



BOROUGH OF AMBLER
COMMITTEE MEETING
June 1, 2021
7:00 p.m.

ZOOM Meeting –Rules & Protocol

Borough Council will conduct its Committee Meeting via Internet vehicle 'ZOOM'. For the safety of Ambler residents, Borough Hall will be closed. Pre-registration is required. Attendees must provide their email, first and last name, and home address. Once registration is processed, a link to attend will be provided via email. A video of the virtual meeting will be posted on this website for the public the following day. The Borough Manager is making the meeting Agenda available for review by the public. Please feel free to read through the Agenda and provide feedback or make an inquiry on any Agenda items. You may email the Borough Council President Frank DeRuosi at fderuosi@borough.ambler.pa.us until 4:00PM on the meeting day so that Council may consider your comments or address a question from the public during the ZOOM Meeting.

MEETING PROCEDURES

1. Pre-registration is required. Attendees must provide their email, first and last name, and home address. Once registration is processed, a link to attend will be provided via email.
2. All participants, except for the Borough Council, Borough Manager, Borough Solicitor, Borough Police Chief, and invited Borough Staff will be muted with video camera/web camera turned off automatically upon entry to the virtual meeting.
3. There will be a Public Comment section regarding agenda items at the end of each Committee's report. A Public Comment period regarding non-agenda items will occur after voting.
4. The Public Comment section will begin with the Council President reading aloud the comments that were emailed to the Borough ahead of this meeting. Each emailed comment must include the first & last name of the resident, as well as their address. The Council will discuss each comment individually.
5. Participants who wish to speak during the Public Comment section will be instructed to press the "Raise Your Hand" button. Public comment is limited to three minutes per individual per agenda item and five minutes when an individual represents a group.
6. One by one the Borough Zoom administrator, will call on each participant with their virtual hand raised. That participant will be unmuted. That participant will have 15 seconds to respond to being called on. If there is no response, the next person "in line" will be called on.
7. It is asked that anyone who speaks during the Public Comment section announce their first and last names, as well as their home address for the record. After the comment, that participant will be muted.
8. The Council President, at any time reserves the right to mute a participant, end the video stream of a participant, or terminate/end the meeting at his discretion, due to hackers, inappropriate language, or any other activity the Council President deems inappropriate.
9. We ask for everyone's patience and understanding as we navigate through these unprecedented times and work through the unique challenges of virtual public meetings.

Public Safety Committee

Tuesday, June 1, 2021

Erin McKenna Endicott - Chair

Glynnis Siskind

Sara Hertz

Nancy Deininger

OLD BUSINESS

NEW BUSINESS

1. **PUBLIC WORKS & CODE REPORT**
The Code Enforcement report and the Public Works reports are **attached**.
2. **EMERGENCY DECLARATION FOR June**
A recommendation is requested this evening to adopt the Emergency Declaration for COVID-19 for the month of June (**attached**)
3. **RACE STREET CROSS WALK**
Staff is requesting quotes for the Library Crosswalk Upgrade on Race and Lindenwold.

Borough of Ambler Code Enforcement Report for May 2021

PERMITS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Building	13	16	21	23	19								92
Dumpster	3	0	6	4	0								13
Fire	0	0	1	0	1								2
Mechanical	3	1	5	8	3								20
Plumbing	6	1	6	7	0								20
Road Opening	1	1	1	1	40**								44
Use and Occupancy	0	2	2	2	2								8
Vendor Sales	0	0	0	0	0								0
Zoning	5	1	5	8	5								24
Rental Inspections	0	0	0	2	0								2
TOTALS	31	22	47	55	70								225

* The Borough Bi-Annual Rental Inspection Program was temporarily paused in early March 2020 due to COVID-19 hope to start back up later in 2021

**May Road Opening Permits number associated with the ongoing PECO service upgrades throughout the Borough

**BOROUGH OF AMBLER
MONTGOMERY COUNTY, PENNSYLVANIA**

DECLARATION OF DISASTER EMERGENCY

WHEREAS, on or about **Tuesday, June 1, 2021**, a viral pandemic continues to cause or threatens to cause injury, damage and suffering to the persons and property of Borough of Ambler, Montgomery County, Pennsylvania; and

WHEREAS, the pandemic has the ability to endanger the health, safety and welfare of a substantial number of persons residing in Ambler Borough, and threatens to create problems greater in scope than Ambler Borough may be able to resolve; and

WHEREAS, emergency management measures are required to reduce the severity of this disaster and to protect the health, safety and welfare of affected residents in Ambler Borough.

NOW, THEREFORE, we, the undersigned Borough Council President and Mayor of Ambler Borough, pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Service Code, (35 PA C.S., Section 7501) as amended, do hereby declare the existence of a disaster emergency in Ambler Borough.

FURTHER, we direct the Ambler Borough Emergency Management Coordinator to coordinate the activities of the emergency response, to take all appropriate action needed to alleviate the effects of this disaster, to aid in the restoration of essential public services, and to take any other emergency response action deemed necessary to respond to this emergency.

FURTHER, given that Ambler Borough is responsible for the maintenance of a potable water distribution system and a wastewater treatment plant which serve the people of Ambler Borough and surrounding townships, we direct and authorize Ambler Borough staff to coordinate and undertake all activities deemed necessary to provide these essential public utility services.

STILL FURTHER, we authorize officials of Ambler Borough to act as necessary to meet the current exigencies of this emergency, namely: by the employment of temporary workers, by the rental of equipment, by the purchase of supplies and materials, and by entering into such contracts and agreements for the performance of public works as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

This declaration shall take effect immediately upon adoption on this **1st day of June 2021**.

Frank DeRuosi, Ambler Borough Council President

Jeanne Sorg, Ambler Borough Mayor

Mary Aversa, Secretary

Public Utilities Committee

Tuesday June 1, 2021
Glynnis Siskind – Chair
Haley Welch
Jen Henderson
Karen Sheedy

OLD BUSINESS

1. **WATER AUTHORITY**

An application of the Borough of Ambler for approval of the abandonment of public water service to the public in Pennsylvania has been filed and a notice has been advertised. Formal protests and petitions were received.

NEW BUSINESS

1. **WWTP ENGINEER REPORT**

The WWTP Engineer's report will be provided.

2. **MIRIA 2021 Grant for Wells 6 & 7**

Bid document is being prepared by Gilmore. An estimated timetable for the project:

- Advertise for bids – late June 2021
- Award contract and execute Agreements – July-August 2021
- Pre-construction meeting, submittal review – September 2021
- Piping Construction – October-November 2021

3. **PFAS RESULTS**

PFAS sampling and analysis was completed April 5, 2021. Sampling will again be taken in July. All samples continue to be below the EPA health advisory threshold of 70 ppt (parts per trillion). Range in % of 70 ppt was between 13% and 37%. **(attached)**

**AMBLER WATER SYSTEM PFAS SAMPLE RESULTS
APRIL 2021 SAMPLING**

Well No. or Location	PFOA+PFOS Average of 2018-2020 Results (ppt)	PFOA+PFOS April 2021 (ppt)	Range in % of 70 ppt EPA Health Advisory 2021 PFOA+PFOS
2	20.7	25.0	36%
4	20.7	25.0	36%
6	14.9	24.0	34%
7	14.1	23.0	33%
8	8.2	9.0	13%
9	19.2	26.0	37%
11	16.7	23.0	33%
12	13.9	15.6	22%
14	13.9	18.9	27%
Whitemarsh WTP Raw	14.0	**	**
Whitemarsh WTP Treated	7.4	16.0	23%
Storage Tanks			
Loch Alsh Tank	20.3	23.9	34%
Broad Axe Tank	15.0	17.0	24%
Houston Road Tank	14.8	28.0	40%

Notes:

ppt = parts per trillion

** = Not Sampled

Average of Past Results is the average of samples collected in 2018, 2019, and 2020.

April 2021 samples were collected on April 5, 2021 and analyzed by Eurofins QC, LLC - Horsham, PA

Finance & Planning Committee

Tuesday June 1, 2021

Nellie Di Pietro - Chair

Erin McKenna Endicott

Haley Welch

Karen Sheedy

OLD BUSINESS

NEW BUSINESS

1. **BOROUGH ENGINEER'S REPORT**
The Borough Engineer's report is **attached**.
2. **RESALE PROPERTY INSPECTIONS**
Staff would like Council to consider a residential inspection program for resale properties. Please see the **attached** memo detailing the recommended process and scope.
3. **NMCRC RESOLUTION FOR ACT 101 VIOLATIONS**
Northern Montgomery County Recycling Commission has prepared a draft of a revised Protocol for Act 101 Violations and a 2021 Protocol Resolution. (**attached**). The Commission seeks to receive all comments from Council prior to the NMCRC's scheduled July 15, 2021 meeting.
4. **34 & 38 BUTLER SUBDIVISION**
Review the Preliminary / Final Minor Subdivision Plan to create two separate parcels each containing an existing building at 34 & 38 E. Butler Avenue – Simomo Properties, LLC (no development is proposed). The applicant will be doing a brief presentation at the June 1st Committee meeting. (Borough Planning Commission, Montgomery County Planning Commission, and Borough Engineer Reviews **attached**)
5. **ZONING HEARING BOARD**
Attached is the Zoning Hearing Board notice for 327 Lindenwold Avenue for June 14th at 6:30pm.
6. **LIBRARY RACP -RESOLUTION 2021-06**
Authorization to adopt Resolution 2021-06 authorizing the Redevelopment Assistance Capital Program (RACP) application for the Library. This Resolution will ratify the September 17, 2019 vote. (**attached**)

AMBLER BOROUGH

Project No.	Project Name	Status
Borough Engineer		
2001-1010	TEA-21 - Ambler Streetscape 2002	SEPTA completed train preemption connection completed. Traffic signal was put into operation on 1/15. PUC acknowledged project completion. Contractor to complete curb ramp punch list items.
2003-0122-01	Ambler-2013 NPDES MS4 Permit	Awaiting PADEP review of TMDL Strategy & PRP. 2020 Annual Status Report submitted to PADEP 9/28/20. Next Annual Status Report due 9/30/21 for period 7/1/20 thru 6/30/21.
2006-08054	Pedestrian Sidewalk Upgrade Program	Revised Safety Report, ADA, Traffic and DM-3 (plans presentation) approved by PADOT. Utility clearance and lump sum justification to be revised and resubmitted. Constructability review comments received 3/11/21. Revisions underway.
2013-02020	Ambler Crossings	Construction underway. Escrow release for Phase 1 (Boiler House parking) provided 9/27/18. Escrow release #1 for Phase 2 provided 6/4/20.
2014-12015	St. Mary's Villa Residential Redevelopment- TIS	UDT submitted Traffic Signal Permit Application (TE-160) to PADOT on 8/28. PADOT has concurred a signal is warranted at Behlehen/Lindenwold by way of 10/22 letter. UDT to prepare signal permit application and submit to PennDOT for review and approval.
2017-01010-01	Ambler Pocket Park - Ambler Square	Construction underway. Punch list items to be addressed by contractor. Application submitted to PECO Green Regions Program 11/20/20.
2017-09055	Bridge/Culvert Assessments	Load rating reports Hendricks/Rose Valley provided 7/31/18 & for N. Maple/Tannery Run provided 10/2/18. Condition assessment of Hendricks/Rose Valley underway. Condition assessment of N. Ridge/ Rose Valley to be completed. Visual assessment of Tannery Run underway.
2020-07089	90 W. Butler Ave	Construction underway. Anticipate August 2021 completion.
2021-01010	2021 Ambler Borough General Services	MontCo2040 (2021 Round) for community garden submitted 3/1/21.
2021-01136	241 N. Main (DeCastro)	Plan review on hold pending Borough receipt of application and fees.
2021-03028	Lakeview CU	Pre-application meeting held with developer on 3/5/2021.
2021-03069	34 E. Butler Minor SD (01-270-074)	Plan review provided 5/19/21. PC recommended approval at 5/25/21 meeting.
2021-04048	Edgewood Dr - PA Small Water & Sewer Program Grant Implementation	Kick-off meeting with Borough Staff held 5/14/21. Field survey to be scheduled. Anticipate bid early 2022.
Sewer Engineer		
2013-02020-01	Ambler Crossings - Sewer	Construction underway. Sanitary Sewer is complete. testing remains.
2021-01041	Chapter 94 Report	Annual sewer collection report submitted to EEMA on 3/18/21.
2021-01050	Ambler Borough 2021 General Sewer Services	Ongoing
Water Engineer		

GILMORE & ASSOCIATES, INC.

AMBLER BOROUGH

Project No. Project Name

Status

Water Engineer

2012-10043	Loch Aish Dam Annual Inspections	Annual inspection with PADEP conducted on 11/18/20. Report completed and transmitted to PADEP on 1/7/21.
2013-02020-02	Ambler Crossings - Water	Construction underway. Water main is tested/complete.
2013-02073	Loch Aish Emergency Action Plan	Hydrologic & hydraulic analysis and inundation map revisions completed by Princeton Hydro (PH) per report letter dated 4/12/21. Emergency Action Plan (EAP) updated per PH report and for administrative changes. PH report and updated EAP transmitted to Borough for review on 4/23/21. Borough in process of obtaining required agencies' signatures.
2017-03128	Lafayette Ave. Water Main Replacement	Project complete. 18 month maintenance period began 12/18/18. Maintenance period punch list issued 6/1/20.
2018-01154	Gwynedd Walk (LGT)	Water main construction and testing complete; some service curb stops remain to be installed. 18 month maintenance period complete. Escrow release #2 recommended 8/11/20.
2018-01171	Mattison Estates (UDT)	Water construction and testing complete. 18 month maintenance period began 7/1/20. Ongoing reviews of water service connections.
2019-01169-01	Butler Pike Water Main Replacement	Project complete. Final payment recommended 5/20/21. 18 month maintenance period began 5/12/21.
2020-03071	MIRIA Grant Application	Assisted Water Dept. with preparation of grant application documents, including budget cost estimate for proposed PFAS treatment piping project to connect Wells 6 and 7 to proposed Well 2 treatment system. Grant awarded by MIRIA end of December 2020. Design of piping from Wells 2 and 7 to treatment system to be located at Well 6 is underway. Working with Ambler Water Sup't and carbon supplier to evaluate carbon currently in use at Whitemarsh WTP and assess options for carbon to efficiently treat PFAS. Reviewed most recent quarterly PFAS samples for all sources and tanks.
2020-03072	Whitemarsh Plant Operations	Assisting Water Dept. with recommendations and revisions to the Whitemarsh Plant SOPs. Prepared revised calculations with recommended settings to meet 1.0-Log Giardia Inactivation requirements. Prepared and submitted plan to DEP for review and approval of tracer test to be conducted at Whitemarsh to determine contact time and efficiency of chlorine detention facilities. Plan approved by DEP on 11/3/20. Tracer test completed 12/1/2020. Report of test results submitted to DEP on 3/18/21. Permit issued by DEP on 3/24/21.
2020-06158	Wells 2, 6, and 7 PFAS Treatment System	\$1,000,000 grant awarded by PADEP. Survey complete and engineering design underway. Pre-application meeting with DEP representatives held virtually on 3/9/21 to discuss permit requirements.
2021-01040	Ambler Borough DRBC Annual Water Audit	Annual water loss audit submitted to DRBC via email on 4/1/21.
2021-01049	Ambler Borough 2021 General Water Services	Ongoing assistance concerning PFAS issues, including regulatory activity, source monitoring, providing information and responses to the public. Preparing update to water distribution system map. Working with Water Supv. on monitoring and waiver requirements in 2021. Met with Ambler staff to review 5-year capital plan. Assisted Ambler attorneys and staff with responses to Discovery questions concerning formation of a Water Authority including providing corresponding documentation.
2021-04054	2022 MIRIA Grant Program	Assisted Water Dept. with preparation of grant application documents, including budget cost estimate for proposed PFAS treatment system facility at Well 12 or Well 14, carbon changeout at Whitemarsh treatment plant, and 2022 quarterly PFAS sampling and laboratory testing.

GILMORE & ASSOCIATES, INC.

AMBLER BOROUGH

Project No. Project Name

Status

Water Engineer

2021-04095 Longfield Farms Development
(Whitemarsh Twp)

Land development plans under review with respect to proposed water system improvements.

2021-04121 Water System Emergency Response Plan
(ERP)

Certification of ERP is due 6 months following preparation of RRA. ERP is to be prepared following preparation of RRA.

2021-04122 Water System Risk & Resilience
Assessment (RRA)

RRA and ERP for Community Water Systems is required by USEPA under America's Water and Infrastructure Act of 2018 (AWIA). Certification of RRA is due by 6/30/21. Preparation of RRA is underway.

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



Memorandum

To: Ambler Borough Council

From: Glenn Kucher, Code Enforcement Officer

Date: April 30, 2021

Re: Resale Residential Use and Occupancy Inspection Proposed Procedures and Policies

Ambler Borough presently does not require a use and occupancy for the sale of a residential property in the Borough. The Borough presently requires a letter outlining items are in good working condition from the seller. With the present booming real estate market in the Borough, it may be a good time to inspect and regulate some commonly neglected items that have a negative effect on the Borough as a whole. Staff would like to propose starting a residential resale use and occupancy inspection program. This would NOT entail an interior inspection of the property. I feel that many new homeowners in the Borough are either hiring their own home inspector and / or renovating after settlement. New rentals are inspected by the Borough in order to make sure that property maintenance issues are repaired. With performing the below items current staff along with the Building Inspector would be able to handle the increase in tasks. This proposed program would entail inspections of the following:

- Electrical Certification – this electrical inspection and certification would be done by a certified electrical underwriter to ensure compliance and safety under the electrical code. There are several electrical underwriters in the area and a list would be provided to the seller as part of the resale packet information. Electric certifications would be sent to the Borough via email from the electrical underwriter.
- Curb / Sidewalk / Alley Inspection – if a home has a curb, sidewalk and/or a driveway or portion of the rear alley that need repair or replacement it would be required to do so prior to the issuance of a use and occupancy. Borough inspectors would mark the required areas for repair with white spray paint. Walkability is one of the many cornerstones which makes Ambler a desirable place to live, and this would help improve its walkability and safety as properties turnover.

- Sewer lateral Inspection - the seller of the property would be required to hire a master plumber to conduct a video inspection of the sanitary sewer service lateral and issue a certified report regarding the condition. This certified report would clearly indicate whether the private sewer service lateral serving the property is in satisfactory or defective condition. The certification shall clearly indicate that there is no inflow and/or infiltration into the private sewer service lateral, nor any illegal connections, sump pump connections, and that the cleanout vent is capped and not damaged. If the private sewer service lateral serving the property is in defective condition, the certified report shall identify the deficiencies and make necessary changes. I have spoken to plumbers in the Borough that have the necessary equipment and certifications to perform these inspections.
- Backflow preventer verification – this is a check valve located on the house side of the meter to prevent water from flowing in the opposite direction out of the home in the event of an emergency.
- Exterior property maintenance inspection – a visual inspection to ensure that there are no tripping hazards on walkways, loose railings, missing roof shingles or visually distressed items on the exterior.

I have overseen use and occupancy resale inspection programs at my previous municipality I worked at and believe the above lite inspection program could easily be incorporated into the Code Department operations. The next step moving forward would be to draft an ordinance outlining the above. I have several sample municipal ordinance language to assist in this process with the Borough Solicitor. The Borough would be looking for a fee of about \$150.00 which would cover the cost of the initial inspection and a re-inspection and paperwork. The Borough Code Department would be able to implement this program immediately after adoption of the Ordinance. I have obtained all the necessary forms and paperwork get started.

Feel free to contact me with any questions or comments. Thank you for your input and assistance with this matter.

Wisler Pearlstine, LLP



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Blue Bell, Pennsylvania 19422-2323
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Offices in Blue Bell + Newtown

Mark A. Hosterman, Esquire
mhosterman@wispearl.com

April 20, 2021

Mary Aversa, Borough Manager
Ambler Borough
122 E. Butler Avenue
Ambler, PA 19002

RE: Northern Montgomery County Recycling Commission
Protocol for Act 101 Violations

Dear Ms. Aversa:

As you may recall, this office serves as solicitor for the Northern Montgomery County Recycling Commission (“NMCRC”) of which your municipality is a member. In 2020, the NMCRC sent you a proposed Protocol for Act 101 Violations along with a resolution (the “2020 Protocol Resolution”) and requested that your governing body adopt the same. Most of the member municipalities adopted the 2020 Protocol Resolution as presented; however, some municipalities responded by providing comments and requesting revisions to the 2020 Protocol Resolution before considering it for adoption. This resulted in an incomplete adoption process and lack of uniformity among the member municipalities.

The Commissioners have expressed a desire for all eleven municipalities to adopt the exact same protocol to achieve uniformity in enforcement protocol. To that end, we are enclosing a *draft* of a revised Protocol for Act 101 Violations and resolution (the “2021 Protocol Resolution”) which the Commission believes addresses the concerns of the municipalities that have not heretofore adopted the 2020 Protocol Resolution.

The NMCRC respectfully requests that you share this *draft* 2021 Protocol Resolution with your governing body and solicitor to provide our office with your review comments prior to the NMCRC meeting to be held July 15, 2021. At that meeting, the Commissioners intend to review all comments and make one final revision to the 2021 Protocol Resolution. It is anticipated that the finalized version for adoption will be distributed shortly after the July 15 NMCRC meeting. In the interim, please do not adopt this draft version of the 2021 Protocol Resolution.

Please let us know if you have any questions, comments or concerns, or require any further information.

Sincerely,



MARK A. HOSTERMAN

MAH:slp

Enclosures
cc: NMCRC Commissioners *via email only*

{02327037}

ATTORNEYS AT LAW

Newtown Office:
Post Office Box 1186 + 301 North Sycamore Street + Newtown, Pennsylvania 18940 + 215.579.5995 + Fax 215.579.7909

_____ TOWNSHIP/BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA
RESOLUTION 2021-__

**A RESOLUTION ADOPTING PROCEDURES FOR THE
HANDLING OF RECYCLING AND SOLID WASTE
DISPOSAL VIOLATIONS BY HAULERS, BUSINESSES,
INSTITUTIONS OR RESIDENTS OF MEMBER
MUNICIPALITIES OF THE NORTHERN MONTGOMERY
COUNTY RECYCLING COMMISSION.**

WHEREAS, the Northern Montgomery County Recycling Commission (the “Commission”) is comprised of eleven (11) municipalities located in Montgomery County, Pennsylvania organized for the purpose of implementing the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, as amended (“Act 101”); and

WHEREAS, the member municipalities of the Commission have assigned and delegated their powers under Act 101 to the Commission in accordance with an Amended and Restated Intermunicipal Agreement dated May 21, 2007, as amended (the “Agreement”); and

WHEREAS, Section 403 of the Agreement grants to each member municipality concurrent jurisdiction with the Commission for the monitoring and enforcement of Act 101; and

WHEREAS, Section 4 of the Municipal Waste Collection and Recycling Ordinance adopted by each of the member municipalities authorizes the Commission to establish, by resolution, rules and regulations related to the administration of the recycling program and to administer and enforce against violations of all such rules and regulations; and

WHEREAS, each member municipality has delegated to the Commission pursuant to Section 8.B(2)(c) the authority to promulgate rules and regulations and to enforce those rules and regulations or to delegate such enforcement to the member municipalities; and

WHEREAS, the Commission and each member municipality desire to establish formal procedures for the enforcement of Act 101 and enforcement against violations by haulers, businesses, institutions and residents of its member municipalities;

NOW, THEREFORE, IT SHALL BE RESOLVED AS FOLLOWS:

Section 1. The Commission and each member municipality hereby adopt the enforcement procedures attached hereto as Schedule “A” and incorporated herein by this reference with the same effect as if they had been set out verbatim in this section, and a copy of which shall be filed with the minutes of the meeting at which this Resolution was adopted.

Section 2. Resolution 2020-__ adopted on _____, 2020 is hereby rescinded in its entirety.

Section 3. This Resolution shall become effective at the earliest date permitted by law.

DULY ADOPTED this __ day of _____, 2021 by the _____ Township/Borough.

TOWNSHIP/BOROUGH

Attest: _____
 , Secretary

By: _____
 , Chairman

Regulation re: Violations of Act 101

Procedures for Act 101 Violations

1. First Offense – Upon receipt of sufficient credible evidence and after consultation with the municipality in which the violation occurred, a written violation warning letter may be sent to the violator (i.e., the waste hauler, business, institution or municipal resident) by the NMCRC Solicitor, at the discretion of the NMCRC Solicitor, who may seek guidance from the Commission before moving forward with a written violation warning letter. A warning letter will include a statement that both the municipality and the NMCRC have enforcement powers for a violation of Act 101 and/or the corresponding municipal ordinance.
 - a. Written notice should be sent by certified mail, return receipt requested.
 - b. A copy of the written notice should be sent to the member municipality in which the violation occurred and to the NMCRC Chairman, for distribution to all Commission members.
 - c. Written notice should include a description of each violation, identification of the section(s) of Act 101 and/or the corresponding municipal ordinance being violated.
 - d. Whenever appropriate, initial violations shall be discussed in executive session.
 - e. If the NMCRC Solicitor declines to issue a violation warning letter, the NMCRC Solicitor shall notify the member municipality of the decision. The member municipality may move forward with a violation warning letter.

2. Subsequent Offense – Upon receipt of sufficient credible evidence of a subsequent offense by the same violator within two (2) years of the date of the first offense, the municipality in which the violation occurred should notify its solicitor or code official to consider commencement of enforcement action. The municipality shall notify the NMCRC Solicitor and advise the NMCRC Solicitor whether the affected municipality intends to undertake formal enforcement action on behalf of the affected municipality. In most cases, the affected municipality will be responsible to undertake the formal enforcement action pursuant to guidelines set forth in Act 101 and/or the corresponding municipal ordinance. The municipality shall periodically provide non-confidential enforcement status reports to the NMCRC Solicitor and Chairman.

3. Report to PADEP. If a subsequent offense occurs (as set forth in Section 2 above) and the affected municipality elects not to undertake formal enforcement action, the municipality or NMCRC Solicitor may report the occurrence of the violation to the Pennsylvania Department of Environmental Protection (“PADEP”) and request that PADEP pursue enforcement action.

4. Enforcement Action by NMCRC. If a subsequent violation impacts more than one NMCRC member municipality and PADEP decides not to pursue enforcement action, the NMCRC Solicitor may, after a vote by the Commission, take formal enforcement action on behalf of the affected municipalities, provided the affected municipalities enter into a cost-sharing agreement, prepared by the NMCRC Solicitor and satisfactory in form and substance to the NMCRC, relating to all costs and expenses, including attorneys' fees, relating to the enforcement action.

Recommended Documentation Evidencing Violations

If a resident, business or institution observes an alleged waste disposal or recycling violation, the resident should contact the Municipal Manager to report the alleged violation. The Municipal Manager should obtain as many factual details as possible from the resident, business or institution and determine whether the resident, business or institution can provide any written or visual documentation to support the alleged violation. Recommended documentation would include the following:

- Written witness statement(s) describing what activities occurred, when and where they occurred, and the identity of all witnesses and other individuals who were involved. Include the name, address and contact information for each witness who observed the violation occurrence.
- Photographs/videos taken by witnesses, including the name, address and contact information for the individual(s) who created the photograph/video.
- Certification statement signed and dated by each witness certifying that the evidence provided is correct and complete. (For example: "I, _____, hereby certify that the foregoing information provided by me is correct and complete.")

Sample Ordinance Violations

Some common waste disposal/recycling violations include the following:

- Commingling recyclable materials with municipal solid waste
- Commingling household hazardous waste with municipal solid waste
- Commingling leaf waste with municipal solid waste
- Outdoor burning (including leaf burning)
- Collecting waste/recyclables between the hours of 8:00 pm and 6:00 am
- Violating other time, place and manner restrictions applicable to waste/recycling disposal

Municipal Websites

Each member municipality should include information on its website for reporting Act 101 violations to the municipality.

APPLICATION FOR SUBDIVISION &
LAND DEVELOPMENT REVIEW
BOROUGH OF AMBLER
131 Rosemary Avenue
Ambler, PA 19002
(215) 646-1000
FAX (215) 641-1355



Development Name: 34 & 38 East Butler Avenue Minor Subdivision

Site Location: 34 & 38 East Butler Avenue

Legal Property Owner Name: Simomo Properties, LLC

Address: 1150 Stone House Road, Lower Gwynedd, PA 19002

Phone: 610-850-2570 Fax: _____

E-Mail Address: michael@goldenfunds.com

Contact Person (to whom all correspondence will be sent):

Name: Michael Golden

Address: 1150 Stone House Road, Lower Gwynedd, PA 19002

Phone: 610-850-2570 Fax: _____

E-Mail Address: michael@goldenfunds.com

Interest of applicant is: Owner Equitable Owner Other-explain _____

Zoning Information:

District DC - Downtown Commercial

Tax Parcel Number 01-00 0-077-800-4

Block _____ Unit _____

Permitted Density N/A

Total Area 15,556 Square Feet

Type of Review Requested:

Subdivision Plan Land Development Conditional Use Amendment

Type of Plan:

Sketch Preliminary Final

Type of Submission:

New Proposal Revised Prior Submission

Statement of Intent: The application is for a minor subdivision of the lot located on the southeast corner of East Butler Avenue and South Spring Garden Street. The property currently contains two buildings and the proposed subdivision would be to create separate parcels for each building.

Land Use/Proposed Number of Lots/Units Intended Use(s):

- Residential _____
- Commercial 2 lots Restaurant, Office
- Industrial _____
- Office _____
- Other _____

Please complete the following items which are applicable to your project:

Attorney's Name: Hope Hammer, Esq. - Royer Cooper Cohen Braunfeld LLC

Address: 101 W. Elm Street, Suite 400 Conshohocken, PA 19428

Phone: 484-362-2646 Fax: _____

E-Mail: hhammer@rccblaw.com

Engineer's Name: Robert Cunningham, P.E. Holmes Cunningham Engineering

Address: 409 E. Butler Ave, Unit 5 Doylestown, PA 18901

Phone: 215-586-3330 Fax: _____

E-Mail: rob@hcengineering.net

I certify that the plans submitted comply with the requirements of Chapter 22 of the Ambler Borough Code of Ordinances.

Plan submitted by: _____ (please print)

Applicant's Signature: Michael Golden

Application Fee: \$ 190 Attached Under separate cover

Escrow Amount: \$ 5,000 Attached Under separate cover

Ambler Borough Fee Schedule (non-refundable)
Checks should be made payable to "Ambler Borough"

RESIDENTIAL SUBDIVISION/LAND DEVELOPMENT: Application Fee

Preliminary Plans	\$150.00 plus \$20.00 per unit/lot or each additional 1,000 S.F.
Final Plans	\$150.00 plus \$20.00 per unit/lot or each additional 1,000 S.F.

NON-RESIDENTIAL SUBDIVISION/LAND DEVELOPMENT: Application Fee

Preliminary Plans	\$150.00 plus \$20.00 per unit/lot or each additional 1,000 S.F.
Final Plans	\$150.00 plus \$20.00 per unit/lot or each additional 1,000 S.F.

ESCROW FUND: Established based on the following calculations

Minor Subdivisions/Land Development (4 lots or fewer)	AT COST
Major Subdivisions/Land Development (5 lots or greater)	AT COST

CONDITIONAL USE HEARING (Council):

Residential \$500.00; Non-Residential \$1000.00 plus costs.

LOCATION MAP
 100' 50' 25' 125' 75' 100'

SOILT TABLE

Symbol	Unit Name	HSQ	D
—	Urban Land Use & Parcel Bound		

LEGEND

- EL PROPERTY LINE
- PROP. PROPERTY LINE
- PROPOSED TRASH PAD
- PROPOSED LOT LINE
- PROPOSED LOTLINE

TRASH PAD PAVEMENT SECTION
 COMPACTED FIRM SUBGRADE
 2" GRANULAR SURF
 4" REINFORCED 14" SLAB
 BASE, CURB, AND SLOPING SHALL BE PROVIDED IN ACCORDANCE WITH APPLICABLE STANDARDS.

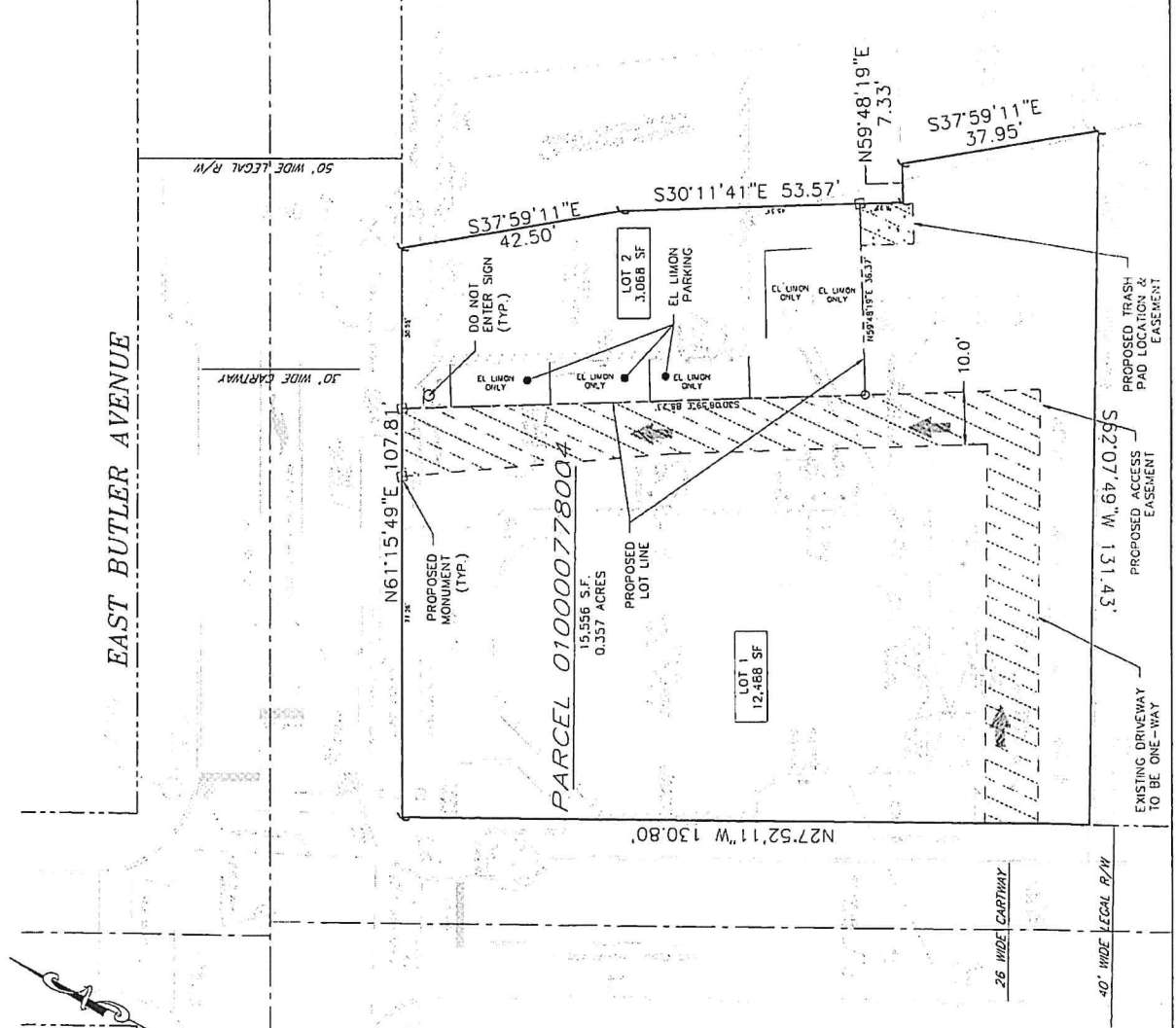
ZONING DATA TABLE
 ZONING DISTRICT: R-1
 SUB-DISTRICT: COMMERCIAL

ITEM	REQUIREMENT	EXISTING	PROPOSED LOT 1	PROPOSED LOT 2
Max. Lot Size	15,566 SF	15,566 SF	12,488 SF	3,068 SF
Max. Building Coverage	80%	38.2%	15.5%	57.6%
Max. Building Height	40 FT	< 40 FT	< 40 FT	< 40 FT

There are no requirements relative to providing fire hose capacity, minimum building setback, or maximum impervious coverage for this zoning district.

ABSTRACT TABLE

Area	Setback	Area	Employed	Spots
Residential	1 Street Per 100 SF	1 Street Per Employee	150 SF	1
Professional	1 Street Per 100 SF	1 Street Per 100 SF	150 SF	1
Total Employee Parking Spots				2
Total Employee Parking Spots				2
Total Employee Parking Spots				2





GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

May 19, 2021

Project No. 2021-03069

Mary Aversa, Borough Manager
Borough of Ambler
122 E. Butler Avenue
Ambler, PA 19002

Reference: Minor Subdivision Plan
Simomo Properties, LLC – 34 & 38 E. Butler Avenue
Tax Parcel No: 01-00-00778-00-4

Dear Mary:

As requested, Gilmore & Associates, Inc. has reviewed the information listed below with regard to the minor subdivision application referenced above.

- A. Application for Subdivision & Land Development Review, prepared for Simomo Properties, LLC, prepared by Michael Golden.
- B. Holmes Cunningham Engineering response letter dated May 14, 2021.
- C. Minor Subdivision Plan (1 Sheet), prepared for Simomo Properties, LLC, prepared by Holmes Cunningham LLC, last revised May 14, 2021.

As part of the subdivision plan review, we offer the following comments:

PROJECT DESCRIPTION

The Applicant, Simomo Properties, LLC, proposes to subdivide the existing 15,556 sq. ft. lot into two lots. The lot, located in the DC – Downtown Commercial Zoning District, currently contains two separate buildings; a three and one-half story restaurant and a one-story restaurant. The proposed subdivision would result in two lots, each containing a restaurant use and a portion of the existing parking lot shared between the two buildings. Neither improvements nor a change in uses have been proposed as part of this application. It is our understanding this subdivision will more formalize the current condition in which separate businesses operate in each building. The applicant proposes to establish easements to formalize the shared access and trash collection area.

ZONING

Based on our review, the plan appears to be compliant with the Ambler Borough Zoning Ordinance (Chapter 27). It is noted that the existing number of parking spaces is noncompliant and will not change as part of this application.

SUBDIVISION AND LAND DEVELOPMENT

Based on our review, the plan does not appear to comply with the following sections of the Ambler Borough Subdivision and Land Development Ordinance (Chapter 22).

SUBDIVISION AND LAND DEVELOPMENT APPENDIX B – LANDSCAPE PLANTING REQUIREMENTS

1. §22B-100.3 – Street trees shall be required along all existing streets at a ratio of one tree per 40 feet of frontage. Two street exist along Butler Avenue, where three would be required, and one exists along S. Spring Garden, where four would be required. Given the existing features and underground utilities, it is unlikely that space is available along the property frontages for additional trees. We defer to Borough Council to consider a waiver of this requirement or consideration of trees provided elsewhere.

65 East Butler Avenue | Suite 100 | New Britain, PA 18901 | Phone: 215-345-4330 | Fax: 215-345-8606

GENERAL

1. The Applicant should obtain all required approvals, permits, declarations of restrictions and covenants, etc. (e.g. PADEP, PennDOT, MCPC, Montgomery County Conservation District, Sewer Authority, Water Authority, Fire Marshal, etc.). Copies of these approvals and permits should be submitted to the Borough and our office.
2. The Applicant shall provide the deed for the existing lot and legal description for the proposed lots and easements for review prior to recording of the plan.
3. The Borough Solicitor shall review the language of the proposed easements.

RECOMMENDATION

If Borough Council agrees, the application could be considered for approval subject to compliance with the outstanding issues noted. A response letter should accompany any future submissions documenting any changes to the application. Please note that revision and/or modification of the plans may require review and additional comment. 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/si

cc: Glenn Kucher, Code Enforcement Officer - Ambler Borough
Joseph E. Bresnan, Esq., Solicitor - Ambler Borough
Michael Golden – Simomo Properties, LLC
Hope Hammer, Esq. – Royer Cooper Cohen Braunfeld, LLC
Robert Cunningham, P.E. – Holmes Cunningham LLC

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 25, 2021

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

Re: Review Preliminary/Final Minor Subdivision Plan to
Create Two Separate Parcels at 34 & 38 E. Butler Avenue

Dear Ms. Aversa:

At the direction of Council, the Planning Commission has been requested to review a Preliminary/Final Minor Subdivision Plan to create two separate parcels each containing an existing building, each currently used as a restaurant, at 34 and 38 E. Butler Avenue. No development is proposed.

Discussion took place at the April and May Planning Commission meetings. At the meeting held this date via the internet vehicle ZOOM, a motion was made and seconded. After a roll-call vote was taken of the six members present, the motion carried unanimously to recommend to Council to consider approving the Applicant's requested Preliminary/Final Minor Subdivision Plan with Council's discretion in granting the street-tree waiver by the installation of planters, a tree in another location or a fee in lieu.

If you have any questions, please do not hesitate to contact our Vice Chairman, Al Comly, who presided over the meeting.

Very truly yours,

Carol Ann DiPietro

Carol Ann DiPietro
Secretary
Ambler Borough Planning Commission

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG

SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

April 26, 2021

Glenn Kucher, Zoning Officer & Planning Coordinator
Ambler Borough
131 Rosemary Avenue
Ambler, Pennsylvania 19002

Re: MCPC # 21-0096-001
Plan Name: 34 & 38 E Butler Avenue - Minor Subdivision
(1 lot comprising 0.35 acres)
Situates: 34 E Butler Avenue
Borough of Ambler

Dear Mr. Kucher:

We have reviewed the above-referenced subdivision in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on March 23, 2021. We forward this letter as a report of our review.

BACKGROUND

The applicant, Michael Golden, submits a subdivision plan for the site at 34 E Butler Avenue in Ambler Borough. The proposed subdivision site (Tax Parcel # 01-00-00778-004) is a 15,475 square foot parcel at the southeast corner of Butler Avenue and South Spring Garden Street. The site includes vehicle access from both streets and 113 feet of frontage on Butler Avenue. The site currently hosts two separate structures both containing restaurant uses. The applicant proposes to subdivide the existing parcel into two lots, with each resulting lot containing one of the existing restaurant structures as well as a portion of the parking currently shared by both the restaurants on the site. The applicant's plan includes no improvements to either of the resulting proposed lots.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the applicant and the Borough of Ambler may wish to consider prior to approval of the applicant's proposed subdivision. Our comments are as follows:



REVIEW COMMENTS

ZONING

A. OFF-STREET PARKING AND LOADING

1. §27-2102 Required Spaces. The applicant's submission does not include any information regarding the parking configuration on either of the proposed lots. Additionally, the plan does not include a parking table indicating the required or proposed parking allocation at the two resulting lots. The restaurant uses at the site do not appear to conform with the current requirement of "1 space per 100 square feet of patron area."
2. §27-2104 Common Parking and Off-Site Facilities. §27-2104(A) provides for shared parking by special exception and requires the applicant to provide a site plan showing the "proposed distribution of spaces among the establishments." §27-2104(C) requires the applicant provide information detailing any "easement, lease, or other arrangement" regarding the common parking to assure shared use. As the applicant's submission does not include details regarding parking configuration or shared use, we recommend the applicant consult the borough's Code Enforcement Officer to determine the additional materials required for approval of the applicant's proposal.

SUBDIVISION AND LAND DEVELOPMENT

A. §22-304 Minor Subdivision Plan

1. §22-304.5(A)(5) / §22-304.5(B)(5) Existing and Proposed Features. Minor Subdivision Plans are required to show areas subject to "deed restrictions or easements" in both the existing lot as well as any proposed subdivided lots. The applicant's proposal does not include any detail in this regard. We recommend the applicant revise the plan to include both the existing and proposed configuration of both the shared access and shared parking. We also recommend that this configuration and any arrangement be reviewed for compliance by both the Borough's Solicitor and Code Enforcement Officer.

B. APPENDIX B – Landscape Planting Requirements

1. §100.3 Street Trees. Street trees are required at one tree per 40 linear feet of frontage. As the existing trees at the site do not meet the minimum standard, we recommend the applicant coordinate with the Borough's Code Enforcement Office and Engineer to determine where additional street trees may be appropriate or feasible.
2. §100.4(4)(A)(2) Site Element Screens – Dumpsters, trash disposal or recycling areas. The current or proposed location of the dumpster is not indicated in the applicant's plan. We recommend the applicant amend the plan to provide the dumpster location as well as the location of any required buffering or screening.
3. Although additional street trees may not be feasible at the site, we recommend the borough consider alternate greening possibilities at the site. Alternative options for screening, vegetation, and greening may be possible at the site in the form of structured planters or downspout planters similar to those at other locations along the Butler Avenue corridor.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal but we believe that our suggested revisions will better achieve Ambler's planning objectives for commercial development.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,



Michael Lowrey, Community Planner II
m_lowrey@montcopa.org - 610 -278-3887

c: Michael Golden, Applicant
Robert LaGreca, Chair, Ambler Planning Commission

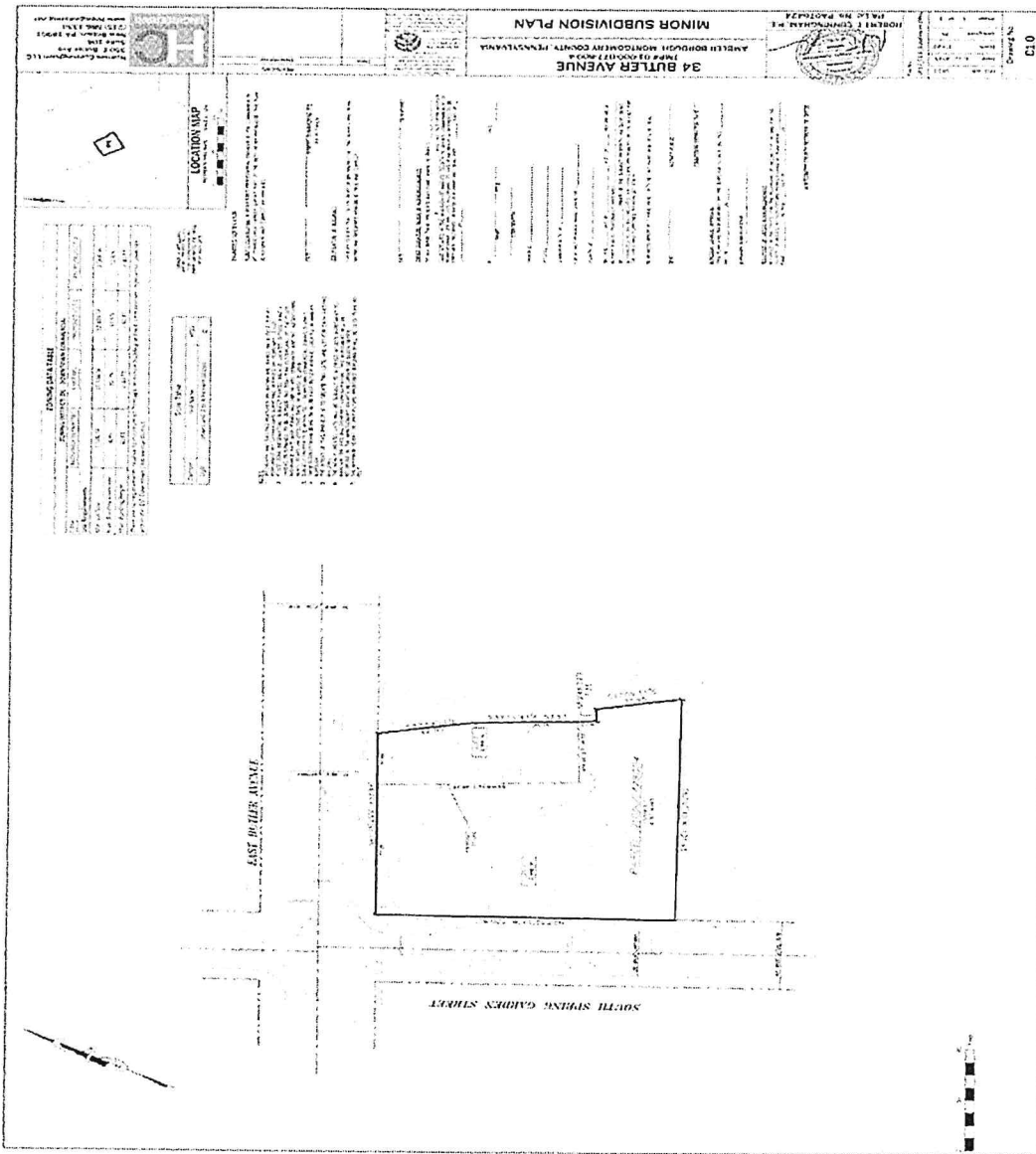
Attachments: 1. Aerial Site Image
2. Reduced Site Plan

Attachment #1 - Aerial Site Plan



34 & 38 East Butler Avenue
Minor Subdivision
MCPC #210096001

Attachment #2 – Reduced Site Plan



Prepared by and Return To:

Hope J. Hammer, Esquire
Royer Cooper Cohen Braunfeld LLC
101 W. Elm Street, Suite 400
Conshohocken, PA 19428
hhammer@rcclaw.com

PARCEL NOS:

DECLARATION OF EASEMENTS

THIS DECLARATION OF EASEMENTS (this "Declaration") is made this ____ day of _____, 2021 by Simomo Properties, LLC, a Pennsylvania limited liability company ("Declarant").

RECITALS

A. Declarant, as the owner that certain tract or parcel of land, with the buildings and improvements thereon erected, having the street address of 34 & 38 E. Butler Avenue, Ambler, PA and identified as Tax Parcel 01-00-00778-00-4 (the "Initial Lot"), obtained from Ambler Borough on _____, 2021 approval of the minor subdivision of the Initial Lot into two (2) separate lots, as more particularly depicted the Minor Subdivision Plan prepared by Holmes Cunningham, LLC dated _____, 2021, a copy of which is attached hereto as Exhibit A (the "Minor Subdivision Plan").

B. The Minor Subdivision Plan reflects (i) Proposed Lot 1 containing 12,488 square feet of land and which is more particularly described by metes and bounds on Exhibit B ("Lot 1"); and (ii) Proposed Lot 2 containing 3,068 square feet of land and which is more particularly described by metes and bounds on Exhibit C ("Lot 2").

C. Lot 1 and Lot 2 share (i) a common means of ingress and egress to and from East Butler Avenue and South Spring Garden Street and for to access to and from certain parking and paved areas located on Lot 2; and (ii) an area, as depicted on the Minor Subdivision Plan, for installation and use of a common dumpster.

D. As a condition to approval of the Minor Subdivision Plan, Ambler Borough required that Declarant subject portions of Lot 1 to certain easements, as hereinafter provided, in favor of Lot 2 for the benefit of the owner of Lot 2 and its agents, officers, employees, invitees, tenants, licensees, successors and assigns, and to establish a mechanism for sharing between the owner of Lot 1 and Lot 2 certain costs associated with the use, maintenance, repair and replacement of such easement areas and the services provided thereto.

NOW, THEREFORE, incorporating the Recitals above and in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be bound hereby, Declarant declares as follows:

1. Access Easement. That portion of Lot 1 reflected on the Minor Subdivision Plan as the "Access Easement Area" shall be subject to a non-exclusive for (i) vehicular ingress and egress to and from East Butler Avenue and South Spring Garden Street; and (ii) access to and from the parking and paved areas located on Lot 2. The use of the Access Easement Area shall be shared by the owner(s) of Lot 1 and Lot 2 and their respective successors, assigns, invitees, licensees, tenants, agents and employees. No party shall use the Access Easement Area in any manner injurious or destructive to the rights granted herein nor shall any party permit the erection of any barrier, fence or other obstruction to the free and unhampered use of the Access Easement Areas. The owner of Lot 1 shall be responsible for all maintenance and repair of the Access Easement Area, including snow and ice removal, but the reasonable cost of such maintenance and repair actually incurred shall be shared 60% by the owner of Lot 1 and 40% by the owner of Lot 2. The share of such costs allocated to Lot 2 shall be paid by the owner of Lot 2 within thirty (30) days after receipt from the owner of Lot 1 of an invoice, which shall include reasonably sufficient detail as to the work performed and the cost thereof. Notwithstanding the foregoing, in the event of damage to the Access Easement Area in excess or normal wear and tear and which is caused by the negligent act or omission or willful misconduct of either the owner of Lot 1 or the owner of Lot 2, or by their respective invitee, licensee, tenant, agent or employee, the owner who caused (or whose invitee, licensee, tenant, agent or employee caused) such damage shall be fully responsible, at its sole cost and expense, for repair of the damage.

2. Trash Easement. That portion of Lot 1 reflected on the Minor Subdivision Plan as the "Trash Easement Area" shall be reserved exclusively for the placement of trash dumpsters and shall be subject to a non-exclusive easement in favor of Lot 2 for the deposit of trash. The use of the Trash Easement Area shall be shared by the owner(s) of Lot 1 and Lot 2 and their respective successors, assigns, invitees, licensees, tenants, agents and employees. All costs associated with use of the Trash Easement Area and any dumpsters located therein shall be 60% by the owner of Lot 1 and 40% by the owner of Lot 2, and the share of such costs allocated to Lot 2 shall be paid by the owner of Lot 2 within thirty (30) days after receipt from the owner of Lot 1 of an invoice, which such invoice shall include a copy of the trash provider's bill and accompanying detail.

4. Runs with the Land. The easements and covenants set forth herein shall be deemed to run with the land and shall be binding upon and inure to the benefit of the owner(s) Lot 1 and Lot 2 and their respective assigns and successors in title. Every person who owns, occupies or acquires any right, title, estate or interest, in whole or in part, in Lot 1 or Lot 2 shall be inclusively deemed to have consented and agreed to every limitation, restriction, reservation, condition and covenant contained herein, whether or not any reference to these covenants and restrictions is contained in the instrument by which such person acquired such interest.

5. Default. If there is a failure by a party to perform, fulfill or observe any agreement contained within this Declaration, to be performed, fulfilled or observed by it, continuing for

30 days, or in situations involving potential danger to the health or safety of persons in, on or about or substantial deterioration of Lot 1 or Lot 2, in each case after written notice, the other party may, at its election, cure such failure or breach on behalf of the defaulting party. Any reasonable amount which the party so electing shall expend for such purpose, or which shall otherwise be due by either party to the other, shall be paid to the party to whom due on demand, without contest, upon delivery of its invoice, together with interest at the lower of (1) the rate of 10% per annum, or (2) the maximum rate permissible from time to time under applicable law, from the date of the expenditure or the date when it shall have become due to the date of payment in full.

6. Modification. This Declaration may not be modified except by written agreement executed by the owner(s) of Lot 1 and Lot 2.

7. Governing Law. This Declaration shall be construed in accordance with the laws of the Commonwealth of Pennsylvania.

8. Recording. This Declaration shall be recorded in the Office of the Recorder of Deeds in and for the County of Montgomery, Commonwealth of Pennsylvania.

9. Severability. If any term or provision of this Declaration, or any part of such term or provision, or the application thereof to any person or circumstance shall to any extent be held invalid or unenforceable, the remainder of this Declaration or the application of such term or provision or remainder thereof to invalid and unenforceable shall not be affected thereby and each term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, the undersigned has executed this Declaration as of the year and date first written above.

Simomo Properties, LLC

By: _____

Name: Michael Golden

Title: Member

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA :

: ss.

COUNTY OF :

On this, the ____ day of _____, 2021, before me, the undersigned officer, personally appeared Michael Golden, being duly sworn according to law, deposes and says that he is a Member Simomo Properties, LLC, a Pennsylvania limited liability company and that he as such Member, being duly authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company by himself as such authorized Member.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

NOTARY PUBLIC

Exhibit A
Minor Subdivision Plan

Exhibit B
Legal Description of Lot 1

Exhibit C

Legal Description of Lot 2

ZONING NOTICE

Notice is Hereby given that the Zoning Hearing Board of the Borough of Ambler will continue a public hearing on June 14, 2021 at 6:30 pm prevailing time via ZOOM due to COVID-19 restrictions.

The Applicant, Pileggi Property Group LLC, the legal owners of real property located at 327 Lindenwold Avenue, parcel 01-00-00389-00-4, are requesting a variances from section 27-407.C(2)(B) 1 & 2 to allow a proposed accessory dwelling unit to be occupied by a non-family member, Section 27-407.C(2)(C) for the restrictive use covenant in order to allow a proposed accessory dwelling unit to be rented to a non-family member, Section 27-407.C(5)(D) to allow a separate electric utility connection for a proposed accessory dwelling unit, and Section 27-407.C(5)(E) to allow a separate mailbox for a proposed accessory dwelling unit in a R-2 Residential District.

All interested parties are invited to “attend” and participate in the hearing. A link to register to participate in the meeting will be posted on the Borough website www.boroughofambler.com a week prior to the meeting date and time. Instructions on accessing the Zoom meeting and offering questions or comments will be posted on the website.

**BOROUGH OF AMBLER
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION 2021-06

A resolution by the Ambler Borough Council authorizing the filing of an application for \$750,000 in grant funding through the Commonwealth of Pennsylvania's Redevelopment Assistance Capital Program (RACP) to fund the construction of the "Wissahickon Valley Public Library Ambler Branch."

WHEREAS, Ambler Borough received notification on December 23, 2020 from the Commonwealth of Pennsylvania's Office of the Budget that Governor Wolf had authorized \$750,000 in Redevelopment Assistance Capital Program (RACP) funding for construction of the "Wissahickon Valley Public Library Ambler Branch"; and,

WHEREAS, Ambler Borough will serve as the grantee of RACP funds by the Commonwealth of Pennsylvania Office of the Budget and the Wissahickon Valley Public Library will serve as the sub-grantee; and,

WHEREAS, the filing of a completed application is required during or after completion of the project for release of RACP funds by the Commonwealth of Pennsylvania Office of the Budget; and,

WHEREAS, a formal resolution by the Ambler Borough Council is required as part of the application process that indicates the Council's prior knowledge and approval of the project; the Council's prior knowledge and understanding that RACP funds are received as reimbursement for approved project expenditures; and, the Council's prior knowledge and agreement that a portion of Wissahickon School District's \$2,045,000 general obligation bond proceeds would be advanced as needed to fund the project with the expectation of replacing expended funds when RACP grant funds were reimbursed to the Wissahickon Valley Public Library.

NOW, THEREFORE, BE IT RESOLVED that the Ambler Borough Council acknowledges the above and hereby authorizes the filing of the required RACP application for \$750,000 in funding. This Resolution is a retroactive Resolution to September 2019.

Frank DeRuosi, Council President

Mary Aversa, Secretary

Parks & Recreation Committee

Tuesday June 1, 2021

Sara Hertz – Chair

Nancy Deininger

Erin McKenna Endicott

Nellie DiPietro

OLD BUSINESS

NEW BUSINESS

1. **YMCA CAMP REGISTRATION**

YMCA Knight Park Summer Day Camp registration has begun, you can register at the Ambler Area YMCA . Camp will run June 21 to July 30. Cost is \$50 per week per child.

2. **MONTCO COMMUNITY GARDEN GRANT**

The Community Garden Grant has been funded for \$43K; staff awaits contracts for the project.

3. **COMMUNITY GARDEN MEETING**

The next Community Garden meeting is June 6, at 3:30 at Knight Park

4. **AFTER SCHOOL HOMEWORK HELP PROGRAM**

The Ambler Community Cupboard would like use of the Borough Gym to continue the afterschool program . See **attached** email with the details.

Salary & Personnel Committee

Tuesday May 4, 2021

Nancy Deininger – Chair

Glynnis Siskind

Nellie Di Pietro

Jen Henderson

OLD BUSINESS

NEW BUSINESS

1. **AFSCME CONTRACT**

Authorization to approve the AFSCME union contract is requested.

2. **HIGHWAY VACANCY**

The vacant highway position will be advertised, resumes are being accepted.

3. **PLANNING COMMISSION VACANCY**

Resumes were received for the Planning Commission Vacancy.

4. **BOROUGH MEETINGS**

Staff is researching options for future Public Meetings.

RECOMMENDATIONS

Public Safety Committee

1. A recommendation is requested this evening to adopt the Emergency Declaration for COVID-19 for the month of June .

Finance & Planning Committee

1. Authorization to adopt Resolution 2021-06 authorizing the Redevelopment Assistance Capital Program (RACP) application for the Library is requested . This Resolution will ratify the September 17, 2019 vote.

Salary & Personnel Committee

1. Authorization to approve the AFSCME union contract is requested.
2. A recommendation is requested for the Planning Commission Vacancy .

