

## AMBLER BOROUGH COUNCIL MINUTES

January 20, 2015

The regular monthly meeting of Ambler Borough Council was held Tuesday, January 20, 2015 at 7:00 p.m. at Borough Council Chambers located at 122 E. Butler Avenue, Ambler, Pennsylvania, 19002. The meeting was preceded at 6:30 p.m. by a Special Public Meeting held on the Glen Mawr Home Sites Preliminary and Final Subdivision Plan application.

Solicitor Bresnan began the discussion by providing the public with an overview on a meeting he had with two residents to discuss points of law, referencing 'Ryan On Zoning,' applicable to a subdivision application. He stated Council must approve an application that complies with the statutes and ordinances. He added that Council need not 'leap with joy' at their final determination. Mr. Bresnan stated that by definition, Land Development is applicable only to 2-plus residential developments or for non-residential uses. A single family development is not Land Development, and the subdivision of land itself into several lots does not constitute land development.

Applicant 212 Wood Street LLC was seeking to subdivide the land and sell lots. Mr. Bresnan stressed that Open Space cannot be declared to be the right idea for this land, and that the applicant's rights are the rights the law focuses on. He stated that the Borough's engineer, Jim Dougherty of Gilmore & Associates, had prepared a review letter on the application.

Resident Mary-Margaret Monser asked about delineation of wetlands and whether the maps were current and how applied. Councilwoman McCormick stated that residents were concerned the land will be altered and asked what protections were available to these residents. Mr. Bresnan stated that the Stormwater Ordinance is part of the permitting process and not part of the subdivision process. He added that the applicant must meet the terms of SALDO. The issues of health, safety and welfare are not part of the ordinance criteria. Regarding concerns of building on a steep slope, Mr. Bresnan stated that while a definition may have been provided for a hypothetical 'steep slope', the Borough in fact does not have a steep slope ordinance. Mr. Bresnan closed the public meeting stating that Council must apply the laws that the Borough has on the books today.

This evening, Council President Sal Pasceri presided. Mr. Pasceri called the Council Meeting to order. Mayor Sorg led the public in the Pledge of Allegiance and a 'Mayor's Moment.'

**Roll Call** – Present: Mr. Pasceri, Mr. Amento, Mr. Zaccone, Mr. Curtis, 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.

A motion was made to approve the Minutes of the December 16, 2014 Council Meeting. Seconded. Carried. Council then proceeded to hear Committee reports.

## **COMMITTEE REPORTS**

The Committees of Ambler Borough Council met on Tuesday, January 6, 2015 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 December 2014 Police and Fire Department reports were received.
2. The December 2014 Ambulance Association report was received.
3. Mr. Curtis stated staff is studying possible removal and relocation of school crossing signals for use at Butler Avenue crosswalks.

Discussion ensued. Chief Foley stated the timers would need to be removed and the signals would be retrofit with a push button, at a cost of \$1,500-\$2,000 per unit, which is a cost savings of several thousand dollars per unit if units were purchased new. He suggested the placement of 2 units at York & Butler and 2 units at Cavalier & Butler. Mrs. Aversa suggested 2 units be placed at Hendricks & Butler. Chief Foley noted that these units would bring pedestrian presence to the attention of motorists and stated that the solar panels would be energy-sufficient for their new purpose.

Mr. Curtis asked if there were comments or questions from Council or the public. Wissahickon Fire Chief Phil Koller was introduced. A brief discussion was held on having the Water or Public Works Departments paint lines on streets to mark fire hydrant locations. 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 Committee will meet informally with the EAC to discuss preparation of community survey questions on future uses of Ambler Borough Park.
2. YMCA Summer Camp has asked the Borough to consider offering an extended day Summer Camp this year.
3. Lawn Maintenance Contract expires April 1<sup>st</sup>. Staff will consider preparation of bid documents, with possible inclusion of shrub and tree pruning in the specifications.

Mr. DeRuosi asked if there were comments or questions from Council or the public. Mr. Curtis asked the Committee to consider designation of a Veteran's Park area in the Borough's parks system, to include a monument and possible statue and bench. 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 action this evening:**

1. Consider authorizing advertising for adoption a proposed Ordinance setting Water Rates for Ambler Borough customers (water service inside the Borough).

Discussion ensued. Mrs. Aversa stated the Water Department is researching the potential of charging tapping fees. She stated that it is her intention to have a smaller rate increase for water customers inside the Borough. She added that should Council determine to establish an Authority, water rates across the board will be the same for all customers.

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

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

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 **December 2014 and January (1<sup>st</sup> & 2<sup>nd</sup> run) 2015** invoices in the amount of **\$984,879.13** be paid as follows: General (**\$541,606.88**); Street Lights (**\$10,162.81**); Fire (**\$8,570.63**); Parks & Rec. (**\$236.54**); Water (**\$77,300.01**); Sewer (**\$186,220.70**); WWTP (**\$157,273.11**); Rail Corridor (**\$0.00**); Road Overlay (**\$0.00**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$3,508.45**).
2. Consider adoption of **Resolution 2015-01** executing an agreement with Berkheimer as collector of Local Services Tax from January 1, 2015 to December 31, 2017.
3. Consider adoption of **Resolution 2015-02** appointing Finance Manager Gail Gordon as liaison between Ambler Borough and Berkheimer.
4. Consider adoption of **Resolution 2015-03** authorizing Berkheimer as the Borough's Tax Hearing Officer for Adjudication of Appeals.
5. Consider adoption of **Resolution 2015-04** authorizing Berkheimer to impose and retain costs of collection on delinquent taxes.
6. Consider approval for the Subdivision Plan for the Glen Mawr Home Sites prepared by applicant 212 Wood Street LLC, pursuant to County and Borough Planning Commissions, and Engineer's review letters, subject to satisfying requirements set forth in the recommendation letter. [Court Stenographer Mark Manjardi, at the request of Solicitor Joe Bresnan, was present to transcribe the ensuing presentation/discussion.]

Discussion ensued. Mr. Bresnan advised the public that the discussion to be held was not a hearing and that there was no requirement for a court stenographer, however, he had called in a stenographer to record the matter anticipating the length of discussion on the matter. He provided an overview on the land application process since 1986 and stated that this evening's discussion pertains to the 2014 plan. Mr. Bresnan questioned Engineer James Dougherty of Gilmore & Associates on Mr. Dougherty's review letter. Mr. Dougherty stated he had visited the site and did not see anything that he would delete or amend in his review letter. He stated he had recommended the waiver of a survey and had recommended preliminary and final approval at the same time.

Mr. Bresnan then listed several documents to be considered part of the Borough's record including review letters, correspondence and emails. Mr. Amento stated he would recuse himself from any decision in this matter. Mr. Bresnan stated that Mr. Amento was not compelled to recuse himself, but could do so at his discretion.

Councilwoman Sharon McCormick focused on Section 22, Part 2 of the Code on the actual definition of "Developable Acre," focusing specifically on language dealing with floodplains and 15% slopes. Mr. Bresnan stated a developable acre is analogous to a

“building envelope” allowed during the permitting process, that the applicant sought to divide the land into separate lots and that the zoning district does not require one acre lots. Mr. DeRuosi asked whether the result of subdivision would be four distinct tax parcel numbers – Mr. Bresnan replied that would be the case, with each lot size approximately 7,500sqft.

Susan Curry of 316 Edgewood Drive suggested that if Council should vote for the subdivision, that they move quickly to create a Steep Slope Ordinance before building commenced. Mr. Bresnan stated that such an Ordinance passed during this process would not be applicable for five years.

Applicant Ratoskey stated he had voluntarily set forth conditions on the plan, had detailed building elevations, discharges, driveway/gutter water considerations and foundation plans.

Resident Brian Quinn of 319 Valley Brook Road, owner of an abutting property, introduced Nick Rose of Protract Engineering to speak. Mr. Rose addressed several issues critical of the proposed 4-lot subdivision plan including floodplain conservation district and steep slope conservation district requirements, stormwater management and the use of Lidar to map the topography. He concluded the lots are not buildable, which he suggested should be noted on the plan.

Engineer Dougherty countered that the Borough does not have a Steep Slope Conservation District, clarifying that the ordinance defines but does not limit construction. Further, he stated erosion problems are maintenance issues, not ordinance issues. He added that Section 104(h) had nothing to apply regarding health, safety and welfare limits to woodlands or steep slope. He stated that sufficient detail had been given by Applicant for a subdivision plan, which included topographic details, streams and trees. He stated Lidar measured at 2-foot intervals for the entire property. When asked by Mr. Bresnan if any of Mr. Rose’s observations had caused him to change his opinion on the application, Mr. Dougherty stated he would not change his recommendation.

A brief discussion was then held on proposed maintenance easements. Mr. Bresnan then advised Council again, that if in their opinion, the Applicant had satisfied the conditions of the ordinance, they must work within proscribed timetables and cast their votes along the lines of the engineer’s opinion.

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

1. The Borough Engineer’s report was received.
2. The Borough has asked the Planning Commission to review the Parking Ordinance for specific uses.
3. The Planning Commission is reviewing zoning ordinances to include automotive sales as a permitted use.

4. Draft language for a proposed Communications Ordinance has been prepared and will be given to the Planning Commission for review.
5. The Zoning Hearing Board has scheduled a continuance in reference to permits issued to Ambler Savings Bank for February 26, 2015 (7:00pm)
6. Correspondence from the County and a Release by the Borough regarding the dissolution of the Waste System Authority was received.

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 actions this evening:**

1. Considering hiring a job applicant [applicants have been interviewed] for the vacant Accounting Clerk position.
2. Consider appointing a resident applicant to the vacant Planning Commission seat.
3. Consider appointing Alex Pratt to the vacant Environmental Advisory Council seat.

**Approved at Committee Meeting:**

1. Appointments have been made by Council for individuals to serve on the following Committees, Commissions and Boards (Seconded, Carried 9-0 Aye)
  - Appeals Board (3-year term): William Lutz, Jr.
  - Planning Commission (4-year term): Robert LaGreca
  - Vacancy Board (1-year term): Norman LaMastra
  - Zoning Hearing Board (3-year term): Michael Williams
  - Zoning Hearing Board Alternate (3-year term): Elise Kelly

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:

Consider authorizing advertising for adoption a proposed Ordinance setting Water Rates for Ambler Borough customers (water service inside the Borough). Seconded. Carried.

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

Consideration that **December 2014 and January (1<sup>st</sup> & 2<sup>nd</sup> run) 2015** invoices in the amount of **\$984,879.13** be paid. Seconded. Carried.

Consider adoption of **Resolution 2015-01** executing an agreement with Berkheimer as collector of Local Services Tax from January 1, 2015 to December 31, 2017. Seconded. Carried.

Consider adoption of **Resolution 2015-02** appointing Finance Manager Gail Gordon as liaison between Ambler Borough and Berkheimer. Seconded. Carried.

Consider adoption of **Resolution 2015-03** authorizing Berkheimer as the Borough's Tax Hearing Officer for Adjudication of Appeals. Seconded. Carried.

Consider adoption of **Resolution 2015-04** authorizing Berkheimer to impose and retain costs of collection on delinquent taxes. Seconded. Carried.

Consider approval for the Subdivision Plan for the Glen Mawr Home Sites prepared by applicant 212 Wood Street LLC, pursuant to County and Borough Planning Commissions, and Engineer's review letters, subject to satisfying requirements set forth in the recommendation letter. Seconded. (7-Aye; 1-Nay [Mrs. McCormick]; Mr. Amento recused himself). Carried. [Note: Mr. Pasceri asked Mrs. McCormick if she would like to discuss her 'Nay' vote. Mrs. McCormick responded that she was not satisfied with a clear understanding of a 'Developable Acre' and as such she was compelled to vote against the recommendation.]

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

Considering hiring Tara Jean Jones to fill the Accounting Clerk position. Seconded. Carried.

Consider appointing Christopher Twohig to the vacant Planning Commission seat. Seconded. Carried.

Consider appointing applicant Alex Pratt to the vacant Environmental Advisory Council seat. Seconded. Carried.

*Recommended at the Committee Meeting*

1. Appointments have been made by Council for individuals to serve on the following Committees, Commissions and Boards (Seconded, Carried 9-0 Aye)

- Appeals Board (3-year term): William Lutz, Jr.
- Planning Commission (4-year term): Robert LaGreca
- Vacancy Board (1-year term): Norman LaMastra
- Zoning Hearing Board (3-year term): Michael Williams
- Zoning Hearing Board Alternate (3-year term): Elise Kelly

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

Respectfully submitted,  
Elizabeth Russell  
Assistant Secretary  
Borough of Ambler