

## AMBLER BOROUGH COUNCIL MINUTES

February 21, 2012

The regular monthly meeting of Ambler Borough Council was held Tuesday, February 21, 2012 at 7:00 p.m. at Borough Council Chambers located at 122 E. Butler Avenue, Ambler, Pennsylvania 19002. President Antonio Isabella presided.

A brief presentation by Borough Auditor Larson Allen was made to Council before the beginning of the regular meeting wherein the speaker gave Council an overview on the financial status of the Borough.

Mayor 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, Mrs. Strus, Ms. Tomlinson, Mr. Curtis and Mr. Zaccone. Mayor Wahl, Solicitor Bresnan, Chief William Foley and Borough Manager Mary Aversa also were in attendance. Mr. S. Pasceri was absent.

A motion was made to approve, with suggested revisions, the Minutes of the January 17, 2012 meeting. Seconded. Carried.

### **COMMITTEE REPORTS**

The Committees of the Ambler Borough Council met on Tuesday, February 7, 2012 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Ave. Present: Mr. Isabella, Mr. Amento, Mr. G. Pasceri, Mr. Kenney, Mr. S. Pasceri, Mrs. Strus, Ms. Tomlinson, Mr. Curtis and Mr. Zaccone. Mayor Wahl, Chief Foley, Solicitor Bresnan and Borough Manager Mrs. Aversa also were present.

At the Council Meeting this evening, the Committees conducted business as follows:

#### **Public Safety Committee – Mrs. Strus, Chairperson**

Committee members: Mr. G. Pasceri 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. Consider making a contribution of \$25,000 to Temple University towards project costs of \$117,000 to conduct a detailed analysis of the Rose Valley Creek Watershed,

to be performed in tandem with flood studies for Tannery Run and Honey/Stuart Farm Watersheds.

Discussion ensued. Ms. Tomlinson asked whether this project was budgeted for. Mrs. Aversa stated that staff would review the engineering budgets to find funding for this project. Mr. Tom Reilley of Valley Brook Road asked whether other municipalities would include in the study. Mrs. Aversa stated Whitpain Township and Upper Dublin Township are participating, with Whitpain contribution \$25,000 to the project study.

**In other business the following was reviewed this evening:**

1. The January 2012 Police Department and Fire Department reports were distributed.
2. The January 2012 Public Works and Code Enforcement reports were received.
3. The Borough received donations for the residents impacted by flooding from T.S. Lee. Assistance was made available through FEMA. Funds in the donation account will be distributed equally to all residents who reported damage to the Borough.

Mrs. Strus asked if there were comments or questions from Council or the public. There being nothing further, it was moved the report be accepted as filed. Seconded, carried.

**Parks and Recreation Committee – Mr. Curtis, Chairperson**

Committee members: Mr. Kenney and Ms. Tomlinson

The Parks and Recreation Committee report was given this evening by Mr. Curtis.

**The Committee will consider the following actions this evening:**

1. Recommend advertising for adoption the Planting Ordinance prepared by the Solicitor that amends the list of invasive species to be removed from the ordinance.

**No other business was reviewed this evening:**

Mr. Curtis asked if there were comments or questions from Council or the public. Mrs. Strus asked about the Movies/Bands in the Parks summer schedule and asked when quotes would be obtained for fencing at the Knight Park Skate Park. Mrs. Aversa responded that the summer schedule would be set by Committee next month, and that fence quotes would be ready in a few weeks. There being nothing further, it was moved the report be accepted as filed. Seconded, carried.

**Public Utilities Committee – Mr. Amento, Chairperson**

Committee members: Mr. S. Pasceri and Mr. Zaccone

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 begin working with Utility Rate Resources to start the process of filing for a water rate increase with the Public Utilities Commission.
2. Authorization is requested to purchase a new Scru-peller Pump from Kappe Associates, Inc. (sole source supplier) to replace an existing 30-year-old pump, at a cost of \$32,962.
3. Authorization is requested to award the Scum Trough Pipe contract to Heisey Mechanical, Ltd. at a cost of \$34,000 to fabricate and install in the primary clarifiers ET-8 and ET-9.
4. Authorization is requested to sign an agreement reflecting Upper Dublin School District's willingness to contribute \$20,000 towards generator replacement at the Loch Alsh Booster Station.
5. Authorization to award the RFP for Phase I cleaning of the Digester ET-16 cleaning project to McGovern Environmental, Inc. at the cost of \$49,987.

**In other business the following was reviewed this evening:**

1. The January 2012 WWTP Supervisor's and Engineer's reports were reviewed.

Mr. Amento asked if there were questions or comments from Council or the public. Resident Karen Sheedy asked for the justification of a water rate increase. Mrs. Aversa stated that substantial costs for improved drainage capability at Loch Alsh Reservoir and for the recoating of Houston Road Tank justified the request for a rate increase. There being nothing further, it was moved the report be accepted and filed. Seconded, carried.

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

Committee Members: Mrs. Strus 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 **JANUARY 2012** invoices in the amount of **\$644,947.08** be paid as follows: General (**\$178,873.33**); Street Lights (**\$11,489.55**); Fire (**\$4,152.85**); Parks & Rec. (**\$30,331.16**); Water (**\$107,388.13**); Sewer (**\$120,042.42**); WWTP

(\$192,047.81); Rail Corridor (\$0.00); Road Overlay (\$0.00); Debt Fund (\$0.00); Water Capital (\$0.00); Liquid Fuels (\$621.83).

2. Consider is requested by Peter Penna, owner of 30 S. Bethlehem Pike to amend the hauler requirement in the DCII (Gateway) District.

Discussion ensued. The Committee will not recommend amending the hauler requirement.

**In other business the following was reviewed this evening:**

1. The Borough Engineer's January 2012 report was received.
2. MC Outdoor LLC was not in attendance to make a presentation at the February Meeting to discuss their current application for a billboard sign in the Borough. Borough Council discussed the details surrounding the billboard application with residents and neighbors from other municipalities. A draft Ordinance was distributed to Council at the February Council Meeting.

Discussion ensued. Solicitor Bresnan stated the draft ordinance sets up parameters regarding allowable locations and size of signage. He reiterated that Council is not in favor of allowing billboards, but is trying to minimize the impact on the Borough in Court. Mr. Bresnan stated courts have found that billboard companies have a right to make a living and that Council must come up with defensible criteria. The 180-day billboard criteria response requirement was initiated on November 15, 2011. Mr. Bresnan stated Council is considering limiting the damage by filing a response. Responding to resident requests that Council instead back an all-out ban on billboards, Mr. Bresnan stated that a jurisdiction's decision to revoke a declaration of invalidity also will end up in Court. Mrs. Aversa stated that repeal of the Sign Ordinance stopped the momentum at only one lease, instead of 6 or 7 if Council revoked its declaration. Rep. Todd Stephens, in attendance, stated that two bills have been introduced in the State House regarding billboards, yet both are still in Committee. These bills would give local municipalities better ability to regulate, but would not be helpful to Ambler at this date.

Discussion continued with several Borough residents making comments on the billboard situation. Stephen Cunha of 356 Forest Avenue questioned whether the Borough and Council had been sufficiently prepared to deal with the issue of billboards. Karen Sheedy of 223 Overlook Road asked about the involvement of the Zoning Hearing Board on this issue. Craig McKelvey of 28 Hendricks Street encouraged Council to make the Borough's response requirements burdensome to the billboard company. Christina Mullen of Haywood Avenue stated her preference for Council to fight the presence of billboards in the community in their entirety, and additionally stated she had a petition against billboards signed by over 800 residents. When she asked for a referendum on the ballot to review this issue, Mr. Bresnan stated the issue cannot go before referendum by state law because voters are to have faith in their elected officials. Further, he stated the Sunshine Law will allow interested residents to have their say on the issue before Council

votes. 'Mary Margaret' of Forest Avenue cited statistics that property value on neighborhoods proximate to a billboard will be reduced by \$31,000. Kenneth Regan of 325 Euclid Avenue asked if Ambler could join other municipalities to reduce litigious costs. Mr. Bresnan stated that the studies cited by expert witnesses must be site-specific. Mr. Tom Reilley of 309 Valley Brook Road encouraged residents to state their opinions before the Zoning Hearing Board. William Wert of 330 Forest Avenue asked whether Council had had the foresight to regulate cell towers, windmills and solar panels. Diane Frustaci of 329 Euclid Avenue stated she did not want Council to compromise with the billboard company but rather should fight the presence of billboards. Frank DeRousi of 300 Mattison Avenue asked whether Ambler Borough, having been identified as a 'Classic Town,' could use this fact in its favor for judicial determination.

3. A draft codification of the Borough Code was received and staff is reviewing the draft.
4. The Ambler Theater has submitted a Preliminary Application for Revitalization Funding from the County for the purchase of digital movie equipment. A resolution supporting the project will be prepared for the Final Application if funding becomes available.

Mr. Kenney asked if there were questions or comments from Council or the public. 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. Amento and Mr. Zaccone

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

#### **The Committee will consider no actions this evening:**

#### **In other business the following was reviewed this evening:**

1. The Solicitor has preparing a Drug & Alcohol Policy for Borough employees. The policy was presented to the Union for approval before Council votes on adoption of the policy.
2. An Executive Session was held at the Committee Meeting. An Executive Session will be required at the Council Meeting.

Mr. Isabella asked if there were questions or comments from Council or the public. There being nothing further, it was moved the report be accepted and filed. Seconded, carried.

## RECOMMENDATIONS

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

Recommend making a contribution of \$25,000 to Temple University towards project costs of \$117,000 to conduct a detailed analysis of the Rose Valley Creek Watershed, to be performed in tandem with flood studies for Tannery Run and Honey/Stuart Farm Watersheds. Seconded. Carried.

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

Recommend advertising for adoption the Planting Ordinance prepared by the Solicitor that amends the list of invasive species to be removed from the ordinance. Seconded. Carried.

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

Authorization is requested to begin working with Utility Rate Resources to start the process of filing for a water rate increase with the Public Utilities Commission. Seconded. Carried.

Authorization is requested to purchase a new Scru-peller Pump from Kappe Associates, Inc. (sole source supplier) to replace an existing 30-year-old pump, at a cost of \$32,962. Seconded. Carried.

Authorization is requested to award the Scum Trough Pipe contract to Heisey Mechanical, Ltd. at a cost of \$34,000 to fabricate and install in the primary clarifiers ET-8 and ET-9. Seconded. Carried.

Authorization is requested to sign an agreement reflecting Upper Dublin School District's willingness to contribute \$20,000 towards generator replacement at the Loch Alsh Booster Station. Seconded. Carried.

Authorization to award the RFP for Phase I cleaning of the Digester ET-16 cleaning project to McGovern Environmental, Inc. at the cost of \$49,987. Seconded. Carried.

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

Consideration that **JANUARY 2012** invoices in the amount of **\$644,947.08** be paid. Seconded. Carried.

Recommend **against the request** by Peter Penna, owner of 30 S. Bethlehem Pike to amend the hauler requirement in the DCII (Gateway) District. Seconded. Carried.

**Salary & Personnel Committee** – The Committee will make no recommendations this evening stated Mr. Isabella:

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

Respectfully submitted,

Elizabeth Russell  
Administrative Assistant  
Borough of Ambler