

AMBLER BOROUGH COUNCIL MINUTES

August, 16 2011

The regular monthly meeting of Ambler Borough Council was held Tuesday, August 16, 2011 at 7:00 p.m. at Borough Council Chambers located at 122 E. Butler Avenue, Ambler, Pennsylvania 19002. President Tony Isabella presided.

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

Roll Call – Present: Mr. Isabella, Mr. Amento, Mr. G. Pasceri, Mr. Kenney, Ms. Maxion, Mr. S. Pasceri, Mrs. Strus, Ms. Tomlinson and Mr. Curtis. Mayor Wahl, Solicitor Bresnan, Chief Foley and Mrs. Aversa also were present.

A motion was made to approve Minutes of the July 19, 2011 meeting with recommended revisions. Seconded. Carried.

An overview of the 2010 Audit by Larson, Allen & Weishair was given prior to the meeting. It was stated the audit would present an unqualified opinion, meaning that the audit was clean and no material mistakes were found. The auditor outlined key findings and new accounting practices.

COMMITTEE REPORTS

The Committees of the Ambler Borough Council held no meetings in August. At the Council Meeting this evening, the Committees conducted business as follows:

Public Safety Committee – Mrs. Strus, Chairperson

Committee members: Mr. G. Pasceri, Ms. Maxion, and Mr. Curtis

The Public Safety Committee report was given this evening by Mrs. Strus.

The Committee will consider the following actions this evening:

1. Authorization to approve the winter maintenance agreement and authorizing **Resolution 2011-16** with PennDOT.

Additional items reviewed this evening:

1. The Police Department and Fire Department July 2011 reports were received.
2. The July 2011 Public Works and Code Enforcement reports were received.

Mrs. Strus asked if there were comments or questions from Council or the public. An update was requested by Mrs. Strus regarding dissatisfaction with the quality of work from the PennDOT contractor who installed handicap ramps at the intersection of Butler Avenue and Main Street. Code Enforcement Officer Ron Myers stated he was involved with investigating the matter, and was considering drilling a test-hole to determine concrete depth. Chief Foley was asked to provide a status report on Water Street's one-way redirection. He stated that signs had been placed and the road's direction had been changed. Mrs. Judy Baigis of 172 Tennis Avenue addressed Council, asking that Mr. Myers investigate property at 125-7 West Butler Avenue which she considered to be unsightly. Mr. Myers stated he would look into it. Mr. Bresnan stated that a "beautification" requirement is not part of ordinance. There being nothing further, it was moved the report be accepted as filed. Seconded, carried.

Parks and Recreation Committee – Ms. Maxion, Chairperson

Committee members: Mr. Amento, Mrs. Strus, Ms. Tomlinson

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

The Committee will consider the following recommendations this evening:

1. Consider, upon review of a cost obligation estimate provided by Gilmore & Associates, moving forward on the Wissahickon Trail Connection project at Church and Main Streets.

Discussion ensued. The Committee was split on recommending moving forward with the project. Mrs. Aversa stated that Caddick Construction would allow a 2 or 3 year purchase option of the land and that by calculating contribution-in-kind the contract cost to the Borough would be around \$40,000 in matching funds. It was agreed that a vote would be taken on the matter without recommendation by the Committee.

Additional items reviewed this evening:

1. Consider rescheduling of Family Movie Night and scheduling of a Band Concert in the Parks.

Discussion ensued. Ms. Maxion stated that due to cancellation of movie 'Megamind' in July due to weather, the film should be rescheduled for Saturday, September 24th at Ricciardi Park. [Please note: the August 19th showing of 'Toy Story 3' was cancelled due to weather.] Mr. Isabella asked that consideration be given to scheduling a Band Night in the fall. After much discussion it was determined to vote on whether to hold a band night.

2. A list of invasive species to be removed from the Planting Ordinance was sent to the Planning Commissions.

3. Construction has begun on the Knight Park Skate Park and quotes for Phase 2 (resurfacing) are being received. Resurfacing will occur once the ramp work is complete.

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

Public Utilities Committee – Mr. Amento, Chairperson

Committee members: Mr. S. Pasceri, Mr. Kenney, and Mr. Curtis.

The Public Utilities Committee report was given this evening by Mr. Amento.

The Committee will consider the following actions this evening:

1. Authorization is requested to contract with Exelon Energy for AWWTP for electric usage through December 2012 at generation and transmission low quote of \$0.06348/KWH. The current rate for generation only with PECO is \$0.08480.
2. Authorization is requested to award the project contract for the scum trough pipes for the secondary clarifies to Heisey Mechanical, LTD at a contract cost of \$38,500.00.
3. Authorization is requested to execute an Easement Agreement with Upper Dublin Township for the storm sewer pipe and inlet on Ambler Road.

Additional items reviewed this evening:

1. The July 2011 WWTP Supervisor's and Engineer's reports were received.

Mr. Amento 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, Chairperson

Committee Members: Mr. S. Pasceri, Ms. Maxion, and Ms. Tomlinson.

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

The Committee will consider the following actions this evening:

1. Consideration that **JULY 2011** invoices in the amount of **\$854,990.90** be paid as follows: General (**\$355,958.79**); Street Lights (**\$6,388.45**); Fire (**\$4,809.63**); Parks & Rec. (**\$2,970.79**); Water (**\$93,068.53**); Sewer (**\$120,404.33**); WWTP (**\$270,847.07**); Rail Corridor (**\$0.00**); Road Overlay (**\$0.00**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$543.32**).

2. Consider adoption of **Resolution 2011-11** appointing a confidential contact between the Borough and appointed tax collector of earned income tax for the express purpose of sharing confidential tax information for official purposes only.

Discussion ensued. Mr. Kenney stated authorizing only one liaison seemed restrictive and that he would like the resolution's language amended by Mr. Bresnan to read "Borough Manager or Finance Manager." It was agreed the language would be amended and that consideration of the resolution would go forward.

3. Consider adoption of **Resolution 2011-12** to impose and retain costs of collection on delinquent accounts.
4. Consider adoption of **Resolution 2011-13** changing the collector of Earned Income Tax to Berkheimer, effective January 1, 2012.
5. Consider adoption of **Resolution 2011-14** establishing procedures for assuring compliance with PA Act 44 as it relates to payments by municipal pension plans to professionals.
6. Consider approval of the Disclosure Form (as corrected) to be used in conjunction with all professional services rendered to pensions and paid by them.
7. Consider *advertising* for adoption **Ordinance 1059** to be in compliance with PA Act 44.
8. Consider *advertising* for adoption **Ordinance 1060** levying a tax on Earned Income and net profits requiring return, to replace the current ordinance and create a uniform tax enactment form for use within the tax collection district.
9. Consider executing a Cooperation Agreement, required by the State, for the Redevelopment Assistance Grant awarded for the Boiler House Project and executing the related **Resolution 2011-15** authorizing such execution.

A presentation was made by Messers. Nugent and Nicholson from the County outlining obligation to be undertaken by Ambler Borough as required by the Redevelopment Authority Board. Two million dollars of funds from the Office of Budget in Harrisburg were made available to the Redevelopment Assistance Capitol Program for the Ambler Boiler House Redevelopment Project. The program requires jobs to be bid, for prevailing wage to be paid, for American steel to be used, and specifically for Ambler Borough to guarantee reimbursement of any funds determined at the end of the project to have been misspent. In response to inquiry by Ms. Tomlinson and Mr. Kenney, Mr. Nugent stated a final audit is conducted 3-6 months after construction is complete, and that as pertains to maximum exposure, because of auditing and reporting procedures conducted during construction, the Board has never found so much as \$10 worth of disallowed expenses. Mr. John Zaharchuk of Summit Realty Advisors provided an overview on construction progress to date. Mr. Bresnan stated that upon review of the Cooperation Agreement he

had determined that its execution is a political determination and that the agreement correctly reflects statements made regarding the Borough's intended obligation.

10. Consider approval of Committee Vacancy Procedures document.

Additional items to be reviewed this evening.

1. The Borough Engineer's July 2011 report was received.
2. The Planning Commission has prepared a letter with recommended changes in the Downtown Commercial Zoning District Parking requirements.
3. A draft copy of the 2010 audit was received. The auditors will attend the August 16, 2011 Council meeting. [A presentation was made prior to the meeting convening.]
4. The Borough is required under GASB 54 to reclassify its fund balances. Council has received a memorandum from the Finance Department and the matter will be discussed at the September Committee Meeting.

Mr. Kenney asked if there were questions or comments from Council or the public. Mrs. Judy Bagis asked about certain Waste Water Treatment Plant expenditures and for a review of Finance and Planning Committee procedures to review and authorize payment of invoices. There being nothing further, it was moved the report be accepted and filed. Seconded, carried.

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

Committee members: Mr. G. Pasceri, Mr. Kenney, and Mrs. Strus

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

The Committee will consider no actions this evening.

There was no further business reviewed this evening:

RECOMMENDATIONS

Public Safety Committee – The Committee recommends and Mrs. Strus moves:

Recommend approval of the winter maintenance agreement with PennDOT and authorizing **Resolution 2011-16**. Seconded. Carried.

Parks & Recreation Committee – The Committee recommends and Ms. Maxion moves:

Consider, without Committee recommendation, moving forward on the Wissahickon Trail Connection project at Church and Main Streets. Seconded. (3-Aye; 6-Nay). Motion does not pass.

Recommend rescheduling Family Movie Night ('Megamind') to September 24, 2011. Seconded. Carried.

Recommend a Band Concert in the Parks for this fall. Seconded (4-Aye; 5-Nay). Motion does not pass.

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

Authorization is requested to contract with Exelon Energy for AWWTP for electric usage through December 2012 at generation and transmission low quote of \$0.06348/KWH. The current rate for generation only with PECO is \$0.08480. Seconded. Carried.

Authorization is requested to award the project contract for the scum trough pipes for the secondary clarifies to Heisey Mechanical, LTD at a contract cost of \$38,500.00. Seconded. Carried.

Authorization is requested to execute an Easement Agreement with Upper Dublin Township for the storm sewer pipe and inlet on Ambler Road. Seconded. Carried.

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

Recommend that **JULY 2011** invoices in the amount of **\$854,990.90** be paid. Seconded. Carried.

Consider adoption of **Resolution 2011-11, as amended**, appointing a confidential contact between the Borough and appointed tax collector of earned income tax for the express purpose of sharing confidential tax information for official purposes only. Seconded. Carried.

Consider adoption of **Resolution 2011-12** to impose and retain costs of collection on delinquent accounts. Seconded. Carried.

Consider adoption of **Resolution 2011-13** changing the collector of Earned Income Tax to Berkheimer, effective January 1, 2012. Seconded. Carried.

Consider adoption of **Resolution 2011-14** establishing procedures for assuring compliance with PA Act 44 as it relates to payments by municipal pension plans to professionals. Seconded. Carried.

Consider approval of the Disclosure Form (as corrected) to be used in conjunction with all professional services rendered to pensions and paid by them. Seconded. Carried.

Consider *advertising* for adoption **Ordinance 1059** to be in compliance with PA Act 44. Seconded. Carried.

Consider *advertising* for adoption **Ordinance 1060** levying a tax on Earned Income and net profits requiring return, to replace the current ordinance and create a uniform tax enactment form for use within the tax collection district. Seconded. Carried.

Consider executing a Cooperation Agreement, required by the State, for the Redevelopment Assistance Grant awarded for the Boiler House Project and executing the related **Resolution 2011-15** authorizing such execution. Seconded. Carried.

Consider approval of Committee Vacancy Procedures document. Seconded. Carried.

Salary & Personnel Committee – The Committee will make no recommendations this evening stated Mr. S. Pasceri.

IN NEW MATTERS:

There being no further business, Mr. Isabella moved the meeting be adjourned. Seconded, motion carried.

Respectfully submitted,

Elizabeth Russell
Administrative Assistant
Borough of Ambler