

AMBLER BOROUGH COUNCIL MINUTES

October 15, 2007

The regular monthly meeting of Ambler Borough Council was held Monday, October 15, 2007 at 8:00 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. President Anita Pieri presided.

Mrs. Judy Baigis led the public in the Pledge of Allegiance and a moment of silence.

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

Mrs. Pieri noted spelling and typographical changes suggested for the September 17, 2007 Minutes. Mrs. Baigis asked for clarification on a few entries. It then was recommended that Page 5, Item 4 and full paragraph same mid-page as well as Page 9, Line 11 should read “Preliminary/Final Land Development.” Page 6, Line 24 should read “Mrs. Aversa stated that Borough man-hours (comprised of police and public works) that benefit Ambler Main Street cost the Borough approximately \$12,000 per year.” Page 6, Item 3 to read “... Artman Home on September 4, 2007 at 6:45 p.m. prior to the Committee Meeting.”

Discussion ensued regarding the Minutes and Councilperson packets. Mrs. Pieri clarified that all Councilpersons receive Planning Commission minutes, drawing and plans and that Mrs. Aversa had distributed the Hendricks Street residents’ letter in Council PC packets. Discussion ensued regarding the accurate retelling of the Minutes. Elizabeth Russell, Minutes stenographer, clarified that she purposely does not attend Committee Meetings so that the integrity of Council meetings will not be compromised by categorizing them as if from one meeting. Mrs. Aversa stated that minutes are not taken at Committee meetings. Mrs. Baigis accepted the content of the Minutes of September 17, 2007 as being an accurate accounting of that meeting. Mrs. Pieri moved that the September 17, 2007 Minutes with suggested revisions be accepted. Seconded. Carried.

COMMITTEE REPORTS

Public Safety Committee – Mr. Pugliese, Chairman

The Committee met on Monday, October 1, 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 Mr. S. Pasceri. Also present: Mayor Wahl, Sergeant Bill Foley, Solicitor Bresnan and Mrs. Mary Aversa. Absent: Mrs. Baigis and Mr. Rocco Wack.

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

The Committee made no recommendations.

In other business the following was discussed:

1. The Police Department report for September 2007 was received.

Discussion ensued. Mrs. Baigis asked for an answer to a question she had posed the previous month as to whether a sex offense listed in the August 2007 Police Report had involved child(ren). Sergeant Foley stated the offender was a juvenile and that this was a police matter. Solicitor Bresnan stated that identities of juveniles in such matters are protected and that there would be no further public statement.

2. The September 2007 Public Works report and Code Enforcement report were reviewed.
3. A sample complaint form and Use & Occupancy form were presented to Council for review.
4. An ordinance recommending a change in the TOD Zoning District to modify the parking requirements was sent to the County and the Borough Planning Commission for review. (LTK discussed their parking situation to Borough Council in reference to this request at the Committee meeting.)
5. Steven Ware of Townshapes LLC had stated that the field work for the parking study had been completed and that results would be presented in the near future.

Mrs. Pieri asked if there were comments or questions from Council or the public. David Morgan, who produces *Hometown News*, stated the fall 2007 issue had been printed and mailed. He asked that the *Ambler Gazette* report the fall leaf collection dates for the Borough: November 6, 13, 20 and December 4th. Mrs. Pieri noted that the next meeting for code and rental concerns would be October 17th at 7:00 p.m. in Council Chambers. Mrs. Pieri asked that an ordinance be considered to require property owners to remove graffiti in a timely manner. D. K. Kenney of Act II stated he had observed juveniles as young as 12 or 13 years of age buying cans of spray paint at Decks' Hardware.

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, October 1, 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 Mr S. Pasceri. Also present: Mayor Wahl, Sergeant Bill Foley, Solicitor Bresnan and Mrs. Mary Aversa. Absent: Mrs. Baigis and Mr. Rocco Wack.

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

The Committee made no recommendations.

In other business the following was discussed:

1. Family Movie Night was held Saturday, September 22 at Pickering Field. The event was very successful and a good time was had by all.
2. Two quotes were received for the backstop replacement at Knights Park.

Discussion ensued. Mr. Dooley stated that the Committee's goal had been to receive four quotes, yet only two had been received. Mrs. Pieri asked whether Mrs. Amento had contacted the Committee and it was stated she had not done so. Mrs. Pieri asked that if by the end of the week Mrs. Amento had not been in touch the Committee, that the backstop replacement be put out for bid.

Mrs. Pieri asked if there were comments or questions 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, October 1, 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. G. Pasceri, Mr. Kenney, Mr. Isabella, Mr. Dooley and Mr. S. Pasceri. Also present: Mayor Wahl, Sergeant Bill Foley, Solicitor Bresnan and Mrs. Mary Aversa. Absent: Mrs. Baigis and Mr. Rocco Wack.

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

The Committee will recommend the following:

1. Recommend a three-year contract be awarded to M. J. Reider Associates, Inc. at a cost of \$93,592 per year for plant daily sample collection and analysis and \$31,880.50 per year for plant weekly and industrial sample analysis. (This is a professional service and is not subject to bidding requirements.)
2. Recommend bid preparation for conductor replacement per the meggar testing results with the engineering cost not to exceed \$2,000.

In other business the following was discussed:

1. The September 2007 WWTP and Engineer's Report was reviewed.
2. Staff was informed that a total phosphorus limit will not be required at this time due to the permit appeal settlement. However, a limit for Ortho-Phosphorus as P of 4.0 mg/L will be required from November through March, effective December 2008 and a limit of 1.0 mg/L from April through October, effective April 2009.

Discussion ensued. Susan Curry of the Environmental Action Committee urged that the Borough look at the sources of phosphorus (e.g., toilets, drains, cleaning products) and cut them off at the source. George Benigno of the Planning Commission stated that increased macadam has increased runoff into the creek and stated that runoff from lawns, animal waste and watershed waste comes to the Waste Water Treatment Plant from six municipalities.

3. Whitemarsh Pumping Station repair and upgrade continues and it is anticipated that work on the facility will begin in November.
4. The emergency generator for Well #2 has been received and its installation is being coordinated.
5. Annual inspection of the Loch Alsh Dam by the DEP is scheduled for Tuesday, October 16, 2007.
6. Gilmore engineers and the Water Superintendent attended the Whitpain Township Planning Commission Meeting on September 11th regarding township approval to proceed with establishing Well 15 (Brookfield Lane). Approval was granted and a letter stating the conditions of approval is forthcoming from the township.
7. The DEP has delineated in its letter to the Borough Water Engineer steps to be taken by the Borough in upgrading the Loch Alsh Reservoir to exceed "100 Year Flood" spillway capacity. The Committee intends to counter DEP regarding this requirement.

Discussion ensued. Mr. Orehek stated that regarding the DEP's position, the Public Utilities Committee would be fact-finding with an engineer from O'Brien and Gere (the engineering firm that authored the Borough's 1992 Dam Break Analysis report) at its next meeting on October 29th. Bernadette Dougherty of Ambler Main Street asked if a FEMA map was publicly available to determine properties located in a floodplain. FEMA maps are available online.

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, October 1, 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 Mr. Dooley. Also present: Mayor Wahl, Sergeant Bill Foley, Solicitor Bresnan and Mrs. Mary Aversa. Absent: Mrs. Baigis and Mr. Rocco Wack.

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

The Committee will recommend the following:

1. Recommend purchasing a new Ford Pick-up truck with plow. The item is budgeted and will be purchased from the State Contract at a total cost of \$27,177.28.

Discussion ensued. Mrs. Baigis inquired about Borough disposal procedures for the old pick-up truck. It was stated that disposable property valued over \$1,500 must go to bid or auction and it was further stated that proceeds go into the general fund.

2. Recommend that the September 2007 invoices in the amount of **\$512,498.21** be paid as follows: General (\$221,382.99); Street Lights (\$706.76); Fire (\$47,900.94); Parks & Rec. (\$2,370.33); Water (\$62,633.96); Sewer (\$9,509.03); WWTP (\$108,808.48); Rail Corridor (\$0.00); Road Overlay (\$0.00); Debt Fund (\$0.00); Water Capital (\$14,030.31); Liquid Fuels (\$6,490.66); with end of month cycle totaling \$38,842.87 less voided check #7132 in the amount of \$178.12 and September cycle bills totaling \$473,833.46.
3. Recommend adopting **Resolution 2007-9** recognizing the actuarial condition of the Borough's Police Employee pension plan.
4. Recommend adopting **Resolution 2007-8** recognizing the actuarial condition of the Borough's Municipal Employee pension plan.

Discussion ensued regarding Items 3 and 4. Solicitor Bresnan explained that the actuarial condition of the pension plans is reviewed annually and that it is the opinion of the actuary that the Police Employee pension plan will not require employee contribution and that the Municipal Employee pension plan will require a three percent employee contribution.

5. Recommend advertising for adoption of **Ordinance 1010** setting the required COLA adjustment for the Police pension fund.
6. Recommend accepting the Act II Playhouse-proposed mural design for Avenue of the Arts and encouraging that the project proceed.

A presentation was made by D.M. Kenney of Act II Playhouse. He unveiled a copy of a mural by Miss Wong (an Upper Dublin High School student) that had been selected by the Act II Board to be the Alley of the Arts mural. He stated the mural space would be 14 feet in height and 22 feet across. Regarding the Alley planting, he stated that a continuous bed of evergreens would be planted between the two remaining trees. He further stated that Paul Mitchell Salon was considering putting benches on either side of the kiosk and that the Salon had offered to repair the kiosk. If this did not go forth, Act II would take care of the kiosk. Mayor Wahl asked about lighting and it was stated that Act II had spoken with an electrician about proper down lighting.

In other business the following was discussed:

1. The Borough Engineer's September 2007 report was reviewed.
2. The Main Street Manager's report was reviewed.
3. **Ordinance** 1011 allowing low intensity office use in the R-3 district has been advertised for adoption and a Conditional Use Hearing has been scheduled for November 5, 2007 at 7:00 p.m.
4. The Borough is working to address the complaints of property owners surrounding Artman Home.
5. The DC Zoning & Map Change Ordinance has been sent to the County for review. The SALDO changes adding certain buffering requirements for non-residential properties were also sent to the County for review. Upon receipt of the review letters the Ordinance will be advertised for adoption and a Hearing will be scheduled.

Discussion ensued. Danele Herron of 10 Hendricks Street thanked Council for their assistance and courtesy in addressing certain zoning concerns. David Morgan, a friend of the Library, asked whether anything in this ordinance might prompt an action to prevent or limit parking near the library. It was stated by Mrs. Aversa that the Borough has no plans to install parking meters near the library.

6. The 2008 Budget has been advertised for review and a public meeting was held prior to this evening's Council meeting. Borough Council is expected to adopt the Budget with no tax increase at the November 19, 2007 Council meeting.

Mrs. Pieri asked if there were questions or comments from Council or the public. Bernadette Dougherty of Ambler Main Street announced that the 6th Annual Art Show will be held November 1st through 4th and will include an art show at Artman Home and an art-filled walking tour of Ambler. The event will be held in conjunction with 1st Thursday night events. Tom Kenney stated that the October 2007 issue of *Lifestyle Magazine* featured an article entitled "Ambler, PA – The Little Town That Could."

Frank Garofolo spoke on behalf of the Copernicus Foundation, thanking Mrs. Pieri for assistance in helping this non-profit to locate in the Borough. 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, October 1, 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 Mr. S. Pasceri. Also present: Mayor Wahl, Sergeant Bill Foley, Solicitor Bresnan and Mrs. Mary Aversa. Absent: Mrs. Baigis and Mr. Rocco Wack.

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

The Committee made no recommendations:

In other business the following was discussed:

1. The monthly Employee Safety Committee Minutes for September 2007 were distributed.

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

Mrs. Pieri asked Council and the public if there was further business to discuss or if there were further comments or questions. Mr. Stephen Ware of the Planning Commission stated that 11 teams responded to the TRID request for proposal (RFP), with the field being narrowed to four. Carter Van Dyke and Urban Partners are the leading bidders. This will be brought before the DVRPC next month.

RECOMMENDATIONS

Public Safety Committee – The Committee made no recommendations.

Parks & Recreation Committee – The Committee made no recommendations.

Public Utilities Committee – The Committee recommends and Mr. Orehek moves:

Recommend a three-year contract be awarded to M. J. Reider Associates, Inc. at a cost of \$93,592 per year for plant daily sample collection and analysis and \$31,880.50 per year for plant weekly and industrial sample analysis. (This is a professional service and is not subject to bidding requirements.) Seconded. All Aye. Carried.

Recommend bid preparation for conductor replacement per the meggar testing results with the engineering cost not to exceed \$2,000. Seconded. All Aye. Carried.

Finance & Planning Committee – The Committee recommends and Mr. Kenney moves:

Recommend purchasing a new Ford Pick-up truck with plow. The item is budgeted and will be purchased from the State Contract at a total cost of \$27,177.28. Seconded. All Aye. Carried.

Recommend that the September 2007 invoices in the amount of **\$512,498.21** be paid. Seconded. All Aye. Carried.

Recommend adopting **Resolution 2007-9** recognizing the actuarial condition of the Borough's Police Employee pension plan. Seconded. All Aye. Carried.

Recommend adopting **Resolution 2007-8** recognizing the actuarial condition of the Borough's Municipal Employee pension plan. Seconded. All Aye. Carried.

Recommend advertising for adoption of **Ordinance 1010** setting the required COLA adjustment for the Police pension fund. Seconded. All Aye. Carried.

Recommend accepting the Act II Playhouse-proposed mural design for Avenue of the Arts and encouraging that the project proceed. Seconded. All Aye. Carried.

Salary & Personnel Committee – The Committee made no recommendations.

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