

## AMBLER BOROUGH COUNCIL MINUTES

**November 20, 2012**

The regular monthly meeting of Ambler Borough Council was held Tuesday, November 20, 2012 at 7:00 p.m. at Borough Council Chambers located at 122 E. Butler Avenue, Ambler, Pennsylvania 19002. President Antonio Isabella presided.

The meeting was preceded by a Special Public Meeting held to discuss the proposed 2013 municipal budget. Finance Chairman Tom Kenney stated that the Committee was considering a 0.48 mil increase in real estate taxes which would generate an additional \$130,000. He cited an example of his residence which is assessed at \$171,800 wherein the 0.48 mil increase would result in an increase in \$83 annually in his real estate tax bill. Mr. Kenney justified the tax increase stating that the Borough tries to maintain a six-month reserve and that the general fund would be at deficit without the increase. In addition to discussion of the real estate tax, Mr. Kenney stated his hope that an improving economy would result in an increase in collection of the earned income tax.

Ms. Bernadette Dougherty of Tennis Avenue asked several questions regarding other sources of revenue. Mr. Kenney responded by stating that health care pay-ins were being considered during the current police contract negotiations and will be considered during municipal worker negotiations in the future. Further, in response to Ms. Dougherty, he stated that the Business Privilege Tax yielded \$137,000 in FY2011 and to date has yielded \$134,000 in FY2014. Finally, Mr. Kenney stated Council was not considering a trash and recyclables increase for FY2013.

Mrs. Judy Baigis of Tennis Avenue asked that Council set as a priority improved utility infrastructure. Mrs. Aversa responded that the Water Department would soon begin the process of filing for a rate increase so that improvement projects in the aging water distribution system could be undertaken.

The Special Public Meeting concluded at 7:00 p.m. The regular meeting was called to order by President Isabella. Mayor Wahl led the public in the Pledge of Allegiance and a moment of silence.

**Roll Call** – Present: Mr. Isabella, Mr. Amento, Mr. Kenney, Mrs. Strus, Mr. S. Pasceri, Ms. Tomlinson and Mr. Zaccone. Mayor Wahl, Solicitor Bresnan, Chief William Foley and Borough Manager Mary Aversa also were in attendance. Mr. G. Pasceri and Mr. Curtis were absent.

A motion was made to approve the Minutes of the October 16, 2012 meeting. Seconded. Carried.

## **COMMITTEE REPORTS**

The Committees of the Ambler Borough Council met on Tuesday, November 7, 2012 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Ave. Present: Mr. Isabella, Mr. Amento, 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. Mr. G. Pasceri and Mr. Kenney were absent.

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 no actions this evening.**

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

1. The October 2012 Police Department report and the Fire Department and Community Ambulance reports were received.
2. The October 2012 Public Works and Code Enforcement reports were received.
3. An update on Borough operations during Hurricane Sandy was provided.
4. The Planning Commission will review language to require permanent pylons in parking spaced closed to the public.

Discussion ensued. Mr. S. Pasceri stated that the free-moving concreted plastic buckets evident at a Butler Avenue corner commercial property were a safety hazard. He asked that Borough code be reviewed by Code Enforcement Officer Ron Myers and by the Borough Solicitor to determine if the Borough could intervene in this matter immediately due to the time element of review of this issue before the Planning Commission. Mr. Amento stated the County Planner would report on this matter at the next Planning Commission meeting. Mr. Myers stated he would contact the property owner to see if a compromise could be reached. Chief Foley stated that if these buckets were found in the street they could be collected.

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 Ms. Tomlinson. .

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

1. Authorization is requested from the Environmental Advisory Counsel to submit a proposal to the DEP for an environmental education grant in the amount of \$7,500 which will require a 20% match that can be in-kind services.

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

1. A list of procedures for events held at the Skate Park and for other park events was provided.

Discussion ensued. Chief Foley stated that providing guidelines for events was a new process for the Police Department, and that his department was in the process of preparing another draft memorandum. He asked Council members to consider a proposed new fee schedule for events including whether to charge by the number of participants or spectators, to determine the number of events per year a group might be allowed to sponsor, and to further address the use of sound. Chief Foley stated he would work with the Fire Marshall to determine park capacities.

Ms. Tomlinson 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.

**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 award the bid for Liquid Aluminum Sulfate to Univar USA.
2. Authorization is requested to execute a Partner Agreement to be submitted along with an updated Resolution 2015-05 for the Wissahickon Watershed Multi-Municipal MS4 Education Outreach Program.
3. Authorization is requested to award the bid for the Water Line Extension at Park Avenue and Race Street to Wexcon, Inc. for their low bid of \$39,420.

4. Authorization is requested by the WWTP to enter into a 3-year agreement with Excelon Company/Constellation as our Curtailment Service Provider (CSP). [The current agreement with EnerNOC expires December 31, 2012. The plant has an earnings potential of \$68,744 over a 3-year period with participation in the Demand Response & Peak Response Program.]
5. The Ambler Borough Water Department has been notified by Cricket Communications, a small player in the carrier industry, that their cell sites located at Broad Axe Water Tank and Houston Road Water Tank no longer fit their model for economic viability. They propose not to renew their 5-year lease unless monthly rental per tank is reduced from \$1,750 per month to \$500 per month. It is the position of staff to not consider the option put forth and notify Cricket that they may coordinate removal of their equipment in April 2013 (Broad Axe Tank) and June 2013 (Houston Tank).

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

1. The October 2012 WWTP Supervisor's and Engineer's reports were reviewed.
2. The WWTP Engineer has begun preparing the RFP for the replacement of pumps P-15 and P-16 in PS-3.

Mr. Amento 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.

**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 **October 2012** invoices in the amount of **\$591,863.82** are to be paid as follows: General (**\$217,424.40**); Street Lights (**\$8,662.44**); Fire (**\$109.78**); Parks & Rec. (**\$2,322.17**); Water (**\$272,738.85**); Sewer (**\$33,670.56**); WWTP (**\$147,093.91**); Rail Corridor (**\$0.00**); Road Overlay (**\$4,750.28**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$5,091.43**).
2. Recommend advertising for adoption an Ordinance Fixing the Real Estate Tax for FY2013.

3. Recommend considering a request from a Farmer's Market to use the Borough Parking Lot.

Discussion ensued. Mr. Kenney stated the Committee was not prepared to make a recommendation on this matter this evening.

4. An Ordinance approving penalty, interest and fee schedule for the collection of delinquent real estate taxes is being reviewed by the Borough Solicitor who will issue an opinion letter to Council. Recommend advertising the proposed Ordinance for adoption, contingent upon the opinion put forth by the Solicitor.

The Solicitor stated he was weighing whether to recommend moving forward with the Ordinance and based upon his review of case law and actions of other communities he advised that Council need not hurry to pass the ordinance this calendar year.

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

1. The Borough Engineer's October 2012 report was received.
2. The Flood Plain Ordinance has been sent to the Planning Commission to be reviewed and compared with the model ordinance and which is to be amended or replaced to be compliant with the National Flood Insurance Program.
3. The 2012 paving project is nearing completion.
4. The request for sealed bids for Borough vehicles was advertised and bid opening is scheduled for November 27<sup>th</sup>.
5. The draft municipal 2013 budget is available online, at Borough Hall and at the public library.
6. The Planning Commission does not recommend a text amendment to the Ambler Borough Code in reference to Institutional Zoning to modify the permitted uses. Borough council will supply possible changes to the zoning district for review.
7. Borough Engineers are preparing bid document for the Lindenwold Parking Deck Project.
8. The 2013 Borough meeting schedule will be advertised, with Committee meetings to schedule on first Tuesdays and Council meetings to schedule on third Tuesdays.
9. Borough Pension Plans will be discussed at this evening's meeting by Joe Duda (Borough Actuary) and Scott Repke of Alliance Bernstein.

Discussion ensued. Mr. Repke summarized that the pension plan performance over the last 26 years with Alliance Bernstein compounded as 8.3%. He assessed the value of the Police Plan as \$7.3 million and of the Municipal Plan as \$3.6 million. He stated the investment portfolio is comprised of 60% equity investments and 40% fixed income investments. He stated his firm's fees are based on the value of a portfolio and that stocks are more expensive to manage than bonds. While short term volatility is assumed, he stated that equity side of the portfolio could be 'tweaked'.

Joe Duda of Duda Consulting stated that the 2013 contribution for municipal employees made by the Borough at 3% is valued at \$81,798, and for police employees is \$0.00. He stated that his firm will be changing mortality assumptions which will increase the MMO. He explained that even with a 10% increase in mortality, the pension is covered.

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. Amento.

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

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

1. A letter was received from Susan Curry who is resigning as a member of the Environmental Advisory Council (EAC) effective December 31, 2012.
2. A list of 2013 Committee Vacancies was received.

Mr. Amento 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 will make no recommendations this evening.

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

Recommend authorizing the Environmental Advisory Counsel to submit a proposal to the DEP for an environmental education grant in the amount of \$7,500 which will require a 20% match that can be in-kind services. Seconded. Carried.

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

Recommend awarding the bid for Liquid Aluminum Sulfate to Univar USA. Seconded. Carried.

Recommend executing a Partner Agreement to be submitted along with an updated Resolution 2015-05 for the Wissahickon Watershed Multi-Municipal MS4 Education Outreach Program. Seconded. Carried.

Recommend awarding the Water Line Extension Project at Park Avenue and Race Street to Wexcon, Inc. for their low bid of \$39,420. Seconded. Carried.

Recommend authorizing the WWTP to enter into a 3-year agreement with Excelon Company/Constellation as our Curtailment Service Provider (CSP) with participation in the Demand Response & Peak Response Program. Seconded. Carried.

Recommend not accepting Cricket Communications proposal for renewal of their carrier contracts located at Broad Axe Tank and Houston Tank. Seconded. Carried.

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

Recommend that **October 2012** invoices in the amount of **\$591,863.82** be paid. Seconded. Carried.

Recommend advertising for adoption an Ordinance Fixing the Real Estate Tax for FY2013. Seconded. Carried.

Recommend having the Borough Solicitor prepare an opinion letter to Council on an Ordinance approving penalty, interest and fee schedule for the collection of delinquent real estate taxes. Recommend advertising the proposed Ordinance for adoption, contingent upon the opinion put forth by the Solicitor. Seconded. Carried.

**Salary & Personnel Committee** – The Committee will make no recommendations this evening.

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

Respectfully submitted,

Elizabeth Russell  
Administrative Assistant  
Borough of Ambler