordinance. The Committee then recommended and Mrs. O’Hara Pieri moved to vote on Ordinances 1004 and 1005. A vote was taken. There being no further consideration of zoning ordinance changes, the Court Reporter was excused. The Committee proceeded to carry on further business, **recommending the following:**

3. Recommend that the December 2006 invoices be paid in the amount of \$492,831.21.
4. Recommend that authorization be granted approving the plans for the proposed land development at 140 N. Ridge Avenue, pending the Borough Engineer’s review.

5. Recommend adoption of **Resolution 2006-17**, “A Resolution Authorizing the Acquisition of Certain Land by Eminent Domain,” that certain land being LCB land adjacent to the Ambler Borough Hall rear parking lot for the purpose of enlarging said parking lot.

Discussion ensued. Bernadette Dougherty asked for clarification on zoning requirements for the number of parking spaces required, on the cost of such a declaration of eminent domain, and on the cost to the Borough to repave/retool the enlarged parking area. Solicitor Bresnan stated that the process of eminent domain would place Moreland Development (LCB landlord) in legal nonconformity. Further, he stated that an agreement on any compensation had not been set yet. Mrs. O’Hara Pieri stated that the Borough could expect the parking lot would be completed in 2007 and that adequate funds exist to pay for the project.

Jeremiah Couey asked whether this resolution had been advertised. Solicitor Bresnan stated that in fact this is a resolution, and, if approved, a “Declaration of Taking” would be published in the County Public Record. Mrs. Baigis expressed concern in the successive reduction in the number of parking spaces required at that site. Additionally, she stated that a sound revitalization plan should take into consideration the problem of lack of parking similarly found throughout the Borough. Mr. Orehek expressed optimism that the combined parking lots of the Borough and LCB, if shared during off-hours, would benefit both. Mrs. Baigis asked whether there would be a physical barricade between the two lots and whether a simple Agreement could be drawn up between the two parties. Solicitor Bresnan stated that the Zoning Hearing Board precludes the LCB from creating a lease with the Borough. Further, he stated that plans have been drawn up during the past two years on a redesign of the Borough parking lot.

Mrs. O’Hara Pieri asked if the public had any comments or questions. Matt Cooley of Fulling Mill Lane stated concern about a precedent being set by exercising eminent domain, which he felt was heavy handed. Mrs. Pieri explained there was no precedent being set. This was an agreement between the parties involved.

An **Executive Session** was then held outside of Council Chambers to discuss a litigious matter.

Mrs. O’Hara Pieri asked if the public had further comments or questions. None received.

Mr. G. Pasceri moved the report be accepted and filed. Seconded, carried.

Public Safety Committee – Mr. Pugliese, Chairman

The Committee met on Tuesday, January 2, 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. O’Hara Pieri, Mr. S. Pasceri, Mr. Dooley, Mr. Kenney and Mrs. Baigis. Also present: Mayor Wahl, Solicitor Bresnan, Mr. Rocco Wack and Mrs. Mary Aversa. Absent: Mr. Orehek.

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

The Committee will recommend the following:

1. Recommend appointing Charles Stewart to the vacant EAC Committee seat.

In other business the following was discussed:

Mrs. Baigis made inquiry as to the absence of meter violations noted in the December 2006 Police Report. She was reminded by Chief Wack that the month of December is “free parking” month in the Borough. Additionally she inquired as to whether the Mayor was satisfied with the Police Department Annual Report and was advised that he was so satisfied.

Mrs. O’Hara Pieri asked if there were questions from the public. None were asked.

Mr. G. Pasceri moved the report be accepted and filed. Seconded, carried.

Parks and Recreation Committee – Mr. Dooley, Chairman

The Committee met on Tuesday, January 2, 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. O’Hara Pieri, Mr. S. Pasceri, Mr. Pugliese, Mr. Kenney and Mrs. Baigis. Also present: Mayor Wahl, Solicitor Bresnan, Mr. Rocco Wack and Mrs. Mary Aversa. Absent: Mr. Orehek.

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

The Committee made no recommendations and had nothing further to report.

Mrs. O’Hara Pieri asked if there were questions from the public. None were asked.

Mr. G. Pasceri moved the report be accepted and filed. Seconded, carried.

Public Utilities Committee – Mr. Orehek, Chairman

The Committee met on Tuesday, January 2, 2007 at 7:30 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Committee members: Mr. Orehek, Mr. Pugliese, Mrs. O’Hara Pieri. Also present: Mr. G. Pasceri, Mr. Kenney, Mr. Isabella, Mr. S. Pasceri, Mr. Dooley and Mrs. Baigis. Also present: Mayor Wahl, Solicitor Bresnan, Mr. Rocco Wack and Mrs. Mary Aversa. Absent: Mr. Orehek.

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

The Committee will recommend the following:

1. Recommend authorizing a bid award to BSI Electrical Contractors in the amount of \$137,250.00 for the removal of the WWTP failed generator set and installation of the new unit along with replacing the phase sensing devise in the switch gear, pending Engineer's approval.
2. Recommend authorizing a bid award to Ashbrook Simon Hartley Operations L.P. in the amount of \$120,390.00 (which includes labor and material) for the rebuilding of the existing belt filter press.
3. Recommend authorizing contract award to Kelter & Gilligo at a cost not to exceed \$9,000.00 to prepare bid plan and specs, including in-house construction administration, for a 150 KW Generator at Well #2 (Loch Alsh).
4. Recommend authorization to advertise for bids for the purchase and installation of a 150KW Generator at Well #2 (Loch Alsh).
5. Recommend authorization to advertise for bids for the drilling of a water supply and observation well, including conducting a 72-hour pump test, at a potential new well site at Knight Park.

In other business the following was discussed:

Chief Wack commended Borough employees for their work in energetically constructing a storage area for winter road salt, entailing a thorough clean-up at the sewer plant designated area. He stated that the first load of salt is in, and that Borough employees plan to construct a rooflike structure at the salt storage bin. Additionally, he stated that with the selection of this site the Borough will not be under any tenant obligations and will not have to pay rent.

Mrs. O'Hara Pieri asked if the public had any questions. No questions received.

Mr. G. Pasceri moved the report be accepted and filed. Seconded, carried.

Salary and Personnel Committee – Mr. Isabella, Chairman

The Committee met on Tuesday, January 2, 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. O'Hara Pieri, Mr. Pugliese, Mr. S. Pasceri, Mr. Dooley, Mr. Kenney and Mrs. Baigis. Also present: Mayor Wahl, Solicitor Bresnan, Mr. Rocco Wack and Mrs. Mary Aversa. Absent: Mr. Orehek.

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

The Committee made no recommendations and no further discussion was held.

Mrs. O'Hara Pieri asked if the public had any questions. No questions received.

Mr. G. Pasceri moved the report be accepted and filed. Seconded, carried.

RECOMMENDATIONS

Public Safety Committee

The Committee recommends and Mr. Pugliese moves:

APPOINTING Charles Stewart to the vacant EAC Committee seat. Seconded, carried.

Public Utilities Committee

The Committee recommends and Mr. Orehek moves:

AUTHORIZING a bid award to BSI Electrical Contractors in the amount of \$137,250.00 for the removal of the WWTP failed generator set and installation of the new unit along with replacing the phase sensing devise in the switch gear, pending Engineer's approval. Seconded, carried.

AUTHORIZING a bid award to Ashbrook Simon Hartley Operations L.P. in the amount of \$120,390.00 (which includes labor and material) for the rebuilding of the existing belt filter press. Seconded, carried.

AUTHORIZING contract award to Kelter & Gilligo at a cost not to exceed \$9,000.00 to prepare bid plan and specs, including in-house construction administration, for a 150 KW Generator at Well #2 (Loch Alsh). Seconded, carried.

AUTHORIZATION to advertise for bids for the purchase and installation of a 150KW Generator at Well #2 (Loch Alsh). Seconded, carried.

AUTHORIZATION to advertise for bids for the drilling of a water supply and observation well, including conducting a 72-hour pump test, at a potential new well site at Knight Park. Seconded, carried.

Finance and Planning Committee

The Committee recommends and Mrs. O'Hara Pieri moves:

THAT December 2006 invoices are to be paid in the amount of \$492,831.21. Seconded, carried.

ADOPTING Ordinance 1005, amending the Flag Lot Ordinance. Seconded. Roll Call Vote. Aye (8), Nay (0). Carried.

ADOPTING Ordinance 1004, amending the TOD Ordinance parking requirement. Seconded. Roll Call Vote. Aye (8), Nay (0). Carried.

ADOPTING Resolution 2006-17, “A Resolution Authorizing the Acquisition of Certain Land by Eminent Domain,” that certain land being LCB land adjacent to the Ambler Borough Hall rear parking lot for the purpose of enlarging said parking lot. Seconded, carried.

AUTHORIZATION approving the plans for the proposed land development at 140 N. Ridge Avenue, pending the Borough Engineer’s review. Seconded, carried.

OLD BUSINESS/NEW BUSINESS

Mrs. Doris Wack asked whether each Council member had received a Borough employee list. She stated it was important for each Council Member to have this information. Chief Wack responded that as each new Council Member took office, he or she visited all Borough departments, met supervisors and was introduced to the employees.

Mrs. O’Hara Pieri then announced that the EPA and DEP would be holding an asbestos site update on the Bo-Rit site on January 24th at Wissahickon Middle School. There being no further business, Mrs. O’Hara Pieri moved the meeting be adjourned. Seconded, carried.

Respectfully submitted,

Elizabeth Russell
Administrative Assistant
Water Department

For
George W. Benigno
Assistant Borough Secretary