

AMBLER BOROUGH COUNCIL MINUTES

July 19, 2016

The regular monthly meeting of Ambler Borough Council was held Tuesday, July 19, 2016 at 7:00 p.m. at Borough Council Chambers located at 131 Rosemary Avenue, Ambler, Pennsylvania, 19002.

Council President Pasceri called the Council Meeting to order and led the public in the Pledge of Allegiance.

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

Retirement of Administrative Sgt. John C. Keefer: Council recognized the public service career of Administrative Sgt. John C. Keefer upon his retirement from the Ambler Police Department. Mayor Sorg presented Sgt. Keefer with a Citation from State Representative Mary Jo Daley. Ms. Tomlinson presented a Citation from State Senator Greenleaf. Mr. Curtis presented Council’s Proclamation.

Public Hearing on Ordinance 1099: A Public Hearing was held, advertised to begin at 7:00 p.m., to consider repeal of Riparian Buffer Ordinance 1095. Mr. Bresnan explained that Council had followed the Rules of Procedure to consider repeal of an ordinance, and that Ordinance 1095 which was adopted at a May 3, 2016 hearing was being considered. Mr. Pasceri stated that he had through the Riparian Buffer ordinance was required as part of the MS4 program. Mr. Bresnan stated Ordinance 1095 actually imposes no restriction or has any significant meaning, and that it simply details how one ‘should’ go about a riparian buffer. He stated the floodplain ordinance remains in place. He noted that if Ordinance 1099 is passed, Ordinance 1096 SALDO Planting Requirements would not be considered.

Discussion ensued. Several residents addressed Council. Mr. Jim Brown of 312 Edgewood stated Ordinance 1095 takes away a homeowner’s property. Ms. Dori Brown of 312 Edgewood stated the Ordinance is a “taking of property rights.” Ms. Brook Marshall of 157 Edgewood Drive offered a petition signed by 22 residents in favor of repealing Ordinance 1095, citing that the Ordinance is not consistent across the Borough and imposes an undue burden on those around the Rose Valley Creek to solve what should be considered as a Borough-wide problem. Mr. Brian Quinn of 319 & 323 Valley Brook Road stated Ordinance 1095 is “forced conservation and the taking of our yards.” Mrs. Eileen Quinn of 319 & 323 Valley Brook Road proclaimed her love of trees and nature, adding she regretted freedoms lost by passage of Ordinance 1095 and that all would be decided by an arborist.

Ms. Mary Margaret Monser of 372 Forest Avenue counseled that residents should take care of “very sensitive riparian zones,” noting that Ordinance 1095 imposes restrictions on the

property right of the few so that all can be served. Karen Polesir of 29 Spring Garden Street encouraged Council to protect the water and save the future of water by looking at the bigger picture.

Mr. Peter Felderman of 335 Valley Brook stated that planting that already exists serves to control erosion and that excavating to create buffers would disturb the land. Mr. Ron Turner of 140 Ridge Avenue stated a basin is needed to control runoff, and that to be safe and secure rock was needed to control the creek bank. Mr. Thomas Reilley of 309 Valley Brook Road noted that §31.104 Sub§5 prohibits berms and storm water basins.

Mr. Pasceri called for a vote. Seconded. **Poll Council.** “In favor of adopting **Ordinance 1099** to Repeal Riparian Buffer Ordinance 1095” Aye – Mr. Pasceri, Mr. Curtis, Mr. Zaccone, Mr. DeRuosi, Mrs. McCormick, Ms. Tomlinson. Nay – Mr. Sheward, Ms. Hertz. Carried.

Mr. Pasceri called for a vote for **NO FURTHER ACTION** on proposed **Ordinance 1096** SALDO Planting Requirements. Seconded. Carried. The Hearing was closed.

Approval of Minutes: Mr. Pasceri made a motion to approve the Minutes of the June 21, 2016 Council Meeting. Seconded. Carried.

COMMITTEE REPORTS

The Committees of Ambler Borough Council did not meet in July. 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 action this evening:

1. Consider adopting **Ordinance 1100** making Mattison Avenue one way and restricting Euclid Avenue to local traffic during certain hours.

Discussion ensued. Chief Foley stated that as a result of the traffic study conducted to determine anticipated increased traffic volume due to the Mattison Estates development in Upper Dublin Township, and with input from Gilmore Engineering, it was determined that Mattison Avenue should allow traffic only in one direction and that traffic should be allowed one way into the Borough from Bethlehem Pike. He stated there was a need to decrease the volume of traffic out onto Bethlehem Pike. Ms. Aversa noted that with a one way directional on Mattison Avenue, a proposed traffic light should be located at Lindenwold Avenue and Bethlehem Pike.

Chief Foley stated the traffic volume impact would be lessened on area residents with a time-oriented limitation set on Euclid Avenue which would allow for local traffic only. Ms. Hertz asked whether these traffic changes would move the traffic problem on to Euclid and Rosemary Avenues. Chief Foley stated the volume of traffic on side streets was considered and that in his opinion this was the best solution, but added that times and signage could always be adjusted.

In other business the following was reviewed:

1. The Police and Fire reports were received.
2. The Ambulance Association report was received.
3. The Public Works, Code Enforcement and Safety Committee reports were received.

Mr. Curtis 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.

Parks and Recreation Committee – Mr. DeRuosi, Chairperson

Committee members: Mrs. Deininger, Ms. Hertz

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:

1. Staff is considering the repair or replacement of signage at Borough parks.

Discussion ensued. Ms. Hertz ask for signage stating "Dogs Are Allowed in the Park" to be placed at Ambler Borough Park. Several Councilpersons asked the Borough to consider providing pet waste containers.

2. The purchase of the property called 'Edgewood Preserve' is complete. A Deed Restriction is being filed by the Solicitor.

Mr. DeRuosi asked if there were comments or questions from Council or the public. Mayor Sorg provided an update on Ambler Main Street activities. She stated Dog Days will be held August 6th (volunteers needed). She noted that the Criterium Bike Race will run August 13th (again, volunteers welcome) and that the Borough should expect some media coverage of the event. She added that for the second year, the prize money will be the same for both male and female participants. There being nothing further, it was moved the Committee's report be accepted as filed. Seconded, carried

Public Utilities Committee – Mr. Sal Pasceri, Chairperson

Committee members: Mr. Curtis, Mr. Zaccone

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

The Committee will consider the following actions this evening:

1. Authorization to move forward with the site plan presented by Verizon for the proposed Monopole to be situated on Ambler Borough Hall property.

Discussion ensued. Mr. Tod Bettenhausen, representing Verizon, was present. Mr. Pasceri asked the Solicitor whether Verizon could consider negotiating with other persons in the Borough to locate the Monopole at any site not zoned Residential. Solicitor Bresnan replied that potentially yes, Verizon could, however they would have to go through the hearing process. He reminded Council that Federal law states these communications companies may locate equipment where needed to serve the public. He stated these companies usually work with municipal sites. He added that local government cannot legislate that these towers are public health concerns, that such legislation is inadmissible.

Mr. Zaccone voiced concern about the proposed location at Ambler Borough Hall with the Monopole to be located between the entry door to the Public Meeting Room and the emergency generator. Mr. Bettenhausen stated that several other sites had been proposed on this property and that the site currently being proposed was determined to be the better of several locations studied. He noted that the Monopole would be 100 feet tall, three feet at the base, situated on a 24x28 foot fenced and landscape-screened pad site. Mr. Zaccone proposed considering locating the Monopole on the grassy area to the left of the Poplar Street parking lot entrance. It was noted that the main gas and electric lines go through that location, along with a storm sewer.

Mr. Pasceri asked that while Council is deliberating, whether Mr. Bettenhausen could resume discussion with Mr. John Zaharchuk at the Boiler House property to locate the Verizon antenna on that smoke stack. Mr. Bettenhausen stated that discussion was held and discontinued in August 2013 due to disagreement on proposed rent Verizon would be required to pay. Mr. DeRuosi did note that if the Monopole is built on Borough-owned property, the Borough would control the Monopole, including who is on it and would collect revenue for the Borough. Mr. Bettenhausen stated to Finance Manager Gail Gordon that if the Monopole were to be situated on Borough property, any real estate taxes attributable to use would be paid by Verizon.

Ms. Hertz stated that Ambler Borough Hall is where the community and our children gather, and that she would like to find a better location for the Monopole. She suggested Council consider the recently acquired lot adjacent to the CVS Pharmacy on Butler Avenue. Ms. Aversa noted the Planning Commission is considering recommendations for use of that lot, and that the Tannery Run Culvert runs under the lot which is substantially in a flood plain. Mr. Bettenhausen was not familiar with the lot. Several Council members felt that the lot should be considered.

Several members of the public spoke. Ms. Bernadette Dougherty of 338 Tennis Avenue stated her conviction that Mr. Zaharchuk would be receptive to speaking with Mr. Bettenhausen. She added her disapproval of an arrangement with Verizon at Ambler

Borough Hall where the Borough would receive no revenue for seven years. She also stated concern about the visual size of the structure on the ground which Mr. Bettenhausen stated would be about the size of a two-car garage.

Mrs. Judy Baigis of 172 Tennis Avenue stated she did not want the Monopole to be located “at our front door.” She suggested the Borough consider sites at the Wastewater Treatment Plant or at the Greenwood Avenue garage. Ms. Aversa stated the treatment plant is located in Upper Dublin Township, is substantially in a floodplain and will be undergoing upgrades. Solicitor Bresnan stated the Greenwood Avenue garage is located in a residential block, and that if the concern is residents, this location would simply shift the problem down the street.

After substantial discussion, Mr. Pasceri summarized Council’s request to Mr. Bettenhausen to re-engage discussion with Mr. Zaharchuk about locating a Verizon antenna on the Boiler House smokestack, that Mr. Bettenhausen consider the logistics of locating a Monopole at Borough property adjacent to the CVS lot, and finally, consider other precise locations on the Ambler Borough Hall property itself. Ms. Aversa stated that consideration of this project would again be reviewed at the August meeting.

In other business the following was reviewed:

1. Quotes are being obtained by the WWTP for the purchase of a new skid-steer.
2. The Engineer’s Report was received.
3. The WWTP Engineer is preparing a request for proposal for the reconditioning of the T-8 Gravity Thickener.
2. An Ordinance in support of the Inter-Governmental Agreement for the TMDL and MS4 alternative will be advertised for adoption.

Mr. Pasceri 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, Ms. Tomlinson

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 **June 2016** invoices in the amount of **\$509,131.88** be paid as follows: General (**\$141,819.33**); Street Lights (**\$9,457.48**); Fire (**\$6,853.23**); Refuse (**\$37,642.17**); Parks & Rec. (**\$7,091.48**); Water (**\$107,650.54**); Sewer (**\$13,408.27**);

WWTP (\$180,419.45); Debt Fund (\$0.00); Water Capital (\$2,487.00); Liquid Fuels (\$2,302.93).

2. Consider awarding a contract for the base bid and alternates for the 2016 Paving Project to Associated Paving, Inc. in the award amount of \$259,764.00.
3. Consider executing agreement to participate in the Verizon Franchise Renewal with the Consortium.

Discussion ensued. Ms. Tomlinson asked if the proposed fee structure was based upon the number of participants. Ms. Aversa stated this is the case and that there are County-wide about 30 municipalities who have participated in this.

4. Consider proposed renovation option and costs for renovation of the Borough Hall Gym Wing. DISCUSSION TABLED. To be placed on August agenda.
5. Consider executing a lease agreement with SEPTA for the Ambler Farmers Market. Ms. Aversa stated the agreement is for the current season and that SEPTA prefers to enter into agreements with municipalities. She stated AMS will need the agreement to continue at their location.

In other business the following was reviewed:

1. The Borough Engineer's report 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. Curtis, Frank DeRuosi, Mrs. Deininger

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

The Committee will consider no actions this evening.

The following business was considered for review.

1. Mr. Zaccone noted the Police Contract will expire at the end of the year and that negotiations will be scheduled.

Discussion ensued. Mr. Pasceri stated the Committee had been appointed and would meet in August. Committee members are members of the Salary & Personnel Committee.

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 recommends and Mr. Curtis moves:

Consider adopting **Ordinance 1100** making Mattison Avenue one way and restricting Euclid Avenue to local traffic during certain hours. Seconded. Aye-6; Nay-2 (Mrs. McCormick, Ms. Tomlinson). Carried

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

Public Utilities Committee – The Committee will make no recommendations.

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

Consideration that **June 2016** invoices in the amount of **\$509,131.88** be paid. Seconded. Carried.

Consider adopting **Ordinance 1099** to Repeal Riparian Buffer Ordinance 1095. POLL COUNCIL. Aye – Mr. Pasceri, Mr. Curtis, Mr. Zaccone, Mr. DeRuosi, Mrs. McCormick, Ms. Tomlinson. Nay – Mr. Sheward, Ms. Hertz. Carried.

Consider **NO FURTHER ACTION** on proposed **Ordinance 1096** SALDO Planting Requirements. Seconded. Carried.

Consider awarding a contract for the base bid and alternates for the 2016 Paving Project to Associated Paving, Inc. in the award amount of \$259,764.00. Seconded. Carried

Consider executing an agreement to participate in the Verizon Franchise Renewal with the Consortium. Seconded. Carried.

Consider executing a lease agreement with SEPTA for the Ambler Farmers Market location. Seconded. Carried.

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

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

Respectfully submitted,
Elizabeth Russell
Assistant Secretary
Borough of Ambler