

## AMBLER BOROUGH COUNCIL MINUTES

May 20, 2015

The regular monthly meeting of Ambler Borough Council was held Tuesday, May 20, 2015 at 7:00 p.m. at Borough Council Chambers located at 122 E. Butler Avenue, Ambler, Pennsylvania, 19002.

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. The Mayor presented a Citation to members of Boy Scout Troop 3 in recognition of the Troop's 100<sup>th</sup> Anniversary of scouting in the Borough.

**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 Foley and Borough Manager Mary Aversa also were in attendance.

Council President Pasceri acknowledged Councilman Palumbo, who is resigning from Council because he and his family are relocating out of state, with the reading of Resolution 2015-09, thanking him for his service on Borough Council.

A motion was made to approve the Minutes of the April 21, 2015 Council Meeting. Seconded. Carried. Council then proceeded to hear Committee reports.

### **COMMITTEE REPORTS**

The Committees of Ambler Borough Council met on Tuesday, May 5, 2015 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Avenue. Present: Mr. Pasceri, Mr. Amento, Mr. Curtis, Mr. DeRuosi, Mrs. Deininger, Mrs. McCormick, Mr. Palumbo and Mr. Sheward. Mayor Sorg, Solicitor Bresnan, Chief Foley and Borough Manager Aversa also were present. Mr. Zaccone was 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 the following actions this evening:**

1. Consider adoption of **Resolution 2015-08** suspending enforcement of Ordinance 748 on June 12 and 13, 2015, during the Ambler Arts and Music Festival.

**In other business the following was discussed:**

1. The April 2015 Police and Fire Department reports were received.
2. The April 2015 Ambulance Association report was received.

Mr. Curtis asked if there were comments or questions from Council or the public. Mr. Pasceri initiated a discussion on the topic of ‘drones’ and asked the Borough Solicitor what Council might do as a legislative action to ensure public safety. Solicitor Bresnan stated that the Federal government controls air space and that Council may not presume to do this. Mrs. Deininger asked whether Council could require registration of a drone. Mr. Palumbo asked regarding invasion of privacy issues potentially caused by drone activity, and Solicitor Bresnan replied that privacy is a separate issue from the drone issue. Chief Foley stated that he anticipated a learning curve within the Federal government before specific guidelines, for news agencies for example, are to be established. Mr Sal Boccuti of Rosemary Avenue stated that at present, commercial enterprises do not have the right to fly a drone, that private flights must be for a distance of no more than 400 feet and must be used as a recreational vehicle, within line-of-sight, and at least five miles from an airport. FAA requires application for exceptions for use of air space and finally, that if something happens, those who hire the use of a drone are liable.

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 discussed:**

1. Showing dates for the summer Movies in the Parks series are as follows (All movies are free and will begin at dusk):

Annie (2014), Knight Park, Wed., June 24

Cinderella (2015), New Borough Hall, Thurs., Aug 6

Big Hero 6 (2014) Pickering Field., Fri., Sept. 18

Discussion ensued. Manager Aversa stated the Ambler Rotary has made a \$1,000 donation to underwrite royalty fees payments ad refreshment costs for the movies series.

2. YMCA Camp Registration was held May 6<sup>th</sup> at Ambler Borough Hall. Residents may still register campers at the Ambler Area YMCA. Proof of Ambler residency is required at registration. Camp runs from June 22-July 31 from 8:30-4:00 p.m. Monday through Friday. Camp fee is \$40 per week.
3. Staff will attend the 2015 Growing Greener Watershed Protection Grant Application Workshop to be held May 27<sup>th</sup>.

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 action this evening:**

1. Authorization to commit to participate in discussions to explore an alternative watershed-wide strategic effort to restore the Wissahickon Creek is requested. The purpose of these discussions is to develop and implement a plan for water quality improvement specific to the WWTP's total maximum daily load (TMDL) and the Borough's storm water management (MS4) requirements.

Discussion ensued. Manager Aversa stated that the limits proposed were not attainable and that these discussions would serve to determine what communities could live with and then set new limits. Mrs. Deininger stated that establishment of a Storm Water Authority should be considered.

2. Authorization to advertise for adoption an ordinance that provides for refinancing the water bond with a loan. Several refinancing proposals were solicited and received and based upon these proposals, it is determined that a loan is the best option for the Borough.
3. Recommend awarding the contract for the Digester T-10/Phase II Maintenance & Repairs to C&T Associates, Inc., at the cost of \$159,700.00.

**In other business the following was discussed:**

1. The WWTP Supervisor's and Engineer's reports were reviewed.
2. Water Department is compiling information and obtaining quotes for a new water billing and water infrastructure software system.

3. Borough Solicitor has been in communication with Verizon regarding their request to amend and continue a lease agreement at the Houston Tank.

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 **April 2015** invoices in the amount of **\$747,000.42** be paid as follows: General (**\$295,301.58**); Street Lights (**\$5,857.43**); Fire (**\$0.00**); Parks & Rec. (**\$1,181.37**); Water (**\$77,722.01**); Sewer (**\$11,544.18**); WWTP (**\$353,673.35**); Rail Corridor (**\$0.00**); Road Overlay (**\$0.00**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$1,720.5**).
2. Consideration to prepare and send a letter of support for an extension with the Redevelopment Assistance Capital Program (RACP) Grant, as requested by recipient John Zaharchuk due to significant costs associated the remediation of the Crossings at Ambler, so that the project development can proceed.

Mr. Zaharchuk addressed Council and made a presentation on the Brownfields development. He stated the grant expires October 15<sup>th</sup> and that cleanup continued and that costs would still need to be funded by the RACP Grant, hence the need for an extension of the agreement. He stated that extensions need to be filed on an annual basis.

A discussion was held between Councilperson McCormick, Solicitor Bresnan and Mr. Zaharchuk on the 2013 Cleanup Plan, remedial investigations, obligations to indemnify the municipality, on site capping, and locations of detention basins. Mr. DeRuosi added to the discussion, pointing out that Mr. Zaharchus request for an extension was to make the existing site safer and that he was bounded by the EPA to remediate the site as they direct. Mr. Pasceri, after a point in time, drew all discussion on the matter to an end, stating that Council would vote on whether or not to support the request for an extension of the RACP Grant.

**Adopted at Committee Meeting:**

1. Recommendation to adopt **Ordinance 1084** – Zoning Map change for 122. E. Butler Avenue from (I) Institutional to (DC) Downtown Commercial. Seconded, (8-Aye). Carried.

**In other business the following was discussed:**

1. The Borough Engineer's report was received.
2. Council is reviewing, at the request of the Planning Commission, proposed language for the Parking Ordinance.
3. The County and Borough Planning Commissions have reviewed the revised Zoning Map amendment to include automotive sales as a permitted use. The Solicitor has prepared a draft Ordinance.

**In new business:**

1. Proposals are being requested for the auction of the Borough Building located at 122 E. Butler Avenue, such auction being held end of July or early August.
2. Letters of support for the Ambler Food Co-op have been sent per request by Co-op membership.

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 no actions this evening.**

**In other business the following was discussed:**

1. Mr. Palumbo's resignation from Council is effective at the conclusion of the May 21, 2015 Council Meeting. Council, the Mayor and Staff extend Mr. Palumbo and his family best wishes on their relocation and thank him for his service to the Borough of Ambler.
2. Resumes are being accepted for the Ward 2 Council vacancy.
3. A WWTP employee will be retiring in July, and the vacancy will be advertised.

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.

## NEW BUSINESS

1. Borough Manager Aversa stated she had received a request from a telecommunications utility regarding a proposal for a right-of-way agreement. She informed Council she would be forwarding the document to the Borough's telecommunications expert, who authored the recent wireless communications facilities ordinance, for review.
  
2. Borough Manager Aversa stated she would be executing a document requesting of the U.S. Army Corp. of Engineers a Letter of Map Revision (LOMR) relative to the *Rose Valley Creek Watershed*. [The basis for this revision requested is: physical change, new topographic data; improved methodology/data; hydraulic analysis; and, hydrologic analysis.]

## RECOMMENDATIONS

**Public Safety Committee** – The Committee recommends and Mr. Curtis moves:

Recommend adoption of **Resolution 2015-08** to suspend enforcement of Ordinance 748 on June 12 and 13, 2015 during the Arts and Music Festival. Seconded. Carried.

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

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

Authorization to commit to participate in discussions to explore an alternative watershed-wide strategic effort to restore the Wissahickon Creek and to develop and implement a plan for water quality improvement specific to the WWTP's total maximum daily load (TMDL) and the Borough's storm water management (MS4) requirements. Seconded. Carried.

Authorization to advertise for adoption an ordinance that provides for refinancing the water bond with a loan. Seconded. Carried.

Recommend awarding the contract for the Digester T-10/Phase II Maintenance & Repairs to C&T Associates, Inc., at the cost of \$159,700.00. Seconded. Carried.

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

Consideration that **April 2015** invoices in the amount of **\$747,000.42** be paid. Seconded. Carried.

Consideration to prepare and send a letter of support for an extension with the Redevelopment Assistance Capital Program (RACP) Grant, as requested by recipient John Zaharchuk due to significant costs associated the remediation of the Crossings at Ambler, so that the project development can proceed. Seconded. Carried.

**Adopted at Committee Meeting:** Recommendation to adopt **Ordinance 1084** – Zoning Map change for 122. E. Butler Avenue from (I) Institutional to (DC) Downtown Commercial. Seconded, (8-Aye). Carried.

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

Adoption of **Resolution 2015-09** Recognizing the Service of Councilman Palumbo. Seconded. Carried.

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

Respectfully submitted,  
Elizabeth Russell  
Assistant Secretary  
Borough of Ambler