



BOROUGH OF AMBLER

COUNCIL MEETING AGENDA

MAY 17, 2016

7:00 p.m.

CALL TO ORDER: Mr. Sal Pasceri

PLEDGE OF ALLEGIANCE: Mayor Jeanne Sorg

ROLL CALL: Ms. Mary Aversa

MINUTES APPROVED
April 19, 2016

COMMITTEE REPORTS:

PUBLIC SAFETY
PUBLIC UTILITIES
FINANCE & PLANNING
PARKS & RECREATION
SALARY & PERSONNEL

Public Safety Committee

The Committee Meeting was held on May 3, 2016 at 7:00 p.m. in Borough Council Chambers located at 131 Rosemary Avenue. Committee members: Edward Curtis (Chair), Sharon Mc Cormick, Jonathan Sheward. Absent: Mr. Zaccone.

The Committee will recommend the following.

1. The Committee will discuss and make a recommendation for Mattison and Euclid Avenues to address increased high volume traffic concerns.
2. A recommendation is requested to adopt Resolution 2016-8 to suspend Enforcement of Ordinance 748 for persons attending the Art and Music Festival on June 17 & 18 and for the Oktoberfest on October 1 & 2, 2016.

The following business will be discussed.

1. The Police Department report is **attached**.
2. The Fire Department report is **attached**.
3. The Community Ambulance report is **attached**.
4. The Public Works report and Code Enforcement reports were received.
5. The Ambler Ambulance is searching for an Ambler Resident interested in a seat on their Board.

BOROUGH OF AMBLER
MONTGOMERY COUNTY, PENNSYLVANIA

RESOLUTION NO. 2016-08

A RESOLUTION SUSPENDING ENFORCEMENT OF ORDINANCE 748
FOR PERSONS ATTENDING AMBLER BOROUGH'S
ARTS & MUSIC FESTIVAL EVENTS
ON JUNE 17 AND 18, 2016 AND
FOR PERSONS ATTENDING
OKTOBERFEST FESTIVAL EVENTS
ON OCTOBER 1 AND 2, 2016

BE IT RESOLVED that Ordinance 738, Codified in the Borough Ordinances at §6-101, prohibiting the carrying of alcoholic beverages in open containers, will not be enforced on June 17 and 18, 2016 against any attendee of Ambler Borough's Arts & Music Festival events, or on October 1, 2016 or October 2, 2016 (rain date) against any attendee of Ambler Borough's Oktoberfest Festival events. During the festival, vendors and merchants will sell alcoholic beverages which may be carried and consumed by attendees within the visible boundaries of the event. Ordinance 748 will remain in force in the remainder of the Borough on those dates. All other laws relating to public conduct, including public intoxication and underage drinking, will remain in full force and effect, including throughout the festival events.

SO RESOLVED this 17th day of May, 2016.

Salvatore Pasceri, Council President

Mary Aversa, Secretary



Excellence in Pre-Hospital Care
COMMUNITY AMBULANCE ASSOCIATION, AMBLER
1414 E. BUTLER PIKE
P.O. BOX 98
AMBLER, PENNSYLVANIA 19002

EMERGENCY DIAL 911
EMAIL: info@amblerambulance.org

BUSINESS:(215)-643-6517
FAX:(215)-643-5212

Ambler Borough Statistics – 2016

<u>Month</u>	<u>Calls in Borough</u>	<u>Total Calls for CAAA</u>
January	56	223
February	34	171
March	34	214
April	51	193
<hr/>		
YTD Totals	176	801

*Serving Ambler Borough, Lower Gwynedd Township and
Portions of Upper Dublin Township Since 1941*



WISSAHICKON FIRE COMPANY

245 E. RACE ST, AMBLER, PENNSYLVANIA 19002-4424
Station (215) 646-1266 – Office (215) 646-5592 – Fax (215) 628-3057
www.Station7.org

*Volunteers Protecting
Ambler Borough and
Lower Gwynedd
Township Since 1891*

Fire Chief Monthly Report March 2016

Total Calls: 31

14 Ambler Boro
12 Lower Gwynedd
5 Mutual Aid

Attendance to Fire Calls: 478

Attendance to Weekly Fire Schools: 168

Respectfully Submitted,

Fire Chief Phil Koller

Wissahickon Fire Company
Year 2016 Summary

Types of Calls	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Total	YTD
Accident Standby	1												1	0.8%
AFA Actual	12	9	3										24	19.7%
AFA False	5	10	5										20	16.4%
Brush													-	0.0%
CO Detector	4	2											6	4.9%
Commercial Building	3	1	4										8	6.6%
Elevator Rescue													-	0.0%
EMS Assist	4												4	3.3%
FAST Team Assist	2												2	1.6%
Fluids on Highway													-	0.0%
Gas Odor Inside	4	2	1										7	5.7%
Gas Odor Outside	1		2										3	2.5%
Hazardous Materials Incdnt													-	0.0%
Helicopter Landing	1												1	0.8%
LDH Drill	-												-	0.0%
Non Commercial Building	6	3	2										11	9.0%
Officer Investigation	3	3	3										9	7.4%
Ornamental Fireplace													-	0.0%
Residential Rescue	1												1	0.8%
Search													-	0.0%
Smoke in Area													-	0.0%
Special Service	3												3	2.5%
Standby	-	1	2										3	2.5%
Task Force Assignment													-	0.0%
Traffic Unit Assist		1											1	0.8%
Trash													-	0.0%
Unknown Type			1										1	0.8%
Vehicle Fire	1	1	1										3	2.5%
Vehicle Leaking Fuel	-												-	0.0%
Vehicle Rescue	-	3	2										5	4.1%
Water Flow Actual													-	0.0%
Water Flow False													-	0.0%
Water Rescue	1	3	5										9	7.4%
Wires													-	0.0%
Total	52	39	31	-	122	100.0%								

Townships	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Total	YTD
Ambler	25	15	14										54	44.3%
Lower Gwynedd	20	13	12										45	36.9%
Abington													-	0.0%

Parks and Recreation Committee

The Committee Meeting was held on May 3, 2016 at 7:00 p.m. in Borough Council Chambers located at 131 Rosemary Avenue. Committee Members: Frank DeRuosi (Chair), Nancy Deininger and Sara Hertz. Absent: Mr. Zaccone.

The Committee will consider the following recommendation.

1. The committee would like to discuss the deadline and additional funds needed to purchase the Edgewood property. A recommendation will be provided.

The following business will be discussed.

1. Staff will be preparing pricing and terms for rental of the Borough Gym and will present to Council for consideration.
2. Registration was held for the Summer Camp program for Borough residents, parents can still register at the Ambler YMCA. Camp will run from June 20-July 29 from 8:30-4:00 Monday- Friday at a cost of \$40.00 per week per child. Consideration to offer the camp to employees is requested.

Public Utilities Committee

The Committee Meeting was held on May 3, 2016 at 7:00 p.m. in Borough Council Chambers located at 131 Rosemary Avenue. Committee Members: Sal Pasceri. (Chair), Claudio Zaccone, Edward Curtis. Absent: Mr. Zaccone.

The Committee will consider the following recommendation.

1. A recommendation is requested to renew the energy contract with Constellation for the Demand Response at the Waste Water Plant. (**attached**)
2. Three quotes were received by the Borough for the demolition of the Vacuum Coil Filter project at the AWWTP, Building B-9, and Derstine Company's quote of \$15,000 is in order, and award is recommended.

Derstine Company, \$15,000

Heisey Mechanical, \$17,900

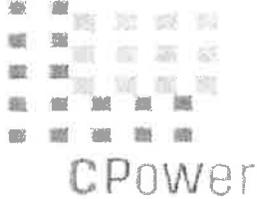
Blooming Glen Contractors, \$21,572

Approved at Committee Meeting

1. A Conditional Use Hearing was held for Crown Castle on May 3rd at 7:00pm. Approved 6 - Aye, 2- Nay (Ms. Mc Cormick and Ms. Tomlinson)

The following business will be discussed.

1. The Engineer is preparing a request for proposal for the Vacuum Filter in EB-1 located in the Belt Filter Press Building.
2. The Engineer is preparing a request for proposal for the reconditioning of the T-8 Gravity Thickener.
4. **Attached** are the latest comments to be submitted to the DEP and EPA for the Alternate TMDL discussion.



CURTAILMENT SERVICE PROVIDER AGREEMENT

This Curtailment Service Provider Agreement and any applicable Addenda hereto ("Agreement") dated _____ is between Enerwise Global Technologies Inc. d/b/a CPower ("CPower") and **Borough of Ambler** ("Customer"). CPower is at times referred to herein as "CSP" (Curtilment Service Provider).

Customer hereby authorizes CPower to proceed with enrollment in the program(s) according to the terms and conditions presented in the Agreement.

*Customer hereby agrees to be bound by all terms and conditions of this Agreement.

CPOWER

By:
Name:
Title:
Date:
Address: 111 Market Place, Suite 201
Baltimore, MD 21202
Telephone: 1-800-300-1059
Facsimile:
Email Address: ContractBooking@cpowercorp.com

Borough of Ambler

By: _____
Name:
Title:
Date: _____
Address: 122 E BUTLER AVE AMBLER, PA 190024416 USA
Telephone:
Facsimile:
Email Address:

***Provision of other energy related services shall be pursuant to a separate agreement between CPower and Customer or by written amendment to this Agreement executed by both parties hereto**

Contract ID: OPP - 0000015293

Account Representative: Dave Resler

Printed: 2/23/2016

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CPOWER ACCOUNT CONFIRMATION SCHEDULE

CUSTOMER: Borough of Ambler

UDC	UDC Account Number	Store # (If applicable)	Service Address	Start Date	End Date	Customer Share %	Est Curtailment Value (kW)
PECO	0525300209		505 Church Street Ambler, PA 19002-5811	06/01/2016	05/31/2019	75.0	435.0

Notes:

1. Estimated Curtailment Value may be adjusted depending on operational capacity or market availability
2. Accounts with an estimated Curtailment Value equal to 0 will be enrolled as Voluntary

Contract ID: OPP - 0000015293
Account Representative: Dave Resler
Printed: 2/23/2016

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PJM Initial Revenue Estimate for Emergency Capacity

Utility Zone:	PECO
Actual Curtailment value (kW)	435
Term (# of yrs)	3
Customer Share	75%

Product	Planning Year	Rate \$/KW - Year	Total	Potential Revenue
Limited DR	2016-17	\$ 43.48	\$ 18,913.80	\$ 14,185.35
Summer Extended DR	2017-18	\$ 43.80	\$ 19,053.00	\$ 14,289.75
Base Capacity	2018-19	\$ 76.88	\$ 33,442.80	\$ 25,082.10

Total Projected Revenue				\$ 53,557.20
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Notes

1. Pricing for years 1-3 valid for 2 weeks from date created.

2. Pricing in year 4 and 5 is estimated

3. Estimates and examples of financial benefits of participation in the program contained in this projection are based upon certain assumptions related to customer performance and market conditions. The actual financial benefits realized by customer in such a program will depend upon many factors, including market conditions while customer participates in the program and customer's effectiveness in implementing curtailment strategies, and may vary from estimates included in this proposal. Customer is solely responsible for conforming its operations to the curtailment strategies and complying with the rules of the program. The applicable program requirements are more specifically outlined in the applicable program rules and the agreement customer will be required to enter into with Enerwise Global Technologies, Inc. d/b/a CPower, which will govern any transaction between us and may not be

Finance and Planning Committee

The Committee Meeting was held on May 3, 2016 at 7:00 p.m. in Borough Council Chambers located at 131 Rosemary Avenue. Committee Members: Jonathan Sheward, (Chair) Frank DeRuosi and Francine Tomlinson.
Absent: Mr. Zaccone.

The Committee will consider the following recommendations.

1. That the April 2016 invoices be paid as follows:

#	Fund	APR 1ST RUN	APR 2ND RUN	TOTALS
1	GENERAL	\$60,033.65	\$ 85,394.82	\$145,428.47
2	STREET LGTS	\$207.51	\$ 6,989.85	\$7,197.36
3	FIRE	\$24,427.37	\$ 1.15	\$24,428.52
4	REFUSE		\$ 3,947.00	\$3,947.00
5	PARKS & REC	\$745.76	\$ 1,708.86	\$2,454.62
6	WATER	\$21,648.98	\$ 57,912.01	\$79,560.99
8	SEWER	\$5,255.94	\$ 12,470.32	\$17,726.26
9	WWTP	\$58,946.07	\$ 67,103.06	\$126,049.13
23	DEBT FUND			\$0.00
30	WATER CAPITAL	\$2,773.00	\$ 24,671.76	\$27,444.76
35	LIQUID FUELS		\$ 3,342.59	\$3,342.59
TOTALS		\$174,038.28	\$263,541.42	\$437,579.70
VOID CHECKS		\$0.00		\$0.00
GRAND TOTAL		\$ 174,038.28	\$ 263,541.42	\$ 437,579.70

2. A recommendation is requested for adoption of an Ordinance 1098 establishing a Human Relations Commission and declares it to be a violation to discriminate in employment or public housing on the basis of, among other things, sexual orientation. **(attached)**

3. A recommendation is requested to adopt Resolution 2016-07 asking the State Legislature to amend the law and require that up to 1% of the taxes paid to the city be remitted to the municipality in which the taxpayer resides. **(attached)**

PUBLIC HEARING - MAY 3RD

1. Ordinance - Steep Slope #1094 1- Aye, Mr Sheward, 7- Nay
Riparian Buffer #1095 5 -Aye (Ms. Hertz, Mr. Sheward, Mrs. Deininger,
Mr. Pasceri, Mayor Sorg) 4 - Nay (Ms. Tomlinson, Mrs. Mc Cormick, Mr.
DeRuosi, Mr. Curtis)
SALDO planting requirements #1096 - Vote Tabled.

Ordinance- Certain Uses #1097 permitted by special exception in the Borough's residential zoning districts be permitted only in the Institutional zoning district. 6-Aye 2- Nay (Ms. Tomlinson, Mrs. Mc Cormick).

The following business will be discussed.

1. The Borough Engineer's report was received.
2. Staff will prepare an advertisement to accept Bids for the vehicles that are being replaced.

ORDINANCE NO. _____

WHEREAS, the public policy of the United States of America, and the Commonwealth of Pennsylvania is grounded in the concept that all individuals are entitled to equality and equal protection under law, *United States Constitution*, Amendment 14; *Constitution of the Commonwealth of Pennsylvania*, Article I, §§ 26, 28; and

WHEREAS, The Borough Council of the Borough of Ambler finds that the population of the Borough is reflective of the general population of the United States, in that it consists of a diverse array of persons representing different characteristics based upon actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression.

WHEREAS, the Borough prides itself on the diversity of its citizens and residents, and the harmonious relations which have been fostered in the Borough by a widely practiced and recognized attitude of respect among all citizens of The Borough of Ambler; and

WHEREAS, The Borough Council finds that the direct and secondary negative effects of discrimination and discriminatory practices involving the personal characteristics described above in matters of employment, housing, commercial property and public accommodation are well documented nationally; and

WHEREAS, the practice or policy of engaging in discrimination or discriminatory practices against any individual or group, because of actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression is a matter of highest public concern, and constitutes a paramount threat to the rights, privileges, peace and good order of the citizens of Borough of Ambler and to guests and visitors of Ambler Borough, that undermines the basic tenets of our freedom as citizens of the United States, and is utterly without place in this Borough, which has a storied tradition of fiercely defending the individual rights of its citizens; and

WHEREAS, The Ambler Borough Council desires to establish and adopt an official policy of non-discrimination in the Borough of Ambler, in all matters involving employment, housing and commercial property, and public accommodation;

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Borough Council of the Borough of Ambler, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I Short Title.

This Ordinance shall be known as the “Ambler Borough Human Relations Ordinance.”

SECTION II Purpose and Declaration of Policy.

A. The Borough of Ambler finds that it is of high public importance to adopt appropriate legislation to insure that all persons, regardless of actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap, use of guide or support animals because of blindness, deafness or physical handicap of the user or the user is a handler or trainer of support or guide animals, or sexual orientation, gender identity or gender expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and public accommodation.

B. The Borough Council of The Borough of Ambler hereby declares it to be the public policy of the Borough to foster equality and equal opportunity for all citizens, regardless of actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual’s sexual orientation, gender identity or gender expression in all matters effecting employment, housing and commercial property and public accommodation, and to safeguard the right of all persons to remain free of discrimination or discriminatory practices in any of the foregoing aspects of their lives.

C. Nothing in this Ordinance shall be construed as supporting, endorsing or advocating any particular doctrine, point of view, or religious belief. On the contrary, it is the express purpose and intent of this Ordinance that all persons be treated fairly and equally, and that all persons in the Borough of Ambler shall be guaranteed fair and equal treatment under law.

D. This Ordinance shall be deemed an exercise of the police power of the Borough of Ambler, as provided under the Pennsylvania Borough Code, for the protection of the public welfare, prosperity, health and peace of the community of Ambler Borough.

SECTION III Definitions.

The following words and phrases, when appearing in this Ordinance, shall have the meanings given to them under this Section.

1. BOROUGH: The Borough of Ambler, Montgomery County, Pennsylvania.

2. BOROUGH COUNCIL: The elected Borough Council of the Borough of Ambler, Montgomery County.

3. DISCRIMINATION: Any discriminatory act(s) taken by any person, employer, entity, employment agency, or labor organization, with respect to or involving a transaction related to employment, public accommodations, on the basis of a person's actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression.

4. DISCRIMINATORY ACTS: All acts or actions defined in the Pennsylvania Human Relations Act as unlawful discriminatory practices as related to employment, public accommodations, publicly offered commercial property or housing accommodations actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals; OR, though not set forth in the Pennsylvania Human Relations Act, because of an individual's sexual orientation, gender identity or gender expression.

A. EMPLOYMENT: The opportunity for an individual to obtain employment for which he is qualified.

B. PUBLIC ACCOMMODATION: The opportunity for an individual to access food, beverages or lodging, resort or amusement which is open to, accepts or solicits the patronage of the general public, but shall not include any accommodations which are in their nature distinctly private.

C. COMMERCIAL PROPERTY OR HOUSING: The opportunity for an individual to obtain any commercial property or housing accommodation for which he is qualified.

The above rights are hereby recognized as and declared to be a civil right which shall be enforceable as set forth in Section 4 of the Pennsylvania Human Relations Act.

5. GENDER IDENTITY OR EXPRESSION: Self-perception, or perception by others, as male or female, including an individual's appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or assigned sex at birth, and shall include, but is not limited to, persons who are undergoing or who have completed sex reassignment, are transgender or gender variant.

6. EMPLOYEE: Does not include any individuals who, as a part of their employment, reside in the personal residence of the employer.

7. EMPLOYER: The term “employer” includes the Borough, its departments, boards and commissions, and any other governmental agency or school district thereof and any person employing four or more persons within the Borough, but except as hereinafter provided, does not include religious fraternal, charitable or sectarian corporations or associations, except such corporations or associations supported, in whole or in part, by governmental appropriations.

8. ORDINANCE: This Ordinance, which shall be referred to as the “Ambler Borough Human Relations Ordinance.”

9. PERSON: Any natural person, fraternal, civic or other membership organization, corporation, general or limited partnership, proprietorship, limited liability company, or similar business organization, including the Borough, its departments, boards and commissions, and any other for-profit and nonprofit organization.

10. SEXUAL ORIENTATION: Actual or perceived homosexuality, heterosexuality and/or bisexuality.

11. Any terms of this Ordinance not expressly defined herein shall be construed in a manner consistent with the Pennsylvania Human Relations Act.

SECTION IV Unlawful Practices

A. Discrimination in employment, housing and commercial property or any public accommodation is prohibited under this Ordinance.

B. Retaliation against any individual because such person has opposed any practice forbidden by this Ordinance, or because such person has made a charge, testified, or assisted in any manner in any investigation or proceeding under this Ordinance is prohibited under this Ordinance.

C. Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this Ordinance to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this Ordinance is prohibited under this Ordinance.

SECTION V Exceptions

A. Nothing in this ordinance shall bar any religious or denominational institution or organization or any charitable or educational organization which is operated, supervised or controlled by or in connection with any religious organization or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization

from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established or maintained. Nor shall it apply to rental of rooms in a landlord-occupied rooming house with a common entrance, nor with respect to discrimination based on sex, the advertising, the rental or leasing of housing accommodations in a single-sex dormitory or rooms in one's personal residence in which common living areas are shared.

SECTION VI Establishment of Human Relations Commission

A. Pursuant to the authority set forth under § 962.1 of the Pennsylvania Human Relations Act, 43 P.S. § 962.1, there is hereby established a Human Relations Commission for the Borough of Ambler, which shall be known as the "Ambler Borough Human Relations Commission."

B. The Ambler Borough Human Relations Commission shall consist of five (5) members, who shall be appointed to terms of three (3) years by the Board. The terms of the members of the Commission shall be staggered, such that the terms of one third (1/3) of the members of the Commission shall expire each year. All members of the Commission shall be residents or business owners of the Borough of Ambler and shall serve without compensation.

C. The Chairperson of the Commission will designate one member as needed to receive the complaint and conduct an intake meeting with the complainants. The member charged with this duty shall not participate in any mediations involving parties to the complaint for which they handled the intake nor shall this member vote on complaints brought in front of the Commission.

D. The Human Relations Commission shall, annually, designate one member to serve as Chairperson of the Commission. The Chairperson shall be responsible for coordinating the activities, meetings, and operations of the Commission, as set forth under this Ordinance. The Chairperson shall also report, from time to time, to the President of the Borough Council regarding the activities of the Commission.

E. Members of the Commission shall, as soon after their appointment as practical, attend such training and education seminars or sessions as deemed necessary to acquaint themselves with the functioning of the Ambler Borough Human Relations Commission under this Ordinance, as well as the terms, conditions and provisions of the Pennsylvania Human Relations Act, and the operation of the Pennsylvania Human Relations Commission. Such training and education shall be as directed by the Chairperson, and shall be performed in conjunction with the state Human Relations Commission.

F. The Ambler Borough Human Relations Commission shall have all of those powers necessary to execute the duties set forth under this Ordinance, provided that such powers shall not exceed those exercised by the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.

G. The Ambler Borough Human Relations Commission shall operate within the scope of funds which may be allocated, on an annual basis, by the Board and shall not exceed the annual allocation in any year, except upon prior approval by the Board. In adopting this Ordinance, the Board hereby expresses its intention that the operation of the Ambler Borough Human Relations Commission under this Ordinance shall be supported by volunteers, unpaid staff, and volunteer efforts and shall be as close to “zero-cost” to the Borough as reasonably feasible.

SECTION VII Complaint and Procedures for filing Complaints

1. Complaints

A. Any person claiming to be aggrieved by a practice which is made unlawful under this Ordinance may make, sign and file a verified complaint, as provided under paragraph B of this Ordinance, alleging violations of this Ordinance. Such complaint shall, at a minimum, contain the following information:

- i. The name, telephone number, mailing address and email (if applicable) of the aggrieved person(s);
- ii. The name, telephone number, mailing address and email (if applicable) of the person(s) alleged to have committed the prohibited practice;
- iii. A concise statement of the facts, including pertinent dates, time, locations, people, and acts involved constituting the alleged discriminatory practice;
- iv. Such other information as may be required by the Commission.

B. Complaints may be filed in person at the office of the Borough Manager, or by mailing such complaints to the Borough offices, to the attention of the Borough Manager or the member of the Commission designated to handle intake. All such complaints must be received by the Borough within one hundred eighty (180) days of the occurrence of the last act giving rise to the complaint or such complaint shall be dismissed as untimely.

C. The Borough Manager shall transmit all complaints received to the Chairperson of the Commission not later than ten (10) days of receipt of the complaint. The Borough Manager shall conspicuously mark the face of the complaint with the date the document was first received in the Borough offices.

D. The Commission may promulgate forms for use by persons wishing to file a complaint, however, complaints which are prepared without the use of an approved form shall be deemed acceptable under this Ordinance so long as the facts set forth under paragraph “A” of this Section can be clearly determined from the document submitted as a complaint.

E. The Commission may provide for a process by which persons seeking to file a complaint may consult with a volunteer or other staff person affiliated with the Commission who is trained to assist the prospective complainant in discerning the facts relevant to the prospective complaint. Such process shall also include referral of additional information to the prospective complainant concerning the content of this Ordinance, the content of the Pennsylvania Human Relations Act, and the availability of the Pennsylvania Human Relations Commission as an additional venue within which the prospective complainant may seek redress when possible.

2. Notifications and Answer

A. Within thirty (30) days of receipt of a complaint, the Commission shall:

- i. Send a copy of the complaint to the person(s) charged with a discriminatory act or practice under this Ordinance (the “respondent”), together with a copy of this Ordinance.
- ii. Send a notice to the complainant, informing them that the complaint has been accepted and processed by the Commission. If the complaint alleges discrimination on a basis proscribed under federal or state law, the Notice shall also inform the complainant of their right to file a complaint with the Pennsylvania Human Relations Commission or the federal Equal Employment Opportunity Commission as well as the U.S. Department of Housing and Urban Development, where applicable.
- iii. The Commission shall notify the Pennsylvania Human Relations Commission of the filing of any complaint that may be deemed to be within the jurisdiction of that Commission, as required under the Human Relations Act.
- iv. The Commission shall also include a notice to both the complainant and the respondent(s) of their option to elect to proceed to voluntary mediation in order to resolve the matters giving rise to the complaint.

B. The respondent(s) shall file a written verified answer to the complaint within thirty (30) days of service of the complaint. An answer shall be filed in the same manner as a complaint.

3. Mediation

A. Within thirty (30) days of receipt of an answer to a complaint, or, where no answer is filed, within sixty (60) days of service of the complaint upon the respondent(s), the Commission shall proceed in accordance with the following options:

- i. In the event that both parties have consented to mediation, under

paragraph 2(A)(iv) of this Section, then the Commission shall refer the matter to a recognized alternative dispute resolution service, which same service may be provided through Montgomery County, the Montgomery County Bar Association, or any other professional mediation service provider, or may refer the matter to a licensed member of the Pennsylvania bar, who may be willing to perform service to the Commission as a volunteer mediator. Any costs or expenses which may be associated with the mediation shall be the responsibility of the parties. The parties shall jointly select the mediator; however, the Commission shall retain the authority to act as the mediator in the event the parties have agreed to mediation but cannot jointly agree on a mediator. Mediation sessions conducted by the Commission may proceed with a minimum of two eligible Commission Members. Mediation sessions shall remain private and not otherwise subject to public attendance.

B. When mediation has resulted in an amicable resolution of the complaint and the complaint is resolved, the Commission shall notify the parties that the complaint has been dismissed, and shall record the result of the mediation in the Notice of dismissal.

C. In the event the complaint has not been resolved through mediation the parties are entitled to proceed to the Court of Common Pleas in Montgomery County and/or the Pennsylvania Human Relations Commission if appropriate.

SECTION VIII Non-limitation of Remedies

Nothing contained in this Ordinance shall be deemed to limit the right of an aggrieved person to recover under any other applicable law or legal theory.

SECTION VIX Multiple Filings

This Ordinance shall not apply to matters which are the subject of pending or prior filings made by an aggrieved person before any state or federal court or agency of competent jurisdiction.

SECTION X Penalties

Any person who shall violate any provision of Section IV of this Ordinance may be subject by the Montgomery County Court of Common Pleas or any Court of competent jurisdiction to the penalties enumerated in Section 9(f)(1&2), Sections 9.2, 9.3, and Sections 10 & 11 of the Pennsylvania Human Relations Act. The penalties contained in this ordinance shall mirror any future changes to the Pennsylvania Human Relations Act as adopted by the General Assembly and approved by the Governor.

- A. This ordinance extends the protections of the Pennsylvania Human Relations Act to include actual or perceived sexual orientation, gender identity or gender expression.
- B. All penalties included in the Pennsylvania Human Relations Act shall be extended to include all protected classes enumerated in the Ambler Borough Human Relations Ordinance.

SECTION XI Severability

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, Ambler Borough Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION XII Repealer

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION XIII Effective Date

This Ordinance shall be effective ninety (90) days after enactment.

ENACTED and **ORDAINED** this ____ day of _____, 2016.

BOROUGH OF AMBLER

Salvatore Pasceri, Council President

Jeanne Sorg, Mayor

Attest:

Mary Aversa, Secretary

**BOROUGH OF AMBLER
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION 2016-07

**A RESOLUTION OF AMBLER BOROUGH COUNCIL
REQUESTING AN AMENDMENT TO THE STERLING ACT
TO REQUIRE THAT UP TO ONE PERCENT (1%) OF
PHILADELPHIA WAGE TAX PAID BY NON-RESIDENTS OF PHILADELPHIA
BE REMITTED TO THE MUNICIPALITY IN WHICH THE TAXPAYER RESIDES**

WHEREAS, the Borough of Ambler has enacted an earned income tax (“EIT”) in accordance with the Pennsylvania Local Tax Enabling Act; and

WHEREAS, the Borough of Ambler relies on the revenue generated by the EIT to provide essential services to its residents and taxpayers; and

WHEREAS, the City of Philadelphia, pursuant to the Sterling Act of 1932, enacted an income tax, also known as a wage tax, on both residents and non-residents of Philadelphia employed in Philadelphia; and

WHEREAS, the Sterling Act, unlike the Local Tax Enabling Act, does not require Philadelphia to remit any portion of the wage tax to the municipality in which the taxpayer resides; and

WHEREAS, as a result of this inequity in the Sterling Act, the Borough of Ambler is deprived of annual revenue in EIT;

NOW, THEREFORE, the Borough Council of Ambler Borough hereby **RESOLVES** to formally request that the Governor of the Commonwealth of Pennsylvania and the Senators and Representatives of the General Assembly of Pennsylvania amend the Sterling Act to require that an amount up to one percent (1%) of non-resident Philadelphia Wage Taxes paid by non-residents of Philadelphia be remitted to the municipality in which the taxpayer resides.

SO RESOLVED, this _____ day of _____, 2016.

Salvatore Pasceri, Council President

Mary Aversa, Secretary

Salary & Personnel Committee

The Committee Meeting was held on May 3, 2016 at 7:00 p.m. in Borough Council Chambers located at 131 Rosemary Avenue. Committee Members: Claudio Zaccone (Chair), Edward Curtis , Frank De Ruosi and Nancy Deininger. Absent: Mr. Zaccone.

Approved at Committee Meeting

1. A recommendation was made to hire Vincent Isabella for the vacant Highway Position.
2. A recommendation was made to hire Rudy Dukes for the vacant WWTP Position.

The following business will be discussed.

Recommendations

Public Safety Committee

1. A recommendation may be provided for the signaling on Mattison and Euclid Avenues.
2. A recommendation is requested to adopt Resolution 2016-8 to suspend Enforcement of Ordinance 748 for persons attending the Art and Music Festival on June 17 & 18 and for the Oktoberfest on October 1& 2, 2016.

Parks and Recreation

1. The committee would like to discuss the deadline and additional funds needed to purchase the Edgewood property. A recommendation will be provided.

Public Utilities Committee

1. Three quotes were received by the Borough for the demolition of the Vacuum Coil Filter project at the AWWTP, Building B-9, and Derstine Company's quote of \$15,000 is in order, and award is recommended.
2. A recommendation is requested to renew the contract with Constellation for the Demand Response at the Waste Water Plant.

Finance and Planning Committee

1. Recommend the April 2016 invoices be paid in the amount of **\$ 437,579.70**.
2. A recommendation is requested for adoption of Ordinance 1098 establishing a Human Relations Commission.
3. A recommendation is requested to adopt Resolution 2016-07 asking the State Legislature to amend the law and require that up to 1% of the taxes paid to the city be remitted to the municipality in which the taxpayer resides.

Salary and Personnel Committee