

AMBLER BOROUGH COUNCIL MINUTES

September 16, 2008

Public Hearings were held before Ambler Borough Council on Tuesday, September 16, 2008 at 6:30 p.m. in Borough Council Chambers located at 122 E. Butler Avenue, Ambler, Pennsylvania 19002 to consider: **Ordinance 1021** regarding regulation of the definition of Home Occupations (motion to approve, motion seconded, 8-Aye, 0-Nay, motion carried), **Ordinance 1022** regarding Indoor/Outdoor Lighting Standards (motion to approve, motion seconded, 8-Aye, 0-Nay, motion carried), and **Ordinance 1023** regarding SALDO (Sub-division And Land Development Ordinance) Lighting Standards (motion to approve, motion seconded, 8-Aye, 0-Nay, motion carried). The regular meeting of Ambler Borough Council followed, beginning at 7:00 p.m. President Tony Isabella presided.

Mayor Wahl led the public in the Pledge of Allegiance and a moment of silence.

Roll Call – Present: Mr. Isabella, Mr. Dooley, Mr. G. Pasceri, Mrs. Pieri, Mrs. Baigis, Mr. S. Pasceri, Mr. Amento and Ms. Maxion. Chief Foley, Solicitor Bresnan and Mrs. Aversa also were present. Mr. Kenney was absent.

A motion was made to approve the August 19, 2008 Minutes with suggested revisions. After some discussion, a motion was made to approve the Minutes as originally presented. Motion seconded, 7-Aye; 1-Nay (Mrs. Baigis). Carried.

Resolution 2008-15 (motion to approve, motion seconded, carried) was read into the record by Mayor Wahl who presented the Deck family with a plaque recognizing Deck's Hardware for their 100 years of business operations in Ambler Borough.

Council heard from Ambler Theater Executive Director John Toner who requested an extension of the Ambler anchor building loan in the amount of \$310,000 for an additional 15 years with one percent interest. The grant, which was issued five years ago by PA Department of Community & Economic Development, was scheduled to be repaid after seven years with two percent interest. The theater has been able to refinance principal debt in the amount of \$1.4 million. A **motion** was made to authorize an extension for repayment of the Ambler Theater loan for an additional 15 years at one percent interest and to re-record the mortgage. Motion seconded, 7-Aye; 1-Nay (Mrs. Baigis). Carried.

AMS President Bernie Siergiej introduced David Wachs, of the former Agave Restaurant, as the new Main Street Manager. Wachs has been serving on AMS as membership co-chairman.

The McGinn property (231 N. Spring Garden Street) attorney of record made a presentation seeking minor subdivision approval of the property into two lots. He stated

they have complied fully with the subdivision ordinance and comply with minimum lot sizes. He highlighted the fact that the McGinn application preceded the newer flag lot prohibitions now in effect. Borough Engineer Jim Dougherty's approval letter of September 15th had been received by Council. Solicitor Bresnan advised Council that approval is non-discretionary. Mrs. Pieri, representing the Finance and Planning Committee stated that the Committee would calendar a vote on the issue for the October 7th Committee Meeting to allow for Mr. Kenney, Finance and Planning Committee Chairman, to be present.

COMMITTEE REPORTS

Public Safety Committee – Mr. G. Pasceri, Chairman

Committee members: Mr. G. Pasceri, Mr. Dooley, Mr. Kenney and Ms. Maxion

The Committee met on Tuesday, September 2, 2008 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Present: Mr. Isabella, Mr. G. Pasceri, Mrs. Pieri, Mrs. Baigis, Mr. Amento and Ms. Maxion. Also present: Mayor Wahl, Chief Bill Foley, Solicitor Bresnan and Mrs. Aversa. Absent: Mr. Dooley, Mr. Kenney and Mr. S. Pasceri.

The Public Safety Committee report was given this evening by Mr. G. Pasceri.

The Committee will recommend:

1. Recommend advertising for adoption an Ordinance to clarify that a pet leash must be a physical strap and may not be electronic in nature.
2. Recommend scheduling a meeting on Wednesday, November 5, 2008 at 6:30 p.m. in Borough Hall to discuss issues and concerns of residents.
3. Recommend submitting a copy of a letter sent to Governor Rendall by Council regarding the BoRit asbestos site directly to the US EPA, which is actively soliciting letters during their comment period.

In other business the following was discussed:

1. The Police Department and Fire Company reports for August 2008 were received.
2. The August 2008 Public Works and Code Enforcement reports were reviewed.
3. The Borough has advertised for bid the 2008 Street Paving Project, with bid opening to be held September 25, 2008.

Mr. Isabella asked if there were comments or questions from Council or the public. Mrs. Pieri asked whether a blinking/flashing light could be installed at Mattison Avenue

Elementary School. Mrs. Aversa responded that this would be a \$200,000 expenditure and that the Borough would be looking for grant funding for safety lights in school zones. Solicitor Bresnan stated that an offer soon would be on the table to Council regarding FAB Speed. The case has been under appeal and the zoning board has been taken to court to justify its decision. Finally, Jerry Wagner of Ambler Ambulance stated that that organization has 12 new volunteer members and will be looking for new members to join its steering committee. There being no further comment, it was moved the report be accepted and filed. Seconded, carried.

Parks and Recreation Committee – Mrs. Pieri, Chairman

Committee members: Mrs. Pieri, Mr. Dooley, Mr. G. Pasceri, Ms. Maxion

The Committee met on Tuesday, September 2, 2008 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Present: Mr. Isabella, Mr. G. Pasceri, Mrs. Pieri, Mrs. Baigis, Mr. Amento and Ms. Maxion. Also present: Mayor Wahl, Chief Bill Foley, Solicitor Bresnan and Mrs. Aversa. Absent: Mr. Dooley, Mr. Kenney and Mr. S. Pasceri.

The Parks and Recreation Committee report was given this evening by Ms. Pieri.

The Committee will make no recommendations at this time.

In other business the following was discussed:

1. The Borough has begun to prepare construction costs and the grant application for the “green building” to be constructed at Knight Park.
2. The Borough received a grant from the PA Parks and Recreation Society to conduct a review of our current policy and recommend improvements to our Parks & Rec Department. Our liaison is Sue Loehoffer, Director of Upper Dublin Parks and Rec Department.
3. State Representative Rick Taylor is working to secure grant funding for three security cameras to be placed in Knight Park.

Mr. Isabella asked if there were comments or questions from Council or the public. Edie Marincola of 329 Edgewood Drive asked about possible swingset improvements at Ricciardi Park. Mrs. Pieri responded that insurance carriers discourage the use of swingsets because of the need for costly landing mats. She stated that the Borough has invested in appropriate toddler equipment for Jean Thompson Park. Mrs. Pieri stated further that she would like to increase the Parks & Rec budget so that the Borough could hire a Parks & Rec Director. It was agreed that skateboarding is allowed on the former tennis courts at Ricciardi Park since the courts do not present an abnormal condition and therefore do not present liability to the Borough. There being no further comments or discussion, it was moved the report be accepted and filed. Seconded, carried.

Public Utilities Committee – Mr. Amento, Chairman

Committee members: Mr. Amento, Mrs. Judy Baigis, Mr. S. Pasceri

The Committee met on Tuesday, September 2, 2008 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Present: Mr. Isabella, Mr. G. Pasceri, Mrs. Pieri, Mrs. Baigis, Mr. Amento and Ms. Maxion. Also present: Mayor Wahl, Chief Bill Foley, Solicitor Bresnan and Mrs. Aversa. Absent: Mr. Dooley, Mr. Kenney and Mr. S. Pasceri.

The Public Utilities Committee report was given tonight by Mr. Amento.

The Committee will recommend the following:

1. Recommend contracting with Benchmark Analytics of Center Valley, PA at a cost of \$9,960 for lab analysis and reporting to the US EPA for its UCMR2 water analysis requirement, with water sampling to be conducted June 2009 through March 2010 for insecticides, flame retardants and explosives.
2. Recommend awarding the bid for the flow metering influent/effluent to Eastern Environmental Contractors at a lowest responsive bid of \$70,690.00.

In new business:

1. The Committee has determined to rebid a contract for the replacement of the six sets of conductors due to the fact that none of the bidding contractors made a field visit.

In other business the following was discussed:

1. The August 2008 WWTP Supervisor's and Engineer's reports were reviewed.
2. Borough staff continues to perform daily operations at the Whitemarsh Facility per Borough Engineer and DEP directive to bring the system on line.
3. The Well 15 (Brookfield Lane-The Ridigs) DRBC Hearing is scheduled for September 24, 2008.
4. Quotes are being received to have another surveillance camera installed at the Wastewater Treatment Plant.
5. Mr. Amento reminded the public that the Water Department has declared a drought emergency.

Discussion ensued. Ms. Maxion inquired as to whether the Borough might be eligible for Homeland Security grants for the WWTP surveillance camera. Mrs. Aversa stated she would look into this and would contact Sue Curry of the EAC for additional research.

Mr. Isabella 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

Committee Members: Mr. Kenney, Mrs. Pieri and Mrs. Baigis

The Committee met on Tuesday, September 2, 2008 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Present: Mr. Isabella, Mr. G. Pasceri, Mrs. Pieri, Mrs. Baigis, Mr. Amento and Ms. Maxion. Also present: Mayor Wahl, Chief Bill Foley, Solicitor Bresnan and Mrs. Aversa. Absent: Mr. Dooley, Mr. Kenney and Mr. S. Pasceri.

The Finance and Planning Committee report was given this evening by Mrs. Pieri.

The Committee will recommend the following:

1. Recommend that the **August** invoices in the amount of **\$375,561.74** be paid as follows: General (\$114,393.49); Street Lights (\$477.59); Fire (\$200.15); Parks & Rec. (\$2,339.16); Water (\$87,041.51); Sewer (\$8,607.04); WWTP (\$101,385.58); Rail Corridor (\$0); Road Overlay (\$2162.50); Debt Fund (\$0); Water Capital (\$5,085.20); Liquid Fuels (\$0); with end of month cycle totaling \$53,869.52, voided checks totaling \$0 and **August** cycle bills totaling \$321,692.22.
2. Recommend adopting **Resolution 2008-16** accepting the draft TRID assessment reports prepared by consultants Carter VanDyke & Associates.

Discussion ensued. Mrs. Aversa clarified for Council that the TRID is not comprised only of the rail corridor but extends one half mile in each direction.

3. Recommend advertising for adoption an Ordinance amendment that sets forth the duties of the Borough Manager.

Discussion ensued. Solicitor Bresnan clarified for Council the legal definition of the term 'ratify.'

4. Recommend adopting **Ordinance 1020** to provide for the vesting of police benefits after 12 years of full-time employment and adding certain details to the vesting process and adding an intervening military service provision.
5. Recommend advertising for adoption an Ordinance in reference to prohibited and permitted uses in the Industrial Zoning District.

Discussion ensued. Mrs. Baigis suggested additional language to be included in the Ordinance and then withdrew her suggestion so that the Ordinance would not need to be resubmitted to the Planning Commissions.

6. Recommend adopting **Ordinance 1021** modifying the Zoning Ordinance by providing specific criteria for home occupations. (see Public Hearing notes p. 1).
7. Recommend adopting **Ordinance 1022** setting indoor and outdoor lighting standards. Recommend adopting **Ordinance 1023** setting SALDO lighting standards. (see Public Hearing notes p. 1).
8. Recommend advertising for adoption an Ordinance setting standards for the use of PODS (Portable On Demand Storage) and sending to the Planning Commissions an Ordinance setting standards for dumpsters. (note: a vote was taken to advertise both documents for adoption. It was determined after the meeting concluded that the Dumpster Ordinance first had to be reviewed by the Planning Commissions before advertisement for adoption.)
9. Recommend adopting **Resolution 2008-15** recognizing Deck's Hardware for their 100 years of business operations in Ambler Borough. (see noted p. 1).
10. Recommend adopting **Resolution 2008-14** recognizing the actuarial condition of the Borough's Municipal Employee Pension Plan.
11. Recommend adopting **Resolution 2008-13** recognizing the actuarial condition of the Borough's Police Employee Pension Plan.

In new business:

1. The second \$2,500.00 installment for participation in the Classic Towns Program is due.
2. Recommend advertising for adoption an Ordinance amending the Zoning Map to include certain land in the "C" Commercial Zoning, as was recommended with the SEPTA Station approval.
3. Recommend placing a moratorium on enforcing the Ordinance regarding the placement of political campaign signs in the Borough, which currently states they only may be placed 30 days prior to an election and 10 days after.

Discussion ensued. Solicitor Bresnan stated that many jurisdictional restrictions on political signs have been found unconstitutional restrictions of free speech, and that a moratorium should be placed until Council can revisit the issue.

In other business the following was discussed:

1. The Borough Engineer's August 2008 report was reviewed.
2. Westrum Development made a presentation to Council detailing their need for a TIF (tax incremental financing). Staff is researching the impact it may have on the Borough.

Mr. Isabella 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.

Salary and Personnel Committee – Mr. S. Paceri, Chairman

Committee members: Mr. S. Paceri, Mr. Amento, Ms. Maxion

The Committee met on Tuesday, September 2, 2008 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Present: Mr. Isabella, Mr. G. Pasceri, Mrs. Pieri, Mrs. Baigis, Mr. Amento and Ms. Maxion. Also present: Mayor Wahl, Chief Bill Foley, Solicitor Bresnan and Mrs. Aversa. Absent: Mr. Dooley, Mr. Kenney and Mr. S. Pasceri.

The Salary and Personnel Committee report was given this evening by Mr. S. Paceri.

The Committee will recommend the following:

1. Recommend hiring Officer Matthew Tertola to fill the vacant Police Department position.

Discussion ensued. Mrs. Baigis stated she did not have the Officer's resume and therefore lacked sufficient information to enable her to vote on the recommended hiring. Chief Foley stated that the Mayor is the political head of the Police Department and that the candidate was selected from among those recommended by the Search Committee. Mr. S. Paceri stated that a police hiring is a civil service hiring and that Council does not receive resumes of officer candidates.

2. Recommend executing the AFSCME Union Contract.

In other business the following was discussed:

1. Minutes from the August Safety Meeting were received.

An Executive Session was held on union and police contract matters.

Mr. Isabella 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.

RECOMMENDATIONS

Public Safety Committee – The Committee recommends and Mr. G. Pasceri moves:

Recommend advertising for adoption an Ordinance to clarify that a pet leash must be a physical strap and may not be electronic in nature. Motion seconded. Carried.

Recommend scheduling a meeting on Wednesday, November 5, 2008 at 6:30 p.m. in Borough Hall to discuss issues and concerns of residents. Motion seconded. Carried.

Recommend submitting a copy of a letter sent to Governor Rendall by Council regarding the BoRit asbestos site directly to the US EPA, which is actively soliciting letters during their comment period. Motion seconded. Carried.

Parks & Recreation Committee – The Committee will make no recommendations.

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

Recommend contracting with Benchmark Analytics of Center Valley, PA at a cost of \$9,960 for lab analysis and reporting to the US EPA for its UCMR2 water analysis requirement, with water sampling to be conducted June 2009 through March 2010 for insecticides, flame retardants and explosives. Motion seconded. Carried.

Recommend awarding the bid for the flow metering influent/effluent to Eastern Environmental Contractors at a lowest responsive bid of \$70,690.00. Motion seconded. Carried.

Finance & Planning Committee – The Committee recommends and Mrs. Pieri moves:

Recommend that the **August** invoices in the amount of **\$375,561.74** be paid. Motion seconded. Carried.

Recommend adopting **Resolution 2008-16** accepting the draft TRID assessment reports prepared by consultants Carter VanDyke & Associates. Motion seconded. Carried.

Recommend advertising for adoption an Ordinance amendment that sets forth the duties of the Borough Manager. Motion seconded. Carried.

Recommend adopting **Ordinance 1020** to provide for the vesting of police benefits after 12 years of full-time employment and adding certain details to the vesting process and adding an intervening military service provision. Motion seconded. Carried.

Recommend advertising for adoption an Ordinance in reference to prohibited and permitted uses in the Industrial Zoning District. Motion seconded. Carried.

Recommend adopting **Ordinance 1021** modifying the Zoning Ordinance by providing specific criteria for home occupations. Motion seconded. Carried.

Recommend adopting **Ordinance 1022** setting indoor and outdoor lighting standards and recommend adopting **Ordinance 1023** setting SALDO lighting standards. Motion seconded. Carried.

Recommend advertising for adoption an Ordinance setting standards for the use of PODS and sending to the Planning Commissions an Ordinance setting standards for dumpsters. (note: a vote was taken to advertise both documents for adoption. It was determined after the meeting concluded that the Dumpster Ordinance first had to be reviewed by the Planning Commissions before advertisement for adoption.) Motion seconded. Carried.

Recommend adopting **Resolution 2008-15** recognizing Deck's Hardware for their 100 years of business operations in Ambler Borough. Motion seconded. Carried.

Recommend adopting **Resolution 2008-14** recognizing the actuarial condition of the Borough's Municipal Employee Pension Plan. Motion seconded. Carried.

Recommend adopting **Resolution 2008-13** recognizing the actuarial condition of the Borough's Police Employee Pension Plan. Motion seconded. Carried.

Recommend authorization of an extension for repayment of the Ambler Theater loan for an additional 15 years at one percent interest and to re-record the mortgage. Motion seconded, 7-Aye; 1-Nay (Mrs. Baigis).

Recommend advertising for adoption an Ordinance amending the Zoning Map to include certain land in the "C" Commercial Zoning, as was recommended with the SEPTA Station approval. Motion seconded. Carried.

Recommend placing a moratorium on enforcing the Ordinance regarding the placement of political campaign signs in the Borough, which currently states they only may be placed 30 days prior to an election and 10 days after. Motion seconded. Carried.

Salary & Personnel Committee – The Committee recommends and Mr. S. Pasceri moves:

Recommend hiring Officer Matthew Tertola to fill the vacant Police Department position. Motion seconded. 7-Aye; 1-Nay (Mrs. Baigis). Carried.

Recommend executing the AFSCME Union Contract. Motion seconded. Carried.

THERE BEING NO FURTHER BUSINESS, Mr. Isabella moved the meeting be adjourned. Seconded, motion carried.

Respectfully submitted,

Elizabeth Russell
Administrative Assistant
Borough of Ambler