

AMBLER BOROUGH COUNCIL MINUTES

September 16, 2014

The regular monthly meeting of Ambler Borough Council was held Tuesday, September 16, 2014 at 7:00 p.m. at Borough Council Chambers located at 122 E. Butler Avenue, Ambler, Pennsylvania 19002. Council President Sal Pasceri presided.

Mr. Pasceri called the Council Meeting to order. Mr. Amento led the public in the Pledge of Allegiance.

Roll Call – Present: Mr. Pasceri, Mr. Amento, Mr. Zaccone, Mr. Curtis, Mr. DeRuosi, Mrs. Deininger, Mrs. McCormick, Mr. Palumbo and Mr. Sheward. Solicitor Bresnan, Chief William Foley and Borough Manager Mary Aversa also were in attendance. Mayor Sorg was absent.

A motion was made to approve the Minutes of the August 19, 2014 Council Meeting. Seconded. Carried.

Before Committee Reports were discussed, Mrs. McCormick initiated a conversation regarding recent issues involving the Sunshine Law. In a prepared statement she said that Solicitor Bresnan had suggested that she appeared to be in violation of the Sunshine Law. She stated she had not deliberately violated the Sunshine Law yet believed that votes held in Executive Session violated the law. She announced she would no longer participate in such sessions and asked that an expert on the Sunshine Law be scheduled to educate Council members on the law.

Mr. Bresnan stated that he is an expert on the Sunshine Law. He stated that Mrs. McCormick appeared to be in violation of the law due to her action by sending an email to five Council members, all Democrats, and because of the number of parties to whom the email was sent which constituted a quorum. He stated that one may not circumvent the Sunshine Law by communicating through emails. Specifically, he stated Mrs. McCormick had communicated that the Council email recipients should always vote in favor of unions regarding employee disciplinary matters. Replying to Mrs. McCormick's inquiry as to why Mr. Bresnan's email in response had not violated the law, Mr. Bresnan stressed that he had communicated via email to tell Mrs. McCormick to "stop" so as to end the issue. He stated that after Executive Sessions, Council always reconvened to cast a formal, public vote. In conclusion, Mr. Bresnan stated that a violation of the Sunshine Law could lead to a vote to expel, adding that he was not aware of anyone on Council seeking her removal.

Mr. Pasceri stated it was not his intention to call for Mrs. McCormick's removal from office, adding that he had intended to speak directly to her on these matters. Mr. Curtis asked why he had not been included in the emails, noting that he had been a registered Democrat since 1966. Mr. Palumbo stated he found the email to be offensive in that he was being asked to vote independent of his own intelligence and experience. Further, he stated the email was a huge distraction from all of the business to be conducted by the Borough.

Mr. DeRuosi added that the email injected party politics towards a Council that was not politically divided.

COMMITTEE REPORTS

The Committees of Ambler Borough Council met on Tuesday, September 2, 2014 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Present: Mr. Pasceri, Mr. Amento, Mr. Curtis, Mr. Zaccone, Mr. DeRuosi, Mrs. Deininger, Mrs. McCormick, Mr. Palumbo and Mr. Sheward. Mayor Sorg, Solicitor Bresnan, Chief Foley and Borough Manager Aversa also were present.

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

Public Safety Committee – Mr. Curtis, Chairperson

Committee members: Mrs. McCormick, Mr. Sheward

The Public Safety 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. The August 2014 Police Department and Fire Department reports were received.
2. The August 2014 Ambulance Association report was received.
3. The August 2014 Public Works, Code Enforcement and Safety Reports were reviewed.

Mr. Curtis asked if there were comments or questions from Council or the public. Discussion was held on the reoccurring PECO gas line leaks on Glen Mawr Drive. Mrs. Aversa stated the Borough is aware of the situation, that Code Enforcement was aware that PECO had been out 3 or four times, and that in her opinion it probably was time for PECO to replace the line. She stated the Borough has no authority over PECO. There being nothing further, it was moved the Committee's report be accepted as filed. Seconded, carried.

Parks and Recreation Committee – Mr. DeRuosi, Chairperson

Committee members: Mrs. Deininger, Mrs. McCormick, Mr. Palumbo

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

The Committee will consider no actions this evening.

In other business the following was reviewed this evening:

1. The last ‘Movie in the Parks’ for the summer, ‘Cloudy with a Chance of Meatballs 2’ was shown September 12th at Knights Park.
2. Bike racks have been ordered for the Lindenwold lot, Cavalier lot and Pickering Field.
3. “*No Dogs Allowed*” signage for Borough parks have been ordered.

Mr. DeRuosi asked if there were comments or questions from Council or the public. Mrs. Deininger asked about possibly repairing the Knight Park fencing. Mrs. Aversa stated soccer season had taken its toll on the fences and that the fences would be repaired. Mrs. Deininger asked the Parks & Recreation Committee to consider re-categorizing Ambler Borough Park as a ‘dog park.’ There being nothing further, it was moved the Committee’s report be accepted as filed. Seconded, carried.

Public Utilities Committee – Mr. Amento, Chairperson

Committee members: Mr. Curtis, Mr. Zaccone

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

The Committee will consider the following actions this evening:

1. Authority is requested to award the WWTP Phase II paving contract to B.F. Brown & Company for their low quote of \$74,995.00.

In other business the following was reviewed this evening:

1. The WWTP Supervisor’s and Engineer’s reports were reviewed.
2. The bid will be advertised for purchasing liquid aluminum sulfate for 2 or 3 years.
3. The plant engineer is prepared the RFP for the removal and replacement of the pump controller in PS-1.

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. Sheward, Chairperson

Committee Members: Mr. DeRuosi, Mrs. Deininger

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

The Committee will consider the following actions this evening:

1. Consideration that **August 2014** invoices in the amount of **\$582,840.43** be paid as follows: General (**\$137,420.66**); Street Lights (**\$5,792.00**); Fire (**\$0.00**); Parks & Rec. (**\$2,163.27**); Water (**\$125,144.64**); Sewer (**\$15,246.80**); WWTP (**\$296,887.06**); Rail Corridor (**\$0.00**); Road Overlay (**\$0.00**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$186.00**).
2. Authorization is requested to award the Lindenwold Lot paving bid to Polaris Construction Company for their low bid of \$128,015.00.
3. Authorization is requested to award bids for the new Ambler Borough Hall project.

Discussion ensued. The bid sheet was reviewed. Seven bids were received for general construction, six bids for plumbing construction, 8 bids for mechanical construction and 6 bids for electrical construction. The preliminary estimates for the cost of all construction were \$1.7M - \$1.9M. Lowest base bids received were as follows:

General Construction	Uhrig Construction	\$1,647,000
Plumbing Construction	Stan-Roch Plumbing	\$ 156,700
Mechanical Construction	J.B.M. Mechanical	\$ 418,000
Electrical Construction	Albarell Electric	\$ 429,900

Alternate quotes had been obtained for renovation of the Community Center wing, for installation of a sprinkler system through the facility, for a new parking area at the site and for new exterior windows & doors. It was determined during discussion that the Committee would not at this point in time consider any Alternate quotes. D'Huy Engineering consultant Christopher Haller stated all bidders submitted financial statements, comparable project summaries and qualifications forms, all of which would be reviewed.

Resident Christine DeLaurentis (Park Avenue) asked Council not to allow construction of additional parking at the site, which would require demolishing or relocating the existing playground. Regarding the need for additional parking in the Borough, Mr. DeRuosi noted that we have a "walking problem" and not necessarily a "parking problem." He stated the neighborhood would still retain a playground, albeit at a different location on this site. Resident Judy Baigis (Tennis Avenue) ask whether consideration had been given to additional impervious surfaces. Mrs. Aversa replied that the current playground sat atop the original school's foundation and old blacktop from a basketball court. Mrs. Deininger added that engineers would design a retaining basis and that a rain garden would be installed at the site.

In other business the following was reviewed this evening:

1. The Borough Engineer's report was received.
2. The Flood Plain Ordinance to modify Borough Code is in the review process at the Montgomery County Planning Commission.

3. The Borough has asked the Planning Commission to review the Parking Ordinance for specific uses.
4. A contract was received from the County requesting renewal of the County Planning Assistance Agreement.
5. Draft language for a proposed Communications Ordinance is being reviewed by a Federal Telecommunications Act specialist.
6. FY 2015 Minimum Municipal Obligations (MMO's) for the Municipal Employee and Police Pension Plans have been presented to the governing body.

Mr. Sheward 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. Zaccone, Chairperson

Committee members: Mr. Amento, Mr. Curtis, Mr. Palumbo

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

The Committee will consider the following action this evening:

1. Recommend adoption of **Ordinance 1079** amending the Borough Employee Pension requirements.
1. Recommend adoption of **Resolution 2014-5** Establishing Rates of Defined Contribution for the Newly-Revised Municipal Employee Retirement Plan.

In other business the following was reviewed this evening:

1. The Environmental Advisory Council has several vacancies and is looking for interested candidates.
2. An Executive Session was held.

Mr. Zaccone 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 will make no recommendations this evening.

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

Authority is requested to award the WWTP Phase II paving contract to B.F. Brown & Company for their low quote of \$74,995.00. Seconded. Carried.

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

Recommend that **August 2014** invoices in the amount of **\$582,840.43** be paid. Seconded. Carried.

Recommend awarding the Lindenwold Lot paving bid to Polaris Construction Company for their low bid of \$128,015.00. Seconded. Carried.

Recommend awarding bids for the new Ambler Borough Hall project for base bid construction to the lowest, responsive bidders as follows: Seconded. Carried.

General Construction	Uhrig Construction	\$1,647,000
Plumbing Construction	Stan-Roch Plumbing	\$ 156,700
Mechanical Construction	J.B.M. Mechanical	\$ 418,000
Electrical Construction	Albarell Electric	\$ 429,900

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

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

Respectfully submitted,
Elizabeth Russell
Assistant Secretary
Borough of Ambler