

AMBLER BOROUGH COUNCIL MINUTES

September 18, 2012

The regular monthly meeting of Ambler Borough Council was held Tuesday, September 18, 2012 at 7:00 p.m. at Borough Council Chambers located at 122 E. Butler Avenue, Ambler, Pennsylvania 19002. President Antonio Isabella presided.

Councilman Curtis led the public in the Pledge of Allegiance and a special moment of silence was held to remember fallen Plymouth Township police officer Brad Fox.

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

A motion was made to approve the Minutes of the August 21, 2012 meeting. Seconded. Carried.

COMMITTEE REPORTS

The Committees of the Ambler Borough Council met on Tuesday, September 4, 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. Recommend the Planning Commission review language in the Code to require permanent, secured pylons in parking spaces closed to the public because a business is not open. There is a safety concern with the current use of non-secured buckets and chains.

In other business the following was reviewed this evening:

1. The August 2012 Police Department report has been provided and the Fire Department and Community Ambulance reports were received.
2. The August 2012 Public Works and Code Enforcement reports were received.
3. Permits have been issued and work has begun at Finn McCool's.

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 no actions this evening.

In other business the following was reviewed this evening:

1. Staff is preparing procedures for events held at the Skate Park and for other park events.

Mr. Curtis 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 Plant Paving Phase I Project to lowest responsive bidder A. Giuliani & Co., Inc. for \$39,025.00.
2. Authorization is requested to have the plant engineer prepare the RFP for the replacement of pumps P-15 and P-16, in PS-3. [Budgeted capital item of \$10,000 – Engineering]

3. Authorization is requested to award the lowest KWH electric quote as of Wednesday, September 19th for the plant for FY2013 and FY2014 to one of the following energy corporations: Exelon Energy, Hess Corporation or BidUREnergy.
4. Authorization is requested to advertise for bid with a multi-year contract the purchase of liquid aluminum sulfate. The current contract ends December 31, 2012.

In other business the following was reviewed this evening:

1. The August 2012 WWTP Supervisor's and Engineer's reports were reviewed.
2. An update was given on the Houston Road Tank Recoating Project.
3. The Water Department thanks its customers for their patience and apologizes for the interruption of service on August 29, as a result of water main breaks.

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 Ms. Tomlinson.

The Committee will consider the following actions this evening:

1. Consideration that **August 2012** invoices in the amount of **\$684,436.88** be paid as follows: General (**\$163,570.26**); Street Lights (**\$5,919.13**); Fire (**\$573.48**); Parks & Rec. (**\$8,745.37**); Water (**\$133,681.32**); Sewer (**\$120,040.02**); WWTP (**\$244,929.80**); Rail Corridor (**\$0.00**); Road Overlay (**\$5,778.97**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$1,198.53**).
2. Recommend advertising for Sealed Bids on the 5 vehicles (3 trucks and 2 police cars) that were removed from the fleet and have been replaced.

Approved at the Committee Meeting:

1. Recommendation to award to lowest responsive bidder Nyce Construction Services for the bid amount of \$51,688.00 the Stream Bank Restoration (353 Valley Brook Road) Project. Seconded, 9-Aye, Carried.

2. Recommendation to award to lowest responsive bidder GoreConc Inc. for the bid amount of \$191,492.94 the 2012 Ambler Street Repaving Project. Seconded, 9-Aye, Carried.

In other business the following was reviewed this evening:

1. The Borough Engineer's August 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.

In new business this evening:

1. A representative of St. Joseph's is scheduled to address Council on a possible zoning text amendment.

Mark Cappuccio made a presentation on behalf of St. Joseph's wherein St. Joseph's is considering renting out their vacant school to a computer software design and support firm, but is limited by the facility's current institutional zone status. Mr. Cappuccio stated the church is seeking a text amendment to the current Code through the Planning Commission which would allow for 'low impact' sales from this location. He further stated the text amendment would apply to all institutional zoning districts in the Borough. He contrasted this zoning approach to seeking relief or a variance exclusively for this property from the Zoning Hearing Board. He found this to be a simpler and more time expedient approach. Additionally, Mr. Cappuccio stated the Archdiocese is aware that this parcel will become taxable real estate.

Mr. Bresnan stated that 'conditional use' can limit the profile of eligible businesses and that he currently was reviewing St. Joseph's proposed text amendment language. Mr. Bresnan added that while Mr. Cappuccio was desirous of moving forward on this application, he must be aware that a text amendment would be forwarded to the County Planning Commission for review, wherein the County has 30 days to respond, regardless of the timing of Ambler Planning Commission action. Mr. Bresnan stated that St. Joseph's could schedule a Conditional Use Hearing on same evening as a vote may be scheduled on the Ordinance change. Ms. Tomlinson stated her concern that most institutional districts in the Borough abut residential districts and that her concern was parking, signage and hours of operation.

After some deliberation the Finance Committee agreed to forward a recommendation to Council that a conditional use text amendment be sent to the Planning Commission for review.

2. The Borough Solicitor will address Council on the current status of the Borough's Trash Hauler contract.

Mr. Bresnan announced that the State Appeals Court had ruled on a case brought by J. P. Mascaro at the time of the Borough's award of the trash hauler contract to Republic Services, wherein Mascaro petitioned that the Borough did not have the right to use its discretion to substitute the bid document's bond requirement of \$20 million. Mr. Bresnan stated that he had argued that the Borough could waive a defect in the low bid. The Court upheld the Mascaro position and the Supreme Court was not interested in looking at this issue as requested by Republic Services. As such, Mr. Bresnan stated the since the Court stated the Borough was not authorized to make the bid award to Republic Services, Council therefore had the option of awarding the bid to the second lowest bidder (J. P. Mascaro) or throwing out the bid and rebidding the contract. Mrs. Aversa stated the bid award would be for a three-year contract and that the bid difference would be an additional \$122,000 over the three-year period.

Mr. Ken Anderson of Republic Service was present. He thanked Council for having allowed Republic to provide service, he regretted the additional cost residents would now incur, and he stated the position of Republic Services that Council's award had been a common sense and fair award.

After some deliberation the Finance Committee agreed to forward a recommendation to Council to award the trash hauler 3-year contract to J. P. Mascaro.

Ms. Tomlinson 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. S. Pasceri.

The Committee will consider no actions this evening:

In other business the following was reviewed this evening:

1. An Executive Session was held regarding contract negotiations.
2. An Executive Session is needed regarding police contract negotiations.

Mr. S. Pasceri asked if there were questions or comments from Council or the public. Mrs. Aversa stated that she had distributed to members of Council the Financial Requirement and Minimum Municipal Obligation Budget for 2013 (MMO) for both the Police Pension Plan and the Municipal Employee' Pension Plan, and that the MMO's would be voted on as Resolutions at the October 16, 2012 Council Meeting. 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 the Planning Commission review language in the Code to require permanent, secured pylons in parking spaces closed to the public because a business is not open. Seconded. Carried.

Parks & Recreation Committee – The Committee will make no recommendations this evening stated Mr. Curtis.

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

Recommend awarding the Plant Paving Phase I Project to lowest responsive bidder A. Giiuliani & Co., Inc. for \$39,025.00. Seconded. Carried.

Recommend authorizing the plant engineer to prepare the RFP for the replacement of pumps P-15 and P-16, in PS-3. Seconded. Carried.

Recommend awarding, based upon the lowest KWH electric quote as of Wednesday, September 19th, for the plant for FY2013 and FY2014 to one of the following energy corporations: Exelon Energy, Hess Corporation or BidUREnergy. Seconded. Carried.

Recommend advertising for bid a multi-year contract for the purchase of liquid aluminum sulfate. Seconded. Carried.

Finance & Planning Committee – The Committee recommends and Ms. Tomlinson moves:

Recommend that the **August 2012** invoices in the amount of **\$684,436.88** be paid. Seconded. Carried.

Recommend advertising for Sealed Bids on the 5 vehicles (3 trucks and 2 police cars) that were removed from the fleet and have been replaced. Seconded. Carried.

Recommend forwarding to the Planning Commission St. Joseph's proposed conditional use text amendment for institutional zoning districts for review. Seconded. Carried.

Recommend awarding a three-year trash hauler contract to J. P. Mascaro. Seconded. Carried.

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

Approved at the Committee Meeting:

Recommendation to award to lowest responsive bidder Nyce Construction Services for the bid amount of \$51,688.00 the Stream Bank Restoration (353 Valley Brook Road) Project. Seconded, 9-Aye, Carried.

Recommendation to award to lowest responsive bidder GoreConc Inc. for the bid amount of \$191,492.94 the 2012 Ambler Street Repaving Project. Seconded, 9-Aye, 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