

AMBLER BOROUGH COUNCIL MINUTES

May 21, 2014

The regular monthly meeting of Ambler Borough Council was held Wednesday, May 21, 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. Mayor Sorg led the public in the Pledge of Allegiance.

Roll Call – 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 William Foley and Borough Manager Mary Aversa also were in attendance.

Mr. Pasceri stated he would like to address Council to clarify that Council had not recently held any discussion or cast any vote to request documents or actions from the DEP, EPA or other agencies concerning asbestos contamination in the brownfields. Mr. Pasceri noted that Councilwoman McCormick, who has made document requests of the EPA, does not represent all of Council or all of Ward 1, and that her personal requests had confused the agency. Mr. Pasceri stated he is not censuring Mrs. McCormick at all, but felt it was necessary to speak out on how Mrs. McCormick had been communicating with the agency.

Solicitor Bresnan added that DEP was confused in “actual fact” as to whether Mrs. McCormick was backed by Council. To avoid confusion with the agency, he recommended that Mrs. McCormick use as a first sentence in correspondence, “I am not writing on behalf of Council...”

Mrs. McCormick replied that in the last 10 years corresponding with the EPA she had found the agency’s purported confusion to be “conveniently confused.” She stated she was aware that a Council Policy must reflect the majority opinion of Borough Council. She stated that the law requires that certain specific documents exist, and did not accept any statement made denying the existence of certain documents. Both Mr. Bresnan and Manager Aversa had stated they had spoken with DEP about Phase 1& 2 environmental studies and that they had been told these documents do not exist.

Mrs. McCormick asked that Council consider authorizing Solicitor Bresnan to request certain asbestos-related documents for Council. Mr. Bresnan responded that he would need to review a detail list of what is asked for to make a proper Freedom of Information Act (FOIA) request. He added that regarding issues of land use, recycling and brownfield development the Borough is pre-empted from overturning decisions made and that he would not involve Council in a process that the law prohibits. Any document request would need to be made for “information purposes only.”

Mr. Curtis questioned the cost of obtaining documents, stating he did not want to be part of Mrs. McCormick’s “crusade.” In response to a comment from Mrs. Judy Baigis of Tennis

Avenue, Mr. Curtis stated he is not insensitive to asbestos-related illnesses. Both Mr. Curtis and Mr. Amento stated they had lost family members to asbestos-related illness.

Mrs. Deininger suggested the Solicitor make a formal request for document production on behalf of Council, stating that Council would like these documents as a reference because “knowing is good” and Council should be collectively informed.

Mr. Pasceri concluded this topic discussion, which was held throughout the evening, stating the matter would be placed on the agenda for a vote by Council. Mr. Pasceri moved that Council authorize Solicitor Bresnan to make a formal request for DEP documents with a list to be provided by Council relative to the asbestos issue for the purpose of obtaining information for public knowledge. Seconded. Carried (9-0).

The meeting continued. A motion was made to approve the Minutes of the April 15, 2014 Council Meeting. Seconded. Carried.

COMMITTEE REPORTS

The Committees of Ambler Borough Council met Tuesday, May 6, 2014 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Present: Mr. Amento, Mr. Curtis, Mr. Zaccone, Mr. DeRuosi, Mrs. Deininger, Mrs. McCormick and Mr. Sheward.. Mayor Sorg, Chief Foley, Solicitor Bresnan and Borough Manager Mrs. Aversa also were present. Mr. Pasceri and Mr. Palumbo were absent.

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

Mr. Curtis asked if there were comments or questions from Council or the public. Chief Foley asked that the Committee’s review of activities permits for businesses be placed on next month’s agenda. In response to a few questions by the public, Chief Foley stated these

would be large group, approximately 50 or more persons, permits for gatherings involving business activities that would require special attention by the police department or clean-up by public works.

Resident Susan Morgan asked the police department to consider hosting a “coffee with cops” public event. Mr. Curtis stated this is a National Police Week activity held in a neighboring municipality and that the police department should consider hosting a similar community event next year. He stated that he had received a large event application. The application was being reviewed for any additional requirements by the Borough.

A question was asked regarding signage at Short Street. Chief Foley stated he would look into the matter, and would consider installing a ‘left turn only’ sign at 48 N. Main Street. 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. Movies in the Parks schedule for the summer is as follows: ‘Frozen’ (June 20th at Pickering Field); ‘Despicable Me’ (August 14th at Ricciardi Park); and ‘Cloudy with a Chance of Meatballs 2’ (September 12th at Knights Park).
2. YMCA/Knights Park Summer Camp registration was held May 7th. Residents may continue to register their children at the YMCA facility.
3. The Committee reviewed the Borough Parks survey and has provided a list of recommendations. Staff will provide follow-up information to the Committee.

Mr. DeRuosi asked if there were comments or questions from Council or the public. 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. Consider awarding the roof replacement contract for the Spring House Building at Whitemarsh to Frank Abromaitis for the low quote of \$36,615.00.

In other business the following was reviewed this evening:

1. The WWTP Supervisor's and Engineer's reports were reviewed.
2. The annual leak detection survey for the distribution system is underway at a contract cost of \$10,950.00.
3. The Commonwealth Financing Authority will make grant funds available through the County Local Share Account Program for water supply projects. A resolution authorizing application for the Well 8 Chlorine Contact Tank Project is being prepared.
4. Quotes are being obtained for the emergency repair to the pump at Well 4, with a cost estimate of \$14,000.00.
5. An Executive Session was held on the Water Utility Rate Case. Solicitor Bresnan has attended a mediation session in Harrisburg and will report back to Council.

Mr. Amento asked if there were questions or comments from Council or the public. Mrs. Deininger stated that she and Mr. DeRuosi had been given a tour of the WWTP and some water facilities and were very impressed with the WWTP and Supervisor Bruce Jone's expertise. 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 **April 2014** invoices in the amount of **\$678,312.94** are to be paid as follows: General (**\$213,857.24**); Street Lights (**\$10,623.34**); Fire (**\$39,629.79**); Parks & Rec. (**\$10,200.86**); Water (**\$167,830.08**); Sewer (**\$19,055.15**); WWTP (**\$217,116.08**); Rail Corridor (**\$0.00**); Road Overlay (**\$0.00**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$15,276.43**) with voided checks due to a printing error totaling \$209,029.94.
2. Consider authorization to adopt **Resolution 2014-03** entering into a Transportation Enhancements program Federal Aid Reimbursement Agreement for the Ambler Streetscape Project at Butler & Maple.

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.
3. The Planning Commission is researching draft ordinance language to regulate Wireless Communications Towers & Antennas.
4. The Borough will request that the Planning Commission review the Parking Ordinance for specific uses and make a recommendation to Council.
5. The Borough Planning Commission at its April 22nd meeting voted to deny recommending to Council the land development plan for AMA's South Chestnut Street Parcel until Conditional Use is granted by Council.

Discussion ensued. Mr. Bresnan stated that AMA's Conditional Use application which was denied is being appealed in Norristown. He stated AMA had submitted another Land Development Plan and that Ambler allows only one land development plan to be submitted at a time. He stated that no Conditional Use application is pending, and clarified that a Conditional Use is part of the Borough's Zoning Ordinance. He stated that Land Development cannot be granted without Conditional Use approval, that CU is a hearing and Land Development is not. He added that a development must have met all zoning approvals before SALDO approval can be granted.

Mr. Bresnan stated that AMA's attorney Kevin Sommar was asking that Council amend its agenda to allow a vote on granting AMA Land Development approval. Mr. Bresnan advised against granting Land Development approval since a CU application is not pending and since zoning must be resolved before granting final approval.

Mr. Sommar stated the matter of ingress and egress had been resolved, that AMA had revised its preliminary plan of February 2013 and had satisfied the conditions of the engineer's report and other conditions necessary to receive final plan approval. He asked that Council direct their Solicitor to resolve the issue and to move forward on granting Conditional Use and Land Development.

Mr. Pasceri considered the matter to add to Council's agenda. He made a motion to **deny** approval for Final Land Development as submitted by AMA. Seconded. Carried (9-0).

Mr. Sheward asked if there were questions or comments from Council or the public. Mr. Bresnan reported that regarding the Ambler Saving Bank building project, the Kramers had challenged the Zoning Hearing Board's decision. Their claim had been denied and the Kramers have taken the case on appeal to Commonwealth Court. Mr. Bresnan also reported that Mr. Ritter had withdrawn a claim regarding a broken Borough pipe damaging one of his buildings and its footers and that the Borough will put an inlet box back in and

restore the sidewalk. 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 no actions this evening.

In other business the following was reviewed this evening:

1. The Environmental Advisory Council has several vacancies and is looking for interested candidates.

Mr. Zaccone asked if there were questions or comments from Council or the public. Mr. Pasceri announced that the Wissahickon Valley Public Library was seeking appointments to the WVPL Board of Trustees, asking for the reappointment of Karen Keiser and Denny Whalen. Mr. Pasceri asked Council to vote on a recommendation at this evening's meeting. There being nothing further, it was moved the report be accepted and filed. Seconded, carried.

RECOMMENDATIONS

Public Safety Committee – On behalf of the Public Safety Committee Mr. Pasceri moved as follows:

That Council authorize Solicitor Bresnan to make a formal request for DEP documents with a list to be provided by Council relative to the asbestos issue for the purpose of obtaining information for public knowledge. Seconded. Carried (9-0).

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

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

Consider awarding a roof replacement contract for the Spring House Building at Whitemarsh to Frank Abromaitis for a low quote of \$36,615.00. Seconded. Carried. (9-0)

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

Consideration that **April 2014** invoices in the amount of **\$678,312.94** are to be. Seconded. Carried. (9-0)

Consider authorization to adopt **Resolution 2014-03** entering into a Transportation Enhancements program Federal Aid Reimbursement Agreement for the Ambler Streetscape Project at Butler & Maple. Seconded. Carried. (9-0)

Consider a motion to **deny** approval for Final Land Development as submitted by AMA. Seconded. Carried (9-0).

Salary & Personnel Committee – The Committee recommends and Mr. Pasceri moves:

Consider reappointment of Denny Whalen and Karen Kieser to the Wissahickon Valley Public Library (WVPL) to the Board of Trustees. Seconded. Carried. (9-0)

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

Respectfully submitted,
Elizabeth Russell
Assistant Secretary
Borough of Ambler