



BOROUGH OF AMBLER

COUNCIL MEETING AGENDA

**All matters that are deliberated could result in a vote
to take official action.**

June 21, 2022

7:00 p.m.

Minutes for Consideration:
May 18, 2022

COMMITTEE REPORTS:
FINANCE & PLANNING
PUBLIC SAFETY
PUBLIC UTILITIES
PARKS & RECREATION
SALARY & PERSONNEL

Finance and Planning Committee

June 7, 2022 at 7:00 p.m. Committee Members Nellie Forst– Chair, Frank DeRuosi, Karen Sheedy, and Lisa Auerbach.

The Committee will consider the following recommendation:

1. That the May Bills be paid in the amount of \$ 1,719,423.49

#	FUND	MAY 1ST RUN	MAY 2ND RUN	TOTALS
1	GENERAL	888,107.74	27,778.98	915,886.72
2	STREET LGTS	3,484.01	143.75	3,627.76
3	FIRE	-	-	-
4	REFUSE	53,293.84	4,834.67	58,128.51
5	PARKS & REC	1,567.99	5,936.73	7,504.72
6	WATER	388,239.61	73,681.80	461,921.41
8	SEWER	11,422.52	3,475.98	14,898.50
9	WWTP	150,944.12	54,805.98	205,750.10
35	LIQUID FUELS	1,370.00	504.01	1,874.01
30	WATER CAPITAL	61,772.69	7,220.99	68,993.68
	TOTALS	1,560,202.52	178,382.89	1,738,585.41
	VOID CHECKS *		(19,161.92)	(19,161.92)
	GRAND TOTAL	1,560,202.52	159,220.97	1,719,423.49
	* WWTP Check Vendor Name Change			

2. The Borough Planning Commission with assistance from the Montgomery County Planning Commission have provided draft ordinance language which would require prerequisites to the demolition of any building built before 1935, provide criteria for historic significance, provide penalties for violations, and require a hearing before the Planning Commission providing a 90-day waiting period for demolition of Historic Buildings, alternatives to demolition and recommendations for possible reuse of the Historic Building may be

suggested to the applicant by the Planning Commission and/or Ambler Borough Council. A vote may be taken on the future steps for the draft Historic Building Demolition language . **(attached)**

3. Bid opening was June 14 at 10am. A recommendation to approve the Tannery Run CMP Arch Replacement project be awarded to Scott Building Corporation T/A Scott Contractors, Inc. in the amount of \$239,860.00, subject to review by the Borough Solicitor. **(attached)** The Borough has applied for FEMA funding to pay for this repair.

The following business was discussed:

1. The Borough Engineer's report was provided.
2. Main Street Manager Liz Kunzier provided an update to Council.

Borough Of Ambler

131 ROSEMARY AVENUE
AMBLER, PENNSYLVANIA 19002-4476

PHONE 215-646-1000
FAX 215-641-1355 ADMINISTRATION
FAX 215-641-1921 WATER DEPARTMENT
WEBSITE: www.boroughofambler.com



May 24, 2022

Mary Aversa, Borough Manager
Borough of Ambler
131 Rosemary Avenue
Ambler, PA 19002

Re: Historic Building Demolition Ordinance

Dear Ms. Aversa:

At the direction of Council, the Planning Commission has been requested to review a draft Historic Building Demolition Ordinance.

After discussion at several meetings and input from the public, a motion was made to recommend to Council that it approve the May 10, 2022, draft incorporating the County Planner's minor revision and salvage materials language. The vote taken was unanimous in favor of the recommendation.

Notwithstanding this unanimous vote, a minority opinion exists among the Planning Commission Members that this Demolition Delay Ordinance be limited to commercial and business properties within the Downtown Commercial and Commercial Zoning Districts and should not include residential homes.

If you have any questions, please do not hesitate to contact our Chairman, Robert Lagreca.

Very truly yours,

Carol Ann DiPietro
Secretary
Ambler Borough Planning Commission

Ambler Buildings by Year Built



DRAFT

ORDINANCE NO. _____
AMBLER BOROUGH, MONTGOMERY COUNTY, PA

**AN ORDINANCE ESTABLISHING PREREQUISITES TO THE DEMOLITION
OF BUILDINGS DEEMED HISTORICALLY SIGNIFICANT; PROVIDING
CRITERIA FOR HISTORICAL SIGNIFICANCE; PROVIDING PENALTIES
FOR VIOLATION.**

An ordinance providing for the protection and preservation of Historic Buildings within the Borough of Ambler by discouraging their demolition. This ordinance defines which buildings may be considered historic by the Borough, and creates a review and documentation process for those buildings prior to demolition.

When an application is submitted for a demolition permit for buildings considered Historic, this ordinance requires the Codes Department to notify the Planning Commission so that it may review the proposal. The Codes Department is hereby required to withhold issuing a demolition permit until a 90 calendar day waiting period has passed since the date of the first Planning Commission meeting after the submittal of the application for a demolition permit.

During the 90-day waiting period for demolition of Historic Buildings, alternatives to demolition and recommendations for possible reuse of the Historic Building may be suggested to the applicant by the Planning Commission and/or Ambler Borough Council. If after the 90-day period the Codes Department approves the demolition of the Historic Building, demolition of the Historic Building shall not commence until the building has been documented in conformance with standards defined in this ordinance.

§27-202. Definition of Terms

The following definitions shall be added to this section:

Demolition – The razing or destruction of at least 50 percent of the exterior of a building, or the razing or destruction of at least 75 percent of the front façade of a building. Demolition includes the removal of a building from its original foundation. Demolition does not include replacement of windows, doors, or other façade elements with in-kind materials.

Historic Building - A building designated by the Borough of Ambler as historic. (See Article 3. Of this Part.)

Public Way - Any street, alley, sidewalk or similar place essentially unobstructed from the ground to the sky to which the general public is typically allowed access, including private streets and alleys.

Article 1. Legal Authorization

DRAFT

Pursuant to authority contained in the Act of 1968, Public Law 805, No. 247, as enacted and amended, known as the Pennsylvania Municipalities Planning Code (sections 603, 604, and 605), the Borough of Ambler shall hereby create an ordinance in order to promote, protect, and facilitate the preservation of areas of historic significance and to preserve the historic values in the environment.

Article 2. Purpose and Intent

1. Pursuant to Article 1, Section 27 of the Pennsylvania Constitution which states that: “The people have a right to clean air, pure water, and preservation of the natural, scenic, historic and aesthetic values of the environment.” It is the purpose and intent of the Borough of Ambler to preserve and protect buildings of historic value that exist within the Borough. The Borough of Ambler has many Historic Buildings worthy of preservation that tell the story of the Borough. Preservation of these Historic Buildings is in the best interest of the health, prosperity and welfare of the people of the Borough of Ambler by enhancing property values, improving aesthetics of the built and natural environment, and creating the potential for heritage tourism.
2. The purpose of implementing a waiting period before a demolition permit is issued is to allow time to formulate options for reuse of the structure or alternatives to its demolition, which can be suggested to the building owner as a way of preserving the historic building(s).
3. The purpose of documenting Historic Buildings in the Borough of Ambler is to provide architects, engineers, scholars, preservationists, and interested members of the public with information on the historical, architectural, technological, or cultural significance of a building. Placed on permanent deposit with the Codes Department, the historic documentation will serve as a permanent record of the growth and development of the Borough’s built environment.
4. With this ordinance, the Borough wishes to recognize that The Keasbey and Mattison Company was integral to the development of the Borough of Ambler both by constructing buildings and by participating in the initial incorporation of the Borough. The Keasbey and Mattison Company left a historical and architectural legacy the Borough wishes to preserve. The development of the Borough during the time that the Keasbey and Mattison Company operated in the Borough was the primary period of formation of Ambler’s architecture and neighborhoods. Keasbey and Mattison Company was active in the Borough of Ambler until 1934. The period of first permanent settlement through 1934 in Ambler is considered the Borough’s period of historically significant development.

Article 3. Applicability.

DRAFT

1. The Demolition Delay provisions of this Part shall apply to all Historic Buildings in the Borough of Ambler. Any building meeting all of the following criteria shall be considered a Historic Building in the Borough of Ambler:
 - a. Historic Buildings are only those that can be seen from the Public Way, regardless of landscaping.
 - b. Historic Buildings must be the Principal Buildings on a lot. Accessory Buildings shall not be considered Historic Buildings.
 - c. Historic Buildings are those that were initially constructed prior to 1935, during the period of historically significant development.

Article 4. Procedure for Review of Application for Permit to Demolish a Historic Building

A. Duties of Codes Department –

1. Upon receipt of a complete application to demolish a Historic Building, the Codes Department shall inform the Planning Commission such a permit has been requested, and shall specify the address and the location on lot of the building proposed for demolition.
2. The Codes Department shall also inform Borough Council of the request for demolition. Council may choose to review the permit if it desires.
3. The Codes Department shall follow all of the same requirements for public notification as are required by Zoning Hearing Board applications. (See Chapter 27: Zoning, Part 23: Zoning Hearing Board.)
4. The Codes Department shall not issue a demolition permit until
 - a) 90 calendar days have passed after the date of the Planning Commission meeting at which the demolition permit application was reviewed (unless Borough Council approves a shorter delay time – see §B.3 below),
 - b) the steps outlined in **Article 5: Documentation of Historic Buildings** have been followed by the applicant, and
 - c) a preliminary land development plan (if required by the proposed project) has been approved by Borough Council.

B. Duties of Planning Commission - Upon receipt of notice from the Codes Department that a demolition application has been received for a specific Historic Building, the Planning Commission shall take the following actions:

1. Review the proposed demolition. At a duly advertised Public Meeting, the Planning Commission shall review the application for demolition as submitted to the Borough. At the meeting, the Planning Commission may suggest alternatives to demolition such as adaptive reuse of the building to the applicant. These suggestions shall not be binding.
2. The Planning Commission may recommend that Borough Council also review the application for demolition.

DRAFT

3. The Planning Commission may recommend early termination of the 90-day delay period to Borough Council. If Borough Council decides to approve a shorter delay period, the Codes Department may use that shorter number of days of delay.

Article 5. Documentation of Historic Buildings

- A. In cases where the applicant still desires a demolition permit for a Historic Building after the public meeting is held with the Planning Commission, the applicant or a party retained by the applicant shall document the Historic Building in conformance with the standards specified below.
 1. Photograph(s) - The applicant shall provide clear, color photographic images of the exterior and interior views of the Historic Building, or shall arrange for the Borough Code Enforcement Officer (or Officer's designee) to take the photographs. The photographs shall be taken in such a way as to provide a general sense of perspective. This can be accomplished by taking photographs from various angles and by taking photographs of all sides of the building. Photographs shall be provided in an electronic format that is acceptable to the Borough.
 2. Plan or Map – The applicant shall provide a floor plan. This plan does not have to be to exact scale, but features shall be shown in proper relation and proportion to one another.
 3. Short Historical Report – The applicant shall provide a short narrative report including dates of construction, additions, and major alterations as applicable. The report shall also include descriptions of any historical features that did not appear in the submitted photographs. A copy of the deed or other documentation of the building's age, if available, shall be provided.
 4. If the Borough determines that the materials submitted are not adequate for documentation purposes, the Borough may require the applicant to engage a qualified architectural historian to prepare the documentation materials as described above.
- B. Once the materials above have been submitted, the Borough shall have 10 business days to review the materials for completeness prior to consideration and review of the demolition permit request. The materials submitted shall be considered complete if the applicant does not hear otherwise from the Borough within 10 business days.
- C. During the demolition process, the applicant is encouraged to salvage or recycle building materials from existing structures being demolished, if feasible. The applicant may offer salvaged building materials to the community for reuse.

Article 6. Enforcement

DRAFT

- A. No Historic Building shall be demolished, moved, removed, or razed, in a manner inconsistent with the provisions of this ordinance.
- B. The Codes Department may issue stop work orders for activities proceeding in violation of this ordinance. Such order may remain in effect until such time as the property owner or responsible party has properly obtained an appropriate demolition permit and submitted proper documentation in accordance with this ordinance.
- C. Any and all other permits and approvals issued for the property may also be suspended until the applicant is in compliance with this ordinance.
- D. If a Historic Building is demolished without a permit as described by this ordinance, a fine of \$_____ shall be levied by the Borough of Ambler, plus any other costs and attorneys' fees incurred by the Borough.
- E. If continued work occurs on site without appropriate permits, additional fines of \$_____ per day shall be levied.
- F. No zoning or building permits shall be issued for the property for a period of one year following the date of a demolition that was not in compliance with this ordinance.



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

June 14, 2022

File No. 2021-01010-01

Mary Aversa, Borough Manager
Borough of Ambler
131 Rosemary Avenue
Ambler, PA 19002

Reference: Tannery Run CMP Arch Replacement
Bid Tabulation & Award Recommendation

Dear Mary:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the bid for the above referenced project. Five bids were received and publicly opened on June 14, 2022, at 10:00 AM at Borough Hall. A copy of the bid tabulation is attached for your review.

Upon review, we recommend the contract for the Tannery Run CMP Arch Replacement project be awarded to **Scott Building Corporation T/A Scott Contractors, Inc.** in the amount of **\$239,860.00**, subject to review by the Borough Solicitor.

As always, please call us if you have any questions or if we can be of any assistance regarding this project.

Sincerely,

James P. Dougherty, P.E.
Senior Project Manager
Gilmore & Associates, Inc.

JPD/sl

Enclosure: Bid Tabulation

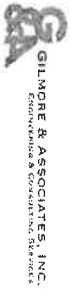
cc: Joseph Bresnan, Esq., Solicitor
Albert Yaghooty – Finance Manager
Glenn Kucher – Code Enforcement Officer
Marco Resente – Public Works Superintendent

BID TABULATION

CLIENT: Amber Borough
 PROJECT NAME: Termary Run CMP Arch Replacement
 G&A PROJECT #: 2021-01010-01

BID DATE: Jun/14/2022

Jun/14/2022



ITEM NO.	LOT	ITEM	QUANTITY	1		2		3		4		5	
				BID UNIT COST	BID EXTENDED COST	BID UNIT COST	BID EXTENDED COST	UNIT PRICE	BID EXTENDED COST	UNIT PRICE	BID EXTENDED COST	UNIT PRICE	BID EXTENDED COST
1	B1	Compost Stock	127	\$15.00	\$1,905.00	\$5.00	635.00	\$10.00	1,270.00	\$26.04	3,307.08	\$14.00	1,778.00
2	B2	Rock Construction Entrance	1	\$5,000.00	5,000.00	\$1,500.00	1,500.00	\$4,500.00	4,500.00	\$7,225.51	7,225.51	\$6,000.00	6,000.00
3	B3	Temporary Perimeter Security Fence (chain link w/ access gate)	406	\$20.00	8,120.00	\$5.00	2,030.00	\$9.00	3,654.00	\$12.49	5,075.94	\$75.00	30,450.00
4	B4	Inlet Protection	4	\$500.00	2,000.00	\$100.00	400.00	\$100.00	400.00	\$748.97	2,995.88	\$225.00	900.00
5	B5	SUD and Stockpile Torsion (6 inches)	7500	\$1.00	7,500.00	\$0.10	750.00	\$0.50	3,750.00	\$1.27	9,525.00	\$0.50	3,750.00
6	B6	Replace 103 x 71 CMP Arch - 15' Deep	95	\$1,690.00	1,605.50	\$2,780.00	262,200.00	\$2,500.00	237,500.00	\$2,352.89	223,524.95	\$4,000.00	380,000.00
7	B7	Cast-In-Place Concrete Collar at Box Culvert and Headwall	2	\$5,130.00	10,260.00	\$5,500.00	11,000.00	\$12,500.00	25,000.00	\$8,880.20	17,760.40	\$16,700.00	33,400.00
8	B8	Reconnect Road Drains (4 inch PVC)	150	\$80.00	12,000.00	\$45.00	6,750.00	\$42.00	6,300.00	\$61.85	9,277.50	\$85.00	12,750.00
9	B9	Respread Topsoil (6 inches) and Fine Grading	7500	\$1.00	7,500.00	\$0.50	3,750.00	\$0.20	1,500.00	\$1.94	14,550.00	\$0.50	3,750.00
10	B10	Landscaping Replacement - Shrubs (3 Inkberry Holly, 3 Little Henry Sweetspire)	6	\$550.00	3,300.00	\$100.00	600.00	\$200.00	1,200.00	\$846.68	5,096.08	\$650.00	3,900.00
11	B11	Permanent Seeding	7500	\$1.00	7,500.00	\$0.50	3,750.00	\$0.75	5,625.00	\$0.73	5,475.00	\$0.65	4,875.00
12	B12	Vertical Concrete Curb Replacement (as needed)	90	\$50.00	4,500.00	\$80.00	7,200.00	\$150.00	13,500.00	\$166.77	15,009.30	\$135.00	12,150.00
13	B13	Concrete Sidewalk Replacement (as needed)	360	\$15.00	5,400.00	\$8.00	2,880.00	\$40.00	14,400.00	\$27.50	9,900.00	\$35.00	12,600.00
14	B14	Asphalt Parking Lot Restoration (as needed)	125	\$65.00	8,125.00	\$45.00	5,625.00	\$125.00	15,625.00	\$160.85	20,106.25	\$100.00	12,500.00
TOTAL					\$ 239,860.00		\$ 309,070.00		\$ 334,224.00		\$ 348,817.49		\$ 518,803.00

COMPLETENESS REVIEW

Item	Completed	Not Completed
Attended Mandatory Pre-Bid Meeting	X	
Bid Form (PennBid eBid Form or Document 00 41 00)	X	
Bid Bond Form (Document 00 43 13) or other Bid Security	X	
Bidder Acknowledgment Form (Document 00 45 10)	X	
Bidder Qualification Statement Form (Document 00 45 13) or Construction Contractor's Qualification Statement for Engineer/Construction (AISC Document No. 220)	X	
Representations, Certifications and Other Statements of Bidders (Document 00 45 13.1)	X	
Non-Collision Affidavit of Prime Bidder (Document 00 45 19)	X	
Public Works Employment Verification Form (Document 00 45 22)	X	
Agreement of Surety Form (Document 00 45 53)	X	
Certificate of Insurance	X	
List of Proposed Subcontractors, Proposed Suppliers, and other individuals and entities	X	

Item	1	2	3	4	5
Scott Building Corporation T/A Scott Contractors, Inc.	X				
120 Independence Lane Challott, PA 18914	X				
(215) 997-8026 (215) 997-8041	X				
ahaines@scottcontractorsinc.com bpacey@dolconstruction.com	X				
A.J. Jurich, Inc.		X			
4500 Concord Road Faison, PA 19014		X			
(610) 459-3147 (610) 459-0236		X			
dewey@ajjurich.com		X			
Triang Construction Company, Inc. dba TCOI Excavation			X		
1801 Second Street Pike Rushboro, PA 18954			X		
(215) 598-1030 (215) 598-1033			X		
matl@triangconstruction.com			X		
Road-Conn, Inc.				X	
902 Camano Run Drive West Chester, PA 19380				X	
(610) 429-8099 (610) 429-8098				X	
alhoffman@road-conn.com				X	

Public Safety Committee

June 7, 2022 at 7:00 p.m. Committee members: Jennifer Henderson – Chair, Nellie Forst , Erin McKenna Endicott and Amy Hughes.

The Committee will make no recommendations.

The following business will be discussed:

1. The Police Department report is **attached**.
2. The Fire Department report will be provided.
3. The Community Ambulance report is **attached**.
4. The Public Works and the Code Enforcement reports were received.



EMERGENCY: DIAL 911
EMAIL: info@amblerambulance.org

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

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

Ambler Borough Statistics – 2022

<u>Month</u>	<u>Calls in Borough</u>	<u>Total Calls for CAAA</u>
January	66	493
February	50	450
March	43	465
April	56	456
May	53	482
<u>YTD Totals</u>	268	2,346

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

Public Utilities Committee

June 7, 2022 at 7:00 p.m. Committee Members: Haley Welch-Chair, Erin McKenna Endicott, Amy Hughes, and Karen Sheedy.

The Committee will make no recommendations.

The following business was discussed:

1. The WWTP Engineer's report will be provided.
2. Routine system hydrant flushing will be delayed until Whitemarsh is back in service, which has been taken out of service for an involved carbon media filter change.
3. The Water Department will conduct quarterly PFAS sampling in July.

Park and Recreation Committee

June 7, 2022 at 7:00 p.m. Committee Members:– Erin McKenna Endicott Chair, Jen Henderson, Haley Welch, and Lisa Auerbach.

The Committee will consider the following recommendation.

1. A Draft Single Use Plastics SUP ordinance suggesting sample language is **attached**. A vote may be taken to determine how to proceed with the current draft.

Approved at the Committee Meeting

1. Ambler and Lower Gwynedd will be having an event on June 18th from 2- 4PM at Bethlehem Baptist Church . A contribution of \$650.00 was requested. 9-Aye

The following business was discussed:

1. Knight Park YMCA Summer camp will run June 21st to July 29th from 8:30 a.m.- 4:00 p.m. Monday through Friday. Camp fee is \$50 per child, and you can register at the Ambler YMCA. Proof of Ambler Borough residency is required at registration.
2. Ambler Community Garden will host a Ribbon Cutting Event at the ACG Garden at Knights Park on Thursday, July 14 at 11:00 a.m. All are welcome!

THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER ____

AN ORDINANCE OF THE BOROUGH OF AMBLER REGULATING THE COMMERCIAL USE OF SINGLE USE PLASTICS, TO BE CODIFIED AT CHAPTER 13 IN THE BOROUGH CODIFIED ORDINANCES AS A NEW PART 9 THEREOF; DEFINING PLASTICS THAT ARE WITHIN THE SCOPE OF THE ORDINANCE; PROHIBITING THE USE OF CERTAIN PLASTICS BY RETAIL ESTABLISHMENTS PROVIDING PACKAGING TO CUSTOMERS; PROVIDING EXCEMPTIONS AND A MECHANISM FOR ALLOWING HARDSHIP CLAIMS; PROVIDING PENALTIES FOR VIOLATION; INCLUDING SAVINGS AND REPEALER CLAUSES; EFFECTIVE ON THE EARLIEST APPLICABLE DATE SET FORTH IN THE PENNSYLVANIA BOROUGH CODE RELATING TO THE EFFECTIVE DATE OF ORDINANCES

WHEREAS, Ambler Borough Council, in connection with its consideration and adoption of ordinances that are consistent with the health, safety and welfare of Borough citizens and visitors, finds that:

- a. The use of single-use plastic bags, expanded polystyrene food service products, and single-use plastic utensils have severe environmental impacts, the type and manner of which have been well documented and scientifically demonstrated;
- b. Only a tiny percentage of these products are successfully recycled;
- c. Single-use plastics are widely used throughout the Borough;
- d. Regulating the use of single-use plastics in the manner set forth in this ordinance has been demonstrated elsewhere to reduce their use by regulated businesses;
- e. The regulation of single-use plastics is consistent with the Environmental Rights Amendment to the Pennsylvania Constitution in addition to the Borough's general authority to regulate businesses within the Borough.

NOW THEREFORE, Ambler Borough Council hereby ORDAINS as follows:

There shall be added to the Ambler Codified Ordinances, at Chapter 13, a new part 9 entitled "Single-Use Plastics", and the content of which is as follows:

901. Definitions.

Exempted Bag. The use of an exempted bag is not a violation of this ordinance. An exempted

bag:

- (a) is used inside a retail establishment by a customer to deliver perishable items to the point of sale at that establishment (checkout); or
- (b) is used:
 - (i) to package bulk items such as fruit, vegetables, nuts, grains, or candy;
 - (ii) to contain or wrap meats or fish; to contain unwrapped prepared foods or bakery goods;
 - (iii) to contain live animals, such as fish or insects sold in a pet store; or
- (c) is sold in packaging containing multiple bags and packaged at the time of manufacture of the bag; or
- (d) is a recycled paper bag offered to the customer at the point of sale for \$0.15 or more and shown as a separate charge on the purchase receipt; or
- (e) is a reusable carryout bag offered to the customer at the point of sale for \$0.15 or more and shown as a separate charge on the purchase receipt. A reusable carryout bag is made of polypropylene plastic or a machine washable fabric (examples: nylon, cloth, hemp), and has stitched or otherwise reinforced handles.

Expanded Polystyrene Food Service Product. A foam-based form of plastic packaging made from styrene including containers or plates for food, beverage cups, trays, and clamshell-style packaging. often referred to by the trademarked name Styrofoam. In the event of a dispute over a particular form of packaging and whether it is regulated by this ordinance, the definition set forth in footnote 1 of this ordinance is controlling.

Packaging that is not regulated by this ordinance is:

- (a) food or beverages that have been packaged in expanded polystyrene outside the borough before receipt by a food service establishment or store;
- (b) a product made of expanded polystyrene that is used to package raw, uncooked, or butchered meat, fish, poultry, or seafood; or
- (c) non-foam polystyrene food service products.

Retail Establishment. A temporary or permanent location in the Borough where food or other products are offered to the public for direct sale or delivery to a customer, including but not limited to the following: supermarket, convenience store, service station, delicatessen, department store, dollar store, clothing store, restaurant, pharmacy, food truck, farmers' market, festival or delivery service, but not including drycleaners.

Recycled Paper Bag. A paper bag that meets the following, but not including an Exempted Bag:

- ~~(a) contains no old growth fiber;~~
- ~~(b) contains a minimum of 40% post consumer recycled content; and~~
- ~~(c) is labeled in a highly visible manner with the name of the manufacturer and the percentage of post consumer recycled content of the bag in an easy to read font size.~~

Reusable carryout bag. A carryout bag that is designed and manufactured for multiple uses

and is:

- (a) ~~made of cloth or other machine washable fabric that has stitched handles or~~
- (b) ~~a polypropylene bag that has stitched handles.~~

Single-use Plastic Bag. A bag made through a blown-film extrusion process, but not including an Exempted Bag.

Single-Use Plastic ~~Devices Utensil~~

- (a) means any item ~~used or~~ provided by a Retail Establishment to serve, consume, garnish or manipulate food or beverages that is primarily made from Plastic; ~~except, however, that this ordinance shall not apply to forks, spoons, sporks, knives, and chopsticks.~~
- (b) includes ~~but is not limited to~~ straws, forks, spoons, sporks, knives, chopsticks, drink stirrers, beverage spill plugs, toothpicks, novelty cocktail accessories, and other drink or food accoutrements.
- (c) shall not include ~~Utensils devices~~ provided under the following circumstances:
 - (i.) When packaged with beverages prepared and packaged outside of the Borough, provided such beverages are not altered, packaged or repackaged within the Borough; and
 - (ii.) When provided as an assistance device to reasonably accommodate a disability.

Single-Use Plastics. A form of disposable packaging made from fossil-fuel based chemicals and which is intended to be disposed of immediately after use. Examples include bags, straws and utensils. In the event of any dispute over the nature of the packaging supplied by a Borough business, the technical definition of plastic set forth in footnote 2 shall control.

902. Prohibited Uses of Single-Use Plastics and Polystyrene.

Beginning on the ~~90th-180th~~ day after this ordinance is effective, or February 1, 2023, whichever date is later, Retail Establishments are prohibited from:

Formatted: Superscript

1. Providing any of the following to a customer either directly at the establishment or through a delivery from the establishment to a destination selected by the customer:
 - a. A single-use plastic bag that is not an exempted bag;
 - b. A non-recycled paper bag that is not an exempted bag;
 - c. An expanded polystyrene food service product;
 - d. A single-use plastic utensil unless requested by the customer.

For purposes of this ordinance, a Retail Establishment provides regulated products to a

customer when the package is handed to the customer by any owner, employee or volunteer of the establishment, or, where the prohibited packaging is made available to the customer for his or her own use or self-packaging.

903. Penalties for Violation

A retail establishment that violates the requirements of this subchapter is subject to a civil penalty, plus court costs, as follows:

- (a) \$50.00 for a first offense;
- (b) \$100.00 for a second offense;
- (c) \$An amount not to exceed \$600.00, as determined by the court, for all subsequent offenses.

(2) Each day in which the retail establishment violates this ordinance constitutes a separate offense.

(3) In addition to the penalties set forth in this Chapter, the Borough of Ambler may seek legal, injunctive, or other equitable relief to enforce this Chapter.

(4) The failure of the Borough of Ambler to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of Ambler of its rights to future enforcement hereunder.

~~904. Signage. (NOTE: I do not recall where consensus was on signage. Omit?)~~

~~Each retail establishment will post signage for 180 days after the first day of enforcement of this ordinance, advising customers at the point of sale that single use plastics are prohibited. Ambler Borough will make signs available for posting if desired by the retail establishment.~~

~~905~~904. Hardships

Borough Council may, upon written request of a retail establishment, temporarily exempt it from the requirements of this ordinance if Borough Council finds that enforcement would cause undue hardship to the retail establishment. In granting any such temporary exemption, Council shall also state the duration of such exemption.

A finding of undue hardship may be based on one of the following:

- a. The commercial establishment has a unique circumstance or situation such that there are no reasonable alternatives to single-use plastic carry-out bags or single-use plastic straws;
- b. Compliance with the requirements of this article would deprive a commercial establishment of a legally protected right;

- c. Additional time is necessary in order to draw down an existing inventory of single-use plastic carry-out bags or single-use plastic straws.

~~906905~~. Severance. Repealer. Effective date.

If any portion of this ordinance is found to be invalid by a court of competent jurisdiction, then to the extent possible such invalid portion shall be severed from the remainder, which shall continue in full force and effect.

Any portion of any existing Borough ordinance which is inconsistent with any provision herein is, to the extent of such inconsistency, repealed.

This ordinance is effective on the earliest of the following:

- a. The date when the mayor approves it;
- b. The date of enactment by council over the mayor's veto;
- c. For an ordinance not returned by the mayor at the next scheduled meeting of council occurring at least ten days after the meeting at which the ordinance was enacted, the date of the succeeding scheduled meeting of council.

SO ORDAINED this _____ day of _____, 2022.

Glynnis Siskind, Council President

Attest: _____
Mary Aversa, Council Secretary

Approved: _____
Jeanne Sorg, Mayor

FN . For purposes of this ordinance, "expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including: fusion of polymer spheres, known as expandable bead 20 polystyrene; injection molding; foam molding; and extrusion-blow molding, also known as extruded foam polystyrene.

FN 2. For purposes of this ordinance, "plastic" means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material derived from either petrochemicals or a biologically based polymer, such as corn or other plant sources.

“

Salary & Personnel Committee

June 7, 2022 at 7:30 p.m. Committee Members– Frank DeRuosi Chair, Haley Welch , Nellie Forst and Jen Henderson.

The Committee will consider the following recommendations.

1. Resumes are being accepted for vacant civil service position. **(attached)**
2. Authorization is requested to begin the testing process for a new patrol officer.
3. Authorization is requested to advertise for the vacant Water Assistant position.
4. A recommendation to appoint Kirsten Puskar to the vacant EAC position is requested. **(attached)**

The following business will be discussed:

RECOMMENDATIONS

FINANCE & PLANNING COMMITTEE

1. Authorization is requested that the May bills are paid in the amount of \$1,719,423.49
2. A vote may be taken on the future directives for the draft Historic Building Demolition Ordinance.

PARKS & RECREATION COMMITTEE

1. A vote may be taken to determine how to proceed with the current Single Use Plastics-SUP ordinance.

SALARY & PERSONNEL

1. Resumes were accepted for vacant civil service position.
2. Authorization is requested to begin the testing process for a new patrol officer.
3. Authorization is requested to advertise for the vacant Water Assistant position.
4. A recommendation to appoint Kirsten Puskar to the vacant EAC position is requested.