



BOROUGH OF AMBLER COMMITTEE MEETING

**All matters that are deliberated could result in a vote
to take official action.
September 5, 2023**

This evenings hearing

A public hearing will be held this evening at 7:00pm with the possible adoption of Ordinance 1135 creating a residential resale occupancy permit and pre-permit inspections.

Finance & Planning Committee

September 5, 2023

Nellie Forst - Chair

Karen Sheedy

Lisa Auerbach

Nancy Roecker Coates

OLD BUSINESS

NEW BUSINESS

1. **BOROUGH ENGINEER'S REPORT**

The Borough Engineer's report is **attached**.

2. **ZONING HEARING BOARD**

Attached is the Zoning Hearing Board notice for 259 E. Butler Avenue.

3. **RESIDENTIAL SALE INSPECTION ORDINANCE**

A public hearing will be held this evening at 7:00pm with the possible adoption of Ordinance 1135 creating a residential resale occupancy permit and pre-permit inspections. (**attached**)

4. **MATTISON AVENUE / PARK AVENUE SUBDIVISION**

A presentation will be made at the Council meeting for the 162 E. Park Avenue & 215 Mattison Avenue subdivision proposing a lot line adjustment between the two parcels. Borough Engineer, Borough Planning Commission, and Montgomery County Planning Commission reviews attached. Plans will be provided.

5. **PENSION PRESENTATION- MMO RESOLUTIONS**

An update will be provided this evening from Joe Duda, Borough Actuarial and Scott Repke of Alliance Bernstein. Minimum Municipal Obligations (MMO) for 2024 for Borough Municipal Employees' (Defined Benefit & Defined Contribution) and Police Pension Plans are **attached**.

- **Resolution 2023- 8** Defined Contribution Pension Plan for the Benefit of Municipal Employees Hired after 1/1/14
- **Resolution 2023-9** Defined Benefit Pension Plan for the Benefit of Municipal Employees Hired Prior to 1/1/14
- **Resolution 2023-10** Pension Plan for the Benefit of the Borough's Police Employees

6. **BERKHEIMER TAX COLLECTION RESOLUTIONS**

- **Resolution 2023-5** naming Berkheimer the exclusive tax officer for the Business Privilege Tax (BPT) for Ambler Borough . **(attached)**
- **Resolution 2023-6** appointing Albert Yaghooty as the liaison for BPT collection and sharing confidential information for official tax purposes. **(attached)**
- **Resolution 2023-7** appointing Berkheimer as the Tax Hearing Officer pursuant to the local Tax Payer Bill of Rights for the express purpose of adjudicating appeals. **(attached)**

Recommendations

1. Consideration is requested for adoption of Ordinance 1135 creating a residential inspection program for resale
2. Recommend adopting Resolution 2023-5 naming Berkheimer the exclusive tax officer for the Business Privilege Tax (BPT) for Ambler Borough .
3. Recommend adopting Resolution 2023-6 appointing Albert Yaghooty as the liaison in the BPT collection and sharing confidential information for official tax purposes.
4. Recommend adopting Resolution 2023-7 appointing Berkheimer as the Tax Hearing Officer pursuant to the local Tax Payer Bill of Rights for the express purpose of adjudicating appeals.

AMBLER BOROUGH

Status

Project No.	Project Name	Status
Borough Engineer		
2003-0122-01	Ambler-2013 NPDES MS4 Permit	2022 Annual Status Report submitted to PADEP 9/30/22. Next Annual Status Report due 9/30/23 for period 7/1/22 thru 6/30/23. PADEP review of TMDL/PRP received 5/28/21. Preparation of response and map update underway.
2006-08054	Pedestrian Sidewalk Upgrade Program	Revised Safety Report, ADA, Traffic, DM-3 (plans presentation), and Environmental Report Re-Evaluation approved by PADOT. Revised construction submission, with the reduced scope of work to accommodate the future Park Ave sidewalk, made to DVRRPC on 3/28/23. Utility submission coordination with DVRRPC underway.
2013-02020	Ambler Crossings	Construction underway. Review of amended Village Green provided 4/22/22. Escrow release #2 for Phase 2 under review.
2014-12015	St. Mary's Villa Residential Redevelopment- TIS	UDT provided Bethlehem/Lindenwold signal concept plans for review on 7/2/21 and were discussed with UDT on 7/22/21. UDT & Ambler coordinating with owner of 98 S Bethlehem & 359 Lindenwold.
2017-01010-01	Ambler Pocket Park - Ambler Square	SOM 9/21/2021. EOM 3/22/2023.
2020-07089	90 W. Butler Ave	Construction complete. SOM 6/3/2022. EOM 12/2/2023
2021-01010.02	Tannery Run Repairs - 33 - 57 E Butler Ave	Borough coordination with property owners underway. Preparation of construction plans and specifications underway. Preparation of PADEP General Permit for stream encroachment underway.
2021-01010-01	Tannery Run Repairs (205 E Butler - Serrao)	Construction complete. SOM 11/16/22. EOM 5/16/24.
2021-01136	241 N Main Street (DeCastro Enterprises)	LD review provided 3/29/23.
2021-03028	Lakeview Development 5-9 N. Maple Ave.	Review of preliminary/final plans provided 10/18/22. Council granted conditiona use at the 7/18/23 meeting and preliminary/final land development at the 8/15/23 meeting.
2021-04048	Edgewood Dr - PA Small Water & Sewer Program Grant Implementation	Contract for storm sewer extension base bid award to Nyce Construction Services. Construction is anticipated to start the week of 8/28/23.
2022-03102	Ambler 2022 Paving	Construction complete. SOM 3/16/23. EOM 9/13/24.
2022-05006	25 N Ridge - Colony Club LD Review	Council granted conditional approval at 8/23/22 meeting. Building construction underway. Record plans submitted for review.
2022-05007	24 & 26 N Ridge - John's Court	Council granted conditional approval at 4/18/23 meeting. Record plans submitted for review.
2023-03002	Court at Ambler Station (Ambler Station I, LLC)	Sketch Plan review provided 4/20/23 and discussed at 4/25/23 PC meeting.
2023-06042	Deane Lot Line – 162 E Park and 215 Mattison (01270-308)	Review provided 7/11/23. PC recommended approval at 8/22/23 meeting
2023-06046	109 Glen Mawr Dr Grading Permit	Grading Permit review provided 6/21/23
2023-07052	230 N Ridge Grading Permit	Grading Permit review provided 8/3/23.

AMBLER BOROUGH

Status

Project No.	Project Name	Status
Borough Engineer		
9991010	Ambler Borough General Engineering Services	
Sewer Engineer		
2013-02020-01	Ambler Crossings - Sewer	Construction underway. Sanitary Sewer is complete; testing remains.
9991050	Ambler Borough General Sewer Services	Ongoing.
Water Engineer		
2012-10043	Loch Ash Dam Annual Inspections	Annual inspection with PADEP conducted on 11/2/22. Inspection report submitted to PADEP on 11/10/22.
2013-02020-02	Ambler Crossings - Water	Construction underway. Water main is tested/complete.
2018-01154	Gwynedd Walk (LGT)	Water main construction and testing complete. 18 month maintenance period complete. Acceptable water as-built plan received 9/13/21, and final inspection conducted by Water Dept. Solicitor preparing documents for acceptance of water system by Ambler Borough.
2018-01171	Mattison Estates (UDT)	Water construction and testing complete. 18 month maintenance period began 7/1/20. Assisting Ambler staff with construction concerns and project documentation. Maintenance Bond extended to 4/1/2023 based on observed water service leaks and concerns with construction of water facilities. Water as-built plans received; additional G&A comments provided to developer on 2/8/23. Developer continues to address punch list items and as-built plans. Reviewing proposed changes to water services associated with a reconfiguration of dwellings.
2020-03071	2021 MIRIA Grant Program	Construction of the water mains to connect Wells 2, 6 and 7 to the proposed PFAS treatment facility next to Well 6 was completed in 2022. Maintenance period ends 9/4/23 and punch list inspection is to be scheduled.
2020-03072	Whitemarsh Plant Operations	Assisting Water Dept. with recommendations and revisions to the Whitemarsh Plant SOPs. G&A conducted a visual assessment of the clear well tank's structural condition and provided a report dated 9/19/22 with observations and recommendations.
2020-06158	Wells 2, 6, and 7 PFAS Treatment System	\$1,000,000 grant awarded by PADEP. Project advertised for bids on December 22, 2022; pre-bid meeting held at Boro Hall on January 18, 2023; bids received February 2, 2023. General/Mechanical and Electrical/HVAC contracts awarded to Blooming Glen Contractors on 2/7/23. Pre-construction meeting held on 4/13/23. Construction expected to begin in September/October 2023. Review of shop drawing submittals underway.
2021-04054.01	2022 MIRIA Grant - Design	Initial field survey and base plan for Well 14 site completed; design and permitting underway with Greensand Plus filtration proposed for Manganese treatment and Ion Exchange (IX) proposed for PFAS treatment. PADEP issued a letter on 6/28/23 allowing for the use of IX treatment for PFAS subject to a list of conditions.
2021-04095	Longfield Farms Development (Whitemarsh Twp)	Plan review letter #3 issued 5/17/22 recommending project approval; water construction escrow recommended per letter dated 5/5/22 for use in developer's agreement. Pre-construction meeting held on 6/27/22. Water shop drawing submittals reviewed 7/22/22. Water construction and testing complete.
2022-01230	T-Mobile Upgrades at Houston Rd Tank	Plan review #2 issued 5/24/22 recommending project approval.
2022-02056	AT&T Upgrades at Houston Rd Tank	Plan review letter #2 issued 8/3/22 recommending project approval.

GILMORE & ASSOCIATES, INC.

AMBLER BOROUGH

Status

Project No.	Project Name	Status
Water Engineer		
2022-02095	NWWA Water Purchase Agreement	Meeting held on 2/14/22 between NWWA staff, Ambler staff and G&A to discuss potential interconnection of respective water systems for emergency & permanent uses and wholesale purchase of water. NWWA provided a draft Water Supply Agreement to Ambler on 3/9/22 for review.
2022-02104	AT&T Upgrades at Broad Axe Tank	Plan review #2 issued 6/30/22 recommending project approval. Work to follow pre-construction tank inspection by MBA.
2022-04076	Lakeview Development 5-9 N. Maple Ave.	Water/Sewer plan review #1 issued 2/23/23.
2022-04096	2023 MIRIA Grant Program	Prepared MIRIA Application documents for submission by Borough on May 16, 2022. Attended MIRIA Board meeting on December 16, 2022 to provide update on completed, ongoing, and proposed Ambler MIRIA/PFAS projects. At the December 16th meeting, MIRIA awarded \$1,134,000 in grant funding for (2023) projects associated with 2022 application, including NWWA interconnection and associated new piping; additional cost for Whitemarsh carbon replacement, and 2023 PFAS sampling. Reviewed and tabulated January, April and July 2023 quarterly PFAS samples for all sources and tanks.
2022-04096.01	2023 MIRIA Grant - Design	Consulted with PADEP regarding permitting requirements for new NWWA Interconnection. Field survey complete. Water and interconnect design currently underway. G&A met with Water staff on 4/25/23 to review preliminary design.
2022-06066	Verizon Upgrades at Houston Rd Tank	Plan review #1 issued 6/22/22 recommending project approval.
2022-07025	Wissahickon Park (Whitpain Twp)	Coordinating with Ambler staff re: proposed improvements to Wissahickon Park and need for new or upgraded water service for site. Received plans on 6/23/23 and review is in progress with Water staff.
2023-04049	2024 MIRIA Grant Program	Prepared MIRIA Application documents including cost estimates for submission by Borough on May 15, 2023. The application included projects for a PFAS treatment system at Well 4, additional costs for current PFAS treatment system projects at Wells 2, 6 & 7 and Well 14, as well as Whitemarsh carbon changeout and quarterly PFAS sampling at all sources and tanks for 2024. Total grant request amount was \$3,525,000.
2023-07033	Upper Dublin Twp Public Works Building	Plans and water shop drawings submitted by Upper Dublin Twp for a new water service and meter pit. Reviews completed and coordination with Twp's consultants is ongoing.
2023-08002	AT&T Generator at Houston Rd Tank	AT&T proposing to install a new permanent generator and pad at the site which will require additional lease space. G&A assisting Water Superintendent with review of proposed location.
2023-08044	Wissahickon Valley Boys & Girls Club	Plans received for a proposed community center building and review being conducted with respect to proposed water improvements.
9991049	Ambler Borough 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. Met with Borough Manager and Water staff on 3/24/23 to discuss status of current projects and 2024 MIRIA Grant Program application.

Zoning Notice

Notice is Hereby given that the Zoning Hearing Board of the Borough of Ambler will conduct a public hearing on September 7, 2023 at 6:30 pm prevailing time at the Ambler Borough Hall, 131 Rosemary Avenue, Ambler, Pa 19002.

At that time, the Zoning Hearing Board will hear testimony and accept evidence on the application of Ambler Beverage Partners, LP (**owners**) for the real property located at 259 E. Butler Avenue, Ambler, PA 19002 parcel number 01-00-00670-00-4 (the “Tract”) located in a Downtown Commercial (DC) district requesting a variance from Section 27-2102 to permit eighty-seven (87) parking spaces where ninety-five (95) are required; and a special exception in accordance with Section 27-2802 (2) (D) to permit and construct four (4) residential units in the Downtown Commercial Zoning District

All interested parties are invited to attend and participate in the hearing. Any individual with a disability wishing to attend the above scheduled hearing who requires an auxiliary aid, service or other special accommodations to participate in this hearing should contact the Borough at (215) 646-1000 as soon as possible to discuss how the Borough of Ambler can best provide assistance.

BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 1135

AN ORDINANCE CREATING RESIDENTIAL RESALE OCCUPANCY PERMITS AND PRE-PERMIT INSPECTIONS WITHIN THE BOROUGH; IDENTIFYING THE SPECIFIC ITEMS THAT MUST BE INSPECTED; BEING A NEW PART 200 IN CHAPTER 11, "BUILDINGS" IN THE BOROUGH CODIFIED ORDINANCES; INCLUDING SEVERABILITY, REPEALER, AND EFFECTIVE DATE CLAUSES

In the interests of the health, safety and welfare of the Borough and its residents, the Borough of Ambler does hereby create residential occupancy permits and a requirement that certain identified items be inspected at the time of any transfer of ownership of residences within the Borough, and specifically ORDAINS as follows:

11-200. TITLE. There is hereby created a residential resale inspection obligation in the Borough of Ambler.

11-201. DEFINITIONS

- a. *Private Sewer Service Lateral*. The private sewer pipe extending from a building to the publicly owned and operated sewer system, regardless of where the sewer main is located within the street that the building fronts.
- b. *Transfer*. The conveyance of fee simple ownership of improved real estate through the execution of a recordable deed.

11-202. INSPECTIONS REQUIRED UPON TRANSFER.

1. Prior to proceeding to closing and the execution of a deed conveying ownership, the Seller (or, if agreed between the Seller and the Buyer, then the Buyer) shall obtain inspections of the following:
 - a. Sewer laterals;
 - b. Curbs and sidewalks, when the home includes such improvements;
 - c. Backflow Prevention
 - d. House Numbers
2. Prior to proceeding to closing and the execution of a deed conveying ownership, the Seller shall provide an affidavit in a form provided by the Borough which verifies the existence of working smoke detectors and carbon monoxide detectors within the residence.

11-203. SEWER LATERAL INSPECTION REQUIREMENTS

- A. A plumber must conduct a video inspection of the sanitary sewer service lateral.
- B. The plumber shall certify that there is no inflow or infiltration into the lateral, that there are no illegal connections, and that the clean-out vent is capped and not damaged.
- C. The transfer of the property does not require such plumber's certification where:
 - i. The transfer is from the builder of the home to the first owner;
 - ii. There was a previous lateral inspection by a plumber within the preceding 36 months;

- iii. The lateral has been replaced and was inspected at the time of such replacement, in which case no further inspections are required for a period of ten years.
- D. Regardless whether a plumber's certification is required pursuant to the above criteria, Seller shall submit an affidavit on a form prepared by the Borough to verify that the home does not contain a sump pump that is connected to the home's sanitary sewer lines.

11-204. SMOKE AND CARBON MONOXIDE DETECTORS

- i. Seller is required to sign a pre-closing affidavit on a form provided by the Borough which confirms the presence of working smoke and carbon monoxide detectors on each floor of the home, including the basement.

11-205. CURB/SIDEWALK REQUIREMENTS

- i. Upon being advised of the pending transfer, the Borough staff or engineer will inspect the curbs and sidewalks. Sidewalks and curbs will require repair or replacement :
 - a. When one or more sections of the sidewalk rises above or drops below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than ½ inch in depth.
 - b. When the curb is out of vertical alignment with the adjacent curb or an adjacent section or slab of sidewalk in excess of ¼ inch.
 - c. When there is spalling on twenty-five percent (25%) or more of the total sidewalk surface.
 - d. When there is any crack in a sidewalk that is greater than ½ inch in width for a length of one foot or more.
 - e. When a crack in a curb is more than ¼ inch wide and extends across the full depth of the curb and also down to the grade of the street.

11-206. BACKFLOW PREVENTION REQUIREMENTS

- i. The home will be inspected by Water Department staff or Code (in the event of an emergency) for the presence of a working check valve that prevents water from flowing out of the home and back into the system;
- ii. The inspection will identify the service line as one of the following:
 - a. Lead
 - b. Non-lead
 - c. Lead status unknown

11-207. HOUSE NUMBERS

- i. Each inspected home must have the house number installed, at least three inches high, and easily visible from the street.

11-208. ADMINISTRATION

- i. When each of the inspections required by this ordinance are satisfactorily completed, the Borough will issue a use and occupancy permit for the residence.
- ii. When one or more inspections discloses that the residence is not in compliance and requires work to be brought into compliance, the Borough will issue a temporary occupancy permit, in which case the property shall be brought into compliance within twelve months of closing. When weather or other exigencies prevents a pre-closing inspection, a temporary occupancy permit will be issued and a post-closing inspection will be scheduled, with compliance required within 12 months of the inspection.
- iii. If an inspection discloses that the residence is in such a condition occupying it would be dangerous to the health, safety or welfare of the occupants, the Borough will issue an access only permit, allowing entry to the residence (but not occupancy), to bring the property into compliance within twelve months of closing.
- iv. The Borough shall not require the posting of any escrow, and the inspections set forth herein shall not serve to delay or postpone and closing scheduled between a buyer and seller.
- v. The obligations herein apply to every seller of a residence in the Borough. The obligation will pass to the Buyer if this ordinance is not complied with prior to sale.
- vi. The Borough will, to the extent possible, tie the inspection program to the issuance of water certifications associated with the sale, in order to identify homes that require inspection.

This ordinance shall be effective sixty days after it is adopted using the ordinance adoption date criteria set forth in section 3301.3 of the Pennsylvania Borough Code; *except, however*, the sewer lateral inspection requirements set forth in section 11-203, which shall become effective on September 1, 2024.

The provisions of this ordinance are intended to be read *in pari materia* with existing Borough ordinances. To the extent that any earlier Borough ordinance includes language inconsistent with any language in the within ordinance, then to the extent of such inconsistency, the prior ordinance is repealed.

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

SO ORDAINED this _____ day of _____, 2023.

Glynnis Siskind, Council President

ATTEST: _____
Mary Aversa, Secretary

APPROVED: _____
Jeanne Sorg, Mayor

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



Development Name: DEANE PROPERTY

Site Location: 162 E PARK AVE & 215 MATTISON AVE

Legal Property Owner Name: JOHN P. DEANE & DIANE M. DEANE

Address: 162 E PARK AVE & 215 MATTISON AVE

Phone: 215-756-5955 Fax: _____

E-Mail Address: DEANE.215@GMAIL.COM

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

Name: JOHN P. DEANE & DIANE M. DEANE

Address: 215 MATTISON AVE

Phone: 215-756-5955 Fax: _____

E-Mail Address: DEANE.215@GMAIL.COM ddeane.215@gmail.com

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

Zoning Information:

District R-1-A

Tax Parcel Number 01-00-02983-00-4 & 01-00-03604-00-4

Block 7 Unit 22 & 34

Permitted Density MINIMUM LOT SIZE 7,500 SQ FT

Total Area 0.64

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: LOT LINE ADJUSTMENT

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

- Residential 2 RESIDENTIAL
- Commercial _____
- Industrial _____
- Office _____
- Other _____

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

Attorney's Name: George J. Ozorowski, Esquire / Hughes, Kalkbrenner & Ozorowski LLP
 Address: 1250 Germantown Pike, Suite 205, Plymouth Meeting, PA 19462
 Phone: 484-805-007 Fax: 610-279-9390
 E-Mail: gjo@hkolaw.com
 Engineer's Name: ASH ASSOCIATES INC.
 Address: 765 TENNIS AVE, AMBLER, PA
 Phone: 215-367-5261 Fax: _____
 E-Mail: LWOODWARD@ASHASSOCIATES.NET

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

Plan submitted by: ASH ASSOCIATES INC. (please print)

Applicant's Signature: [Handwritten Signatures]

Application Fee: \$ 190.00 Attached Under separate cover

Escrow Amount: \$ _____ 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.



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

July 11, 2023

File No. 2023-06042

Mary Aversa, Manager
Ambler Borough
131 Rosemary Avenue
Ambler, PA 19002-4476

Reference: Minor Subdivision Application
Deane - 162 E Park Avenue and 215 Mattison Avenue
Tax Parcel #01-00-03604-00-4; Tax Parcel #01-00-02983-00-4

Dear Mary:

As requested, Gilmore & Associates, Inc. has reviewed the information below regarding the minor land development plan application referenced above.

- A. Lot Line Adjustment Plan - Deane Properties (1 sheet), prepared for, by ASH Associates, Inc., dated September 29, 2022.

The subject lots are within the R-1-A Residential District, are adjacent, and each contains a single-family detached dwelling. The applicant owns both lots and proposes to adjust the lot lines such that approximately 3,048 sf will be removed from the E Park Avenue lot and added to the Mattison Avenue lot. No improvements are proposed with this application. Parking for the E Park Avenue lot will be accommodated by an access easement from Mattison Avenue.

Zoning Comments

1. The plan appears to be compliant with the Borough Zoning Ordinance.

Subdivision and Land Development Comments

2. The applicant has listed several waiver requests on the plans. The waivers requested reference the preliminary plan requirements (§22-305). This plan appears to qualify as a minor plan (§22-304), in which case the waivers would not be needed.

General Comments

3. If Council approves the plan, we recommend that the applicant install lot pins as noted on the plans prior to recording the plane to avoid the need for an agreement and financial security.
4. Legal descriptions of the new lots and the access easement shall be provided to the Borough for review.
5. The Applicant should obtain all required approvals, permits, declarations of restrictions and covenants, etc. (e.g., PADEP, PennDOT, MCPC, Montgomery County Conservation District, Fire Marshal, etc.). Copies of these approvals and permits should be submitted to the Borough and our office.

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

If you have any questions regarding the above, please contact this office.

Sincerely,



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

JPD/sl

cc: Glenn Kucher, Code Enforcement Officer – Ambler Borough
Joe Bresnan, Esq. - Solicitor
John P. & Diane M. Deane – Owner/Applicant
George J. Ozorowski, Esq. – Hughes, Kalkbrenner & Ozorowski, LLP
Landon Woodward, PLS – ASH Associates, Inc.

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

KENNETH E. LAWRENCE, JR., CHAIR
JAMILA H. WINDER, 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
WWW.MONTGOMERYCOUNTYPA.GOV
SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

July 12, 2023

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

Re: MCPC #23-0115-001
Plan Name: Deane Property
(2 lots comprising 0.64 acres)
Situate: Mattison Avenue at Park Avenue
Ambler Borough

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 June 14, 2023. We forward this letter as a report of our review.

BACKGROUND

The applicants, John P. and Diane M. Deane, wish to transfer a portion of one parcel to an adjacent parcel. A parcel at the corner of Mattison Avenue and Park Avenue in Ambler (Parcel #01-00-03604-00-4) is proposed to be reduced in size from 11,350 square feet to 7,500 square feet. A portion of this parcel is proposed to be transferred to a neighboring parcel on Mattison Avenue (Parcel #01-00-0283-00-4). No development is proposed. Both properties are in the R-1-A Residential District and currently contain a detached home. According to Montgomery County's property records, the home on the corner parcel contains two dwelling units. The portion of land proposed to be transferred contains a garage and a driveway.

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 Ambler Borough may wish to consider prior to final plan approval. Our comments are as follows:



REVIEW COMMENTS

OFF-STREET PARKING

- A. Garage Area Transfer. Ambler Borough's zoning code requires two off-street parking spaces per dwelling unit. Therefore the Mattison Avenue property would require two off-street parking spaces and the corner property would require four parking spaces. It appears that the applicant proposes to adjust the lot line, but continue to allow the corner property to use the driveway and park vehicles on a portion of land that currently contains the driveway and parking, but is proposed to become part of the Mattison Avenue parcel. We defer to the borough zoning officer as to whether this is adequate to meet the off-street parking requirement of §27-2102.

USES

- A. Dwelling Units per Building. In the R-1-A zoning district, a two-family detached home (duplex) is not permitted. While the two units in the corner property may be an existing non-conformity, it may not make sense to reduce the lot area to the minimum required for this district, as that minimum was intended for a single dwelling unit. We suggest the additional lot area may assist the non-conforming use in better fitting in to this zoning district, which is the lowest density district in Ambler Borough.

YARD DESIGNATIONS

- A. Front Yards on Corner Lots. Ambler Borough's code of ordinance states that corner lots have two front yards (§22-202. "Lot, Corner"). Currently, the zoning table on the plan sheet lists one front yard of the corner lot as the existing condition and the other as the proposed condition. In the case of this corner property, the size of the two front yards will not be impacted by the lot line change. Therefore, the zoning table should list the size of both front yards and indicate that they will be the same after the lot line change. The size of the front yards are both smaller than is required by zoning; however, this is an existing non-conformity.
- B. Side Yards on Mattison Avenue Lot. For the lot facing Mattison Avenue, the zoning table should be update to show the increase in aggregate side yard area. It currently states that there will be "no change," however, the one of the side lot lines is proposed to be moved.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal but suggest that the applicant and the borough consider our suggestions prior to approval.

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. Please print the assigned MCPC number (#23-0115-001) on any plans submitted for final recording.

Sincerely,

A handwritten signature in black ink, appearing to read "Chloe M. Mohr". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Chloe M. Mohr, AICP, Senior Community Planner
chloe.mohr@montgomerycountypa.gov - (610) 278-3739

c: John Dean, Applicant
Mary Aversa, Manager, Ambler Borough
Robert Lagreca, Chair, Ambler Borough Planning Commission
James P. Dougherty, P.E., Borough Engineer

Attachment A: Aerial Image of Site

Attachment B: Reduced Copy of Applicant's Proposed Site Plan

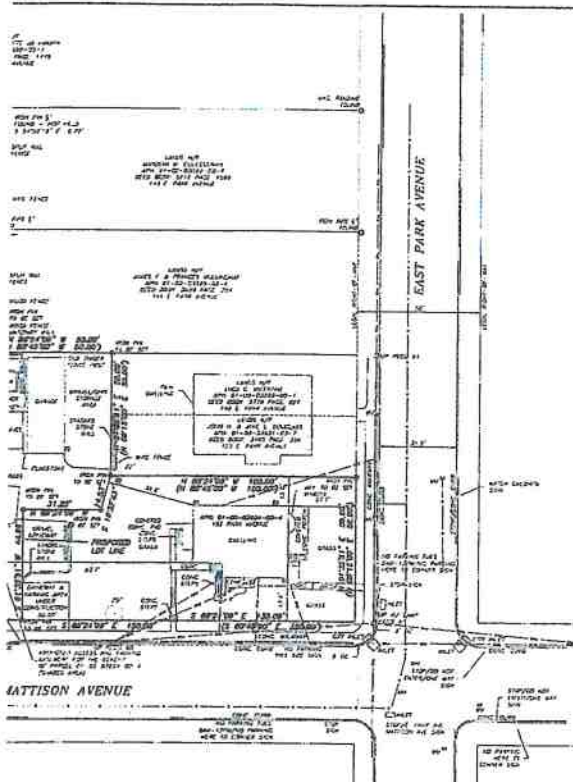


Montgomery
County
Planning
Commission



Map prepared by
[illegible]
[illegible]





DATA:

DATE: 07/12/2023 10:15 AM

PROJECT CLASSIFICATION: MOUNTAIN VIEW

NO.	AREA (SQ. FT.)	PERCENTAGE	NO.	AREA (SQ. FT.)	PERCENTAGE
1	100.00	100.00%	1	100.00	100.00%
2	100.00	100.00%	2	100.00	100.00%
3	100.00	100.00%	3	100.00	100.00%
4	100.00	100.00%	4	100.00	100.00%
5	100.00	100.00%	5	100.00	100.00%
6	100.00	100.00%	6	100.00	100.00%
7	100.00	100.00%	7	100.00	100.00%
8	100.00	100.00%	8	100.00	100.00%
9	100.00	100.00%	9	100.00	100.00%
10	100.00	100.00%	10	100.00	100.00%
11	100.00	100.00%	11	100.00	100.00%
12	100.00	100.00%	12	100.00	100.00%
13	100.00	100.00%	13	100.00	100.00%
14	100.00	100.00%	14	100.00	100.00%
15	100.00	100.00%	15	100.00	100.00%
16	100.00	100.00%	16	100.00	100.00%
17	100.00	100.00%	17	100.00	100.00%
18	100.00	100.00%	18	100.00	100.00%
19	100.00	100.00%	19	100.00	100.00%
20	100.00	100.00%	20	100.00	100.00%
21	100.00	100.00%	21	100.00	100.00%
22	100.00	100.00%	22	100.00	100.00%
23	100.00	100.00%	23	100.00	100.00%
24	100.00	100.00%	24	100.00	100.00%
25	100.00	100.00%	25	100.00	100.00%
26	100.00	100.00%	26	100.00	100.00%
27	100.00	100.00%	27	100.00	100.00%
28	100.00	100.00%	28	100.00	100.00%
29	100.00	100.00%	29	100.00	100.00%
30	100.00	100.00%	30	100.00	100.00%
31	100.00	100.00%	31	100.00	100.00%
32	100.00	100.00%	32	100.00	100.00%
33	100.00	100.00%	33	100.00	100.00%
34	100.00	100.00%	34	100.00	100.00%
35	100.00	100.00%	35	100.00	100.00%
36	100.00	100.00%	36	100.00	100.00%
37	100.00	100.00%	37	100.00	100.00%
38	100.00	100.00%	38	100.00	100.00%
39	100.00	100.00%	39	100.00	100.00%
40	100.00	100.00%	40	100.00	100.00%
41	100.00	100.00%	41	100.00	100.00%
42	100.00	100.00%	42	100.00	100.00%
43	100.00	100.00%	43	100.00	100.00%
44	100.00	100.00%	44	100.00	100.00%
45	100.00	100.00%	45	100.00	100.00%
46	100.00	100.00%	46	100.00	100.00%
47	100.00	100.00%	47	100.00	100.00%
48	100.00	100.00%	48	100.00	100.00%
49	100.00	100.00%	49	100.00	100.00%
50	100.00	100.00%	50	100.00	100.00%
51	100.00	100.00%	51	100.00	100.00%
52	100.00	100.00%	52	100.00	100.00%
53	100.00	100.00%	53	100.00	100.00%
54	100.00	100.00%	54	100.00	100.00%
55	100.00	100.00%	55	100.00	100.00%
56	100.00	100.00%	56	100.00	100.00%
57	100.00	100.00%	57	100.00	100.00%
58	100.00	100.00%	58	100.00	100.00%
59	100.00	100.00%	59	100.00	100.00%
60	100.00	100.00%	60	100.00	100.00%
61	100.00	100.00%	61	100.00	100.00%
62	100.00	100.00%	62	100.00	100.00%
63	100.00	100.00%	63	100.00	100.00%
64	100.00	100.00%	64	100.00	100.00%
65	100.00	100.00%	65	100.00	100.00%
66	100.00	100.00%	66	100.00	100.00%
67	100.00	100.00%	67	100.00	100.00%
68	100.00	100.00%	68	100.00	100.00%
69	100.00	100.00%	69	100.00	100.00%
70	100.00	100.00%	70	100.00	100.00%
71	100.00	100.00%	71	100.00	100.00%
72	100.00	100.00%	72	100.00	100.00%
73	100.00	100.00%	73	100.00	100.00%
74	100.00	100.00%	74	100.00	100.00%
75	100.00	100.00%	75	100.00	100.00%
76	100.00	100.00%	76	100.00	100.00%
77	100.00	100.00%	77	100.00	100.00%
78	100.00	100.00%	78	100.00	100.00%
79	100.00	100.00%	79	100.00	100.00%
80	100.00	100.00%	80	100.00	100.00%
81	100.00	100.00%	81	100.00	100.00%
82	100.00	100.00%	82	100.00	100.00%
83	100.00	100.00%	83	100.00	100.00%
84	100.00	100.00%	84	100.00	100.00%
85	100.00	100.00%	85	100.00	100.00%
86	100.00	100.00%	86	100.00	100.00%
87	100.00	100.00%	87	100.00	100.00%
88	100.00	100.00%	88	100.00	100.00%
89	100.00	100.00%	89	100.00	100.00%
90	100.00	100.00%	90	100.00	100.00%
91	100.00	100.00%	91	100.00	100.00%
92	100.00	100.00%	92	100.00	100.00%
93	100.00	100.00%	93	100.00	100.00%
94	100.00	100.00%	94	100.00	100.00%
95	100.00	100.00%	95	100.00	100.00%
96	100.00	100.00%	96	100.00	100.00%
97	100.00	100.00%	97	100.00	100.00%
98	100.00	100.00%	98	100.00	100.00%
99	100.00	100.00%	99	100.00	100.00%
100	100.00	100.00%	100	100.00	100.00%

GENERAL NOTES

1. THE PURPOSE OF THIS LOT LINE ADJUSTMENT IS TO REVEAL A PORTION OF AN UNRECORDED DEED TO AN ADJACENT LOT AND TO CORRECT THE RECORD TO REFLECT THE ACTUAL SITUATION.
2. THE REASONS FOR THIS ADJUSTMENT ARE AS FOLLOWS: (a) THE DEED DESCRIBED IN THE ADJACENT DEED IS INCORRECTLY RECORDED AND DOES NOT ACCURATELY REFLECT THE ACTUAL SITUATION ON THE GROUND. (b) THE DEED DESCRIBED IN THE ADJACENT DEED IS INCORRECTLY RECORDED AND DOES NOT ACCURATELY REFLECT THE ACTUAL SITUATION ON THE GROUND.
3. THIS PLAN WAS MADE AS FOR THE PURPOSES OF ADJUSTING THE BOUNDARIES OF A REAL PROPERTY INTEREST TO REFLECT THE ACTUAL SITUATION ON THE GROUND.
4. THIS PLAN DOES NOT SHOW ENVIRONMENTAL, HISTORICAL, OR ARCHITECTURAL DATA.
5. THIS PLAN DOES NOT SHOW THE EXISTING UTILITIES.
6. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACTS AND REGULATIONS OF THE STATE OF PENNSYLVANIA.

PROPERTY INFORMATION

PARCEL 1

OWNER: JOHN P. DEANE & DEANE PROPERTIES, INC.

LEGAL ADDRESS: 102 E. PARK AVENUE, ANGLER, PA 19002

DEED: DEED BOOK 000000, PAGE 0000

DEED: DEED BOOK 000000, PAGE 0000

PARCEL 2

OWNER: JOHN P. DEANE & DEANE PROPERTIES, INC.

LEGAL ADDRESS: 215 MATTISON AVENUE, ANGLER, PA 19002

DEED: DEED BOOK 000000, PAGE 0000

DEED: DEED BOOK 000000, PAGE 0000

WATER RECORDS

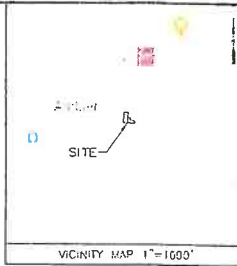
1. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACTS AND REGULATIONS OF THE STATE OF PENNSYLVANIA.
2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACTS AND REGULATIONS OF THE STATE OF PENNSYLVANIA.
3. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACTS AND REGULATIONS OF THE STATE OF PENNSYLVANIA.
4. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACTS AND REGULATIONS OF THE STATE OF PENNSYLVANIA.

MONTGOMERY COUNTY PLANNING COMMISSION:

APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, PENNSYLVANIA, ON THIS 12th DAY OF JULY, 2023.

RECORDED IN DEEDS:

RECORDED IN DEEDS FOR THE RECORDS OF THE COUNTY OF MONTGOMERY, PENNSYLVANIA, ON THIS 12th DAY OF JULY, 2023.



ACCEPTANCE OF PLAN:

I, JOHN P. DEANE AND DEANE PROPERTIES, INC., DO HEREBY ACCEPT THIS PLAN AND THE ADJUSTMENTS THEREON AS SHOWN ON THE ATTACHED PLAN AND AS SHOWN ON THE GROUND.

DATE: 07/12/2023

PERSONAL ACKNOWLEDGEMENT:

I, JOHN P. DEANE AND DEANE PROPERTIES, INC., DO HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE CONTENTS OF THIS PLAN AND THE ADJUSTMENTS THEREON AND THAT I HAVE ACCEPTED THE ADJUSTMENTS SHOWN ON THE ATTACHED PLAN AND AS SHOWN ON THE GROUND.

DATE: 07/12/2023

SURVEYOR CERTIFICATION:

I, JOHN P. DEANE AND DEANE PROPERTIES, INC., DO HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF PENNSYLVANIA AND THAT I HAVE MADE THIS SURVEY IN ACCORDANCE WITH THE SURVEYING ACTS AND REGULATIONS OF THE STATE OF PENNSYLVANIA.

DATE: 07/12/2023

APPROVAL OF BOROUGH COUNCIL:

APPROVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ANGLER, PA, ON THIS 12th DAY OF JULY, 2023.

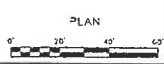
DATE: 07/12/2023

LOT LINE ADJUSTMENT PLAN
DEANE PROPERTIES
 102 E. PARK AVENUE & 215 MATTISON AVENUE
 ANGLER, PA 19002
 BOROUGH OF ANGLER, MONTGOMERY COUNTY, PENNSYLVANIA

ASH ASSOCIATES, INC.
 365 HENNIS AVENUE
 ANGLER, PA 19002
 PH: 215-367-5261
 WWW.ASHASSOCIATES.NET

SCALE: 1" = 20'
 DATE: SEPTEMBER 29, 2021
 PROJECT NO. 4593
 DRAWING NO. 4593.1

APR 3, 2023



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



August 22, 2023

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

Re: 162 E. Park Avenue and
215 Mattison Avenue Lot Line Subdivision

Dear Ms. Aversa:

At the direction of Council, the Planning Commission has been requested to review a request for a subdivision proposing a lot line adjustment between the above two tax parcels. These two parcels are registered in the names of the same owners.

After a presentation from the Applicants and their engineer, discussion among the Planning Commission members and input from the public, the County Planner and Borough Engineer, a motion was made to recommend to Council that it approve the subdivision with the condition that the lot pins be added prior to recording the subdivision plan and the easement for the driveway over the 215 Mattison Avenue parcel be recorded to allow the required parking for the 162 E. Park Avenue parcel. A couple corrections to the plan will be made by the Applicant's engineer prior to recording. The vote taken was unanimous in favor of the recommendation.

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

DUDA ACTUARIAL CONSULTING



Philadelphia Office
500 Office Center Drive
Suite 400
Fort Washington, PA 19034
Phone: 267-513-1714
Fax: 484-636-2500

Pittsburgh Office
One Oxford Centre
301 Grant Street
Suite 4300
Pittsburgh, PA 15219
Phone: 412-255-3746
Fax: 412-255-3701

August 18, 2023

Mr. Albert Yaghooty
Finance Director
Borough of Ambler
131 Rosemary Avenue
Ambler, PA 19002

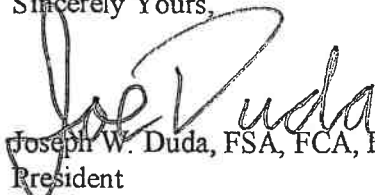
RE: Borough of Ambler Police and Municipal Employees' Pension Plans
2024 Minimum Municipal Obligations

Dear Albert:

As requested, we have completed the calculation of the 2024 Minimum Municipal Obligations for the Borough of Ambler Municipal Employees' (Defined Benefit and Defined Contribution) and Police Pension Plans. These calculations are based on the January 1, 2023 Actuarial Valuations and reflect a 3% of pay municipal employees' contribution in the Defined Benefit plan and a 5% of pay police contribution. Please keep in mind that these documents must be submitted to the governing body by September 30, 2023 (although revisions may be made up to the time the budget is finalized).

Should you have any questions or require any additional information, please feel free to contact us.

Sincerely Yours,


Joseph W. Duda, FSA, FCA, EA, MAAA
Resident

Enclosures

**FINANCIAL REQUIREMENT AND MINIMUM MUNICIPAL OBLIGATION
BUDGET FOR 2024**

NAME OF MUNICIPALITY: BOROUGH OF AMBLER

COUNTY: MONTGOMERY

	NON UNIFORMED DC PLAN
1. TOTAL ANNUAL PAYROLL (Estimated W-2 Salary for 2023)	1,210,062
2. NORMAL COST PERCENTAGE *	7.5142%
3. TOTAL NORMAL COST (Item 1 times Item 2)	90,926
4. TOTAL AMORTIZATION REQUIREMENT	0
5. TOTAL ADMINISTRATIVE EXPENSES	0
6. TOTAL FINANCIAL REQUIREMENT (Item 3 + Item 4 + Item 5)	90,926
7. TOTAL MEMBER CONTRIBUTIONS	0
8. FUNDING ADJUSTMENT	0
9. MINIMUM MUNICIPAL OBLIGATION (Item 6 - Item 7 - Item 8, but not less than zero)	90,926

* 8% for those employees whom contribute 5%. If they contribute 3%, then normal cost percentage is 4%.
If they contribute 4%, then the normal cost percentage is 6%.

Signature of Chief Administrative Officer

Date Certified to Governing Body

**FINANCIAL REQUIREMENT AND MINIMUM MUNICIPAL OBLIGATION
BUDGET FOR 2024**

NAME OF MUNICIPALITY: BOROUGH OF AMBLER

COUNTY: MONTGOMERY

	POLICE PENSION PLAN
1. TOTAL ANNUAL PAYROLL (Estimated W-2 Salary for 2023)	1,578,145
2. NORMAL COST PERCENTAGE (Derived from latest actuarial valuation 1/1/23)	20.14%
3. TOTAL NORMAL COST (Item 1 times Item 2)	317,838
4. TOTAL AMORTIZATION REQUIREMENT (Derived from latest actuarial valuation 1/1/23)	0
5. TOTAL ADMINISTRATIVE EXPENSES (Derived from latest actuarial valuation 1/1/23)	90,587
6. TOTAL FINANCIAL REQUIREMENT (Item 3 +Item 4 + Item 5)	408,425
7. TOTAL MEMBER CONTRIBUTIONS (5% OF PAY)	78,907
8. FUNDING ADJUSTMENT (Derived from latest actuarial valuation 1/1/23)	49,014
9. MINIMUM MUNICIPAL OBLIGATION (Item 6 - Item 7 - Item 8, but not less than zero)	280,504

Signature of Chief Administrative Officer

Date Certified to Governing Body

**FINANCIAL REQUIREMENT AND MINIMUM MUNICIPAL OBLIGATION
BUDGET FOR 2024**

NAME OF MUNICIPALITY: BOROUGH OF AMBLER

COUNTY: MONTGOMERY

	MUNICIPAL EMPLOYEES' PENSION PLAN
1. TOTAL ANNUAL PAYROLL (Estimated W-2 Salary for 2023)	577,430
2. NORMAL COST PERCENTAGE (Derived from latest actuarial valuation 1/1/23)	8.58%
3. TOTAL NORMAL COST (Item 1 times Item 2)	49,543
4. TOTAL AMORTIZATION REQUIREMENT (Derived from latest actuarial valuation 1/1/23)	0
5. TOTAL ADMINISTRATIVE EXPENSES (Derived from latest actuarial valuation 1/1/23)	33,198
6. TOTAL FINANCIAL REQUIREMENT (Item 3 +Item 4 + Item 5)	82,741
7. TOTAL MEMBER CONTRIBUTIONS	17,323
8. FUNDING ADJUSTMENT (Derived from latest actuarial valuation 1/1/23)	30,125
9. MINIMUM MUNICIPAL OBLIGATION (Item 6 - Item 7 - Item 8, but not less than zero)	35,294

*A funding adjustment exists only if the assets exceed accrued liability as reported in the latest actuarial valuation and is determined pursuant to Section 302 (C) of Act 205 of 1984.

Signature of Chief Administrative Officer

Date Certified to Governing Body

RESOLUTION NO. 2023-5

A RESOLUTION OF THE GOVERNING BOARD OF AMBLER BOROUGH, MONTGOMERY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO EXECUTE AN AGREEMENT WITH BERKHEIMER WHEREUNDER BERKHEIMER IS RETAINED AS THE EXCLUSIVE TAX OFFICER FOR THE COLLECTION, ADMINISTRATION, RECEIPT AND ENFORCEMENT OF THE PROVISIONS OF THE RESPECTIVE TAX ENACTMENT OF THE GOVERNING BOARD LEVYING AND ASSESSING THE BUSINESS PRIVILEGE TAX FOR THE TERM HEREIN DEFINED, TOGETHER WITH SUCH EXTENSIONS AS MAY BE AGREED UPON, SAID TAX ENACTMENT HAVING BEEN ADOPTED UNDER AND PURSUANT TO THE AUTHORITY OF THE PENNSYLVANIA LOCAL TAX ENABLING ACT (ACT 511, P.L. 1257); AND APPROVING AND ADOPTING THE RULES AND REGULATIONS PREPARED BY BERKHEIMER TO ADMINISTER AND ENFORCE THE BUSINESS PRIVILEGE TAX.

WHEREAS, the Local Tax Enabling Act (LTEA), authorizes certain political subdivisions, including, AMBLER BOROUGH, MONTGOMERY, to levy, assess and collect a tax on the privilege of engaging in a business, as therein with more particularity specified, generally and hereinafter referred to as the **Business Privilege Tax**; and

WHEREAS, including, AMBLER BOROUGH, MONTGOMERY, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of such Business Privilege Tax; and

WHEREAS, the LTEA, specifies that any such political subdivision may provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, including, AMBLER BOROUGH, MONTGOMERY, and Berkheimer have negotiated an Agreement whereby and whereunder it will hire Berkheimer to collect the Business Privilege Tax levied by AMBLER BOROUGH, MONTGOMERY, and

WHEREAS, including AMBLER BOROUGH, MONTGOMERY, recognizes the legal obligation and practical necessity for Berkheimer to establish and maintain consistent rules and regulations to be used in the efficient administration and collection of said taxes;

THEREFORE, BE IT RESOLVED that

1. AMBLER BOROUGH, MONTGOMERY hereby appoints BERKHEIMER as its exclusive collector of its BUSINESS PRIVILEGE TAXES for the initial term commencing January 1, 2023 and ending December 31, 2025, and any subsequent renewal terms thereafter, said initial and renewal periods to include all quarterly and annual collections pertinent to the tax years therein. This appointment resolution shall be deemed to encompass any renewal terms agreed upon by the parties without further reenactment of this resolution or re-appointment.
2. Further, AMBLER BOROUGH, MONTGOMERY APPROVES AND ADOPTS the Agreement negotiated with Berkheimer for the collection of the BUSINESS PRIVILEGE TAX.
3. And further, AMBLER BOROUGH, MONTGOMERY adopts and incorporates the Business Privilege Tax Rules and Regulations as promulgated by Berkheimer, in their entirety.
4. Any resolution or part of this resolution conflicting with the provisions of this resolution be and the same are hereby repealed to the extent of such conflict.

ENACTED into a RESOLUTION this _____ day of _____.

BY: _____

ATTEST:

RESOLUTION *2023-6*

A RESOLUTION OF THE GOVERNING BOARD OF AMBLER BOROUGH, MONTGOMERY COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO APPOINT A LIASON BETWEEN IT AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF THE BUSINESS PRIVILEGE TAX FOR THE DISTRICT, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT FOR OFFICIAL PURPOSES.

WHEREAS, the Local Tax Enabling Act ("LTEA"), authorizes certain political subdivisions, including AMBLER BOROUGH, MONTGOMERY COUNTY, to provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, AMBLER BOROUGH, MONTGOMERY COUNTY, has entered into contractual agreement with BERKHEIMER of Bangor, Pennsylvania, whereby and whereunder AMBLER BOROUGH, appointed Berkheimer to collect the BUSINESS PRIVILEGE TAX ; and

WHEREAS, the LTEA specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality's ordinance or resolution, be kept confidential, except for official purposes; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any ordinance or resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and

WHEREAS, Berkheimer requires passage of a resolution by the governing body of AMBLER BOROUGH, MONTGOMERY COUNTY specifying that said confidential information is needed for official purposes and absolving Berkheimer from any liability in connection with the release of said confidential information;

NOW, THEREFORE, BE IT RESOLVED that:

1. AMBLER BOROUGH, MONTGOMERY COUNTY hereby appoints _____ as its authorized representative to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for AMBLER BOROUGH, as desired and deemed necessary by AMBLER BOROUGH, MONTGOMERY COUNTY to be used for official purposes only; and
2. Berkheimer is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for the AMBLER BOROUGH, MONTGOMERY COUNTY upon request, to _____ as the authorized contact representative for it.
3. AMBLER BOROUGH, MONTGOMERY COUNTY hereby saves harmless, indemnifies and/or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

RESOLVED, ENACTED AND ADOPTED at a meeting held on the _____ day of _____, _____.

BY: _____

ATTEST: _____

RESOLUTION NO. 2023-7

A RESOLUTION OF THE GOVERNING BOARD OF AMBLER BOROUGH, MONTGOMERY COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO APPOINT BERKHEIMER AS ITS TAX HEARING OFFICER UNDER AND PURSUANT TO THE LOCAL TAXPAYERS BILL OF RIGHTS FOR THE EXPRESS PURPOSE OF ADJUDICATING APPEALS THEREUNDER.

WHEREAS, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including **AMBLER BOROUGH, MONTGOMERY COUNTY**, to levy, assess and collect certain local taxes on taxpayers, for general revenue producing measures; and

WHEREAS, **AMBLER BOROUGH, MONTGOMERY COUNTY**, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of the **BUSINESS PRIVILEGE TAX**; and

WHEREAS, Section 10 of said Act of 1965, specifies that any such political subdivision may provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, **AMBLER BOROUGH, MONTGOMERY COUNTY**, has appointed Berkheimer to collect the aforementioned taxes levied by it; and

WHEREAS, Act 50 of the 1998 General Assembly of the Commonwealth of Pennsylvania, enacted May 5, 1998, and effective, in part, January 1, 1999, known as the "Local Taxpayers Bill of Rights," requires political subdivisions levying, collecting and assessing taxes of the nature and kind aforementioned to establish an administrative process to receive and make determinations on petitions from taxpayers relating to the assessment, determination or refund of such tax, including without limitation, the appointment of a Tax Hearing Officer by a political subdivision to hear and decide such an appeal; and

WHEREAS, under Section 8432 of such Act of 1998, a political subdivision shall adopt regulations governing practice and procedure under the Local Taxpayers Bill of Rights;

THEREFORE, BE IT RESOLVED, AMBLER BOROUGH, MONTGOMERY COUNTY, hereby appoints **BERKHEIMER** as its **Tax Hearing Officer** and further, adopts and incorporates the Act 50 Regulations as promulgated by Berkheimer in their entirety.

ENACTED into a Resolution this _____ day of _____, _____.

BY: _____

ATTEST:

Public Safety Committee

September 5, 2023

Jen Henderson- Chair

Erin Endicott

Amy Hughes

Nancy Roecker Coates

OLD BUSINESS

NEW BUSINESS

1. **PUBLIC WORKS & CODE REPORT**

The Code Enforcement and the Public Works reports are **attached**.

2. **FREE WHEEL LOCKS**

The Ambler Borough Police Department has received a shipment of steering wheel locks for vehicles. This is due to the increase in vehicle thefts. If you are a borough resident and would like one, please come to the police station.

Public Utilities Committee

September 5, 2023

Haley Welch- Chair

Erin Endicott

Karen Sheedy

Amy Hughes

OLD BUSINESS

NEW BUSINESS

1. **WWTP ENGINEER REPORT**

The WWTP Engineer's report is **attached**.

2. **CINGULAR LEASE**

Attached for consideration is the New Cingular Wireless Lease Amendment for Houston Road.

3. **SYSTEM FLUSHING**

System flushing has begun, locations are posted on the Borough Website.



August 28, 2023

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

Re: Status Report - August 2023

Dear Mary;

The status of current active projects is as follows:

1. Conversion of Digesters - Construction continues for the conversion of the digesters from anaerobic digestion (without air) to aerobic digestion (with air). There is a total of 5 digesters in the scope. The first digester, T-9, was re-started in March, and the second, T-10 in early August. The plant is operating both T-9 and T-10 in a work-around, with down-sized sheaves and belts, as a permanent solution with VFD's will be considered at the end of or after the project. The third digester, ET-17, had it's cover removed, been partially emptied and cleaned, and the work on the modifications in the tank started in August.
2. Diversion of Upper Dublin WWTP to Ambler WWTP - PADEP approved the Act 537 Plan prepared by Bucks County Water and Sewer Authority (BCWSA) for closing the Upper Dublin Wastewater Treatment Plant and diverting that flow to Ambler's Wastewater Treatment Plant. EEMA prepared the PADEP NPDES Permit Application and DRBC docket application in late 2022 for increasing the permitted annual average flow of the WWTP from 6.5 MGD to 7.7 MGD and obtaining the new effluent permit limits from PADEP and DRBC. Ambler's Part I NPDES Permit application, inclusive of the request for increased permitted flows and limits, was submitted to PADEP in March 2023. EEMA received a request from PADEP for additional data for several parameters for their permit limit modeling in August; the data was provided with help from the plant and discussed with PADEP.
3. UV Light Disinfection Replacement - The PADEP Part II Permit application was submitted and approved in late 2022. The WWTP, EEMA, and its team completed work on design, finalized the scope, and requested competitive cost estimates in July. We anticipate letting the installation through the COSTARS program, late 2023, early 2024, at the Borough's discretion.

If you have any questions, please do not hesitate to contact me.

Very truly yours,
Environmental Engineering
& Management Associates, Inc.

Anthony L. Price

Anthony L. Price, P.E.
Principal Engineer

Environmental Engineering & Management Associates, Inc.
P.O. Box 232 • Kulpsville, PA 19443 • (215) 368-3375 • Fax: (215) 368-6739

Market: RPHL
Cell Site Number: 10010205
Cell Site Name: Overlay - Ambler
Fixed Asset Number: 10010205

SECOND AMENDMENT TO LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT dated as of the latter of the signature dates below, is by and between Borough of Ambler, a body political and corporate, having a mailing address of 122 East Butler Pike, Ambler, PA 19002 (“**Lessor**”) and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 1025 Lenox Park Blvd NE, Atlanta, GA 30319 (“**Lessee**”).

WHEREAS, Lessor and Lessee entered into a Lease Agreement dated April 5, 1994, whereby Lessor leased to Lessee certain Premises, therein described, that are a portion of the Property located at 634 Houston Road (Houston Road Water Tank), Township of Lower Gwynedd, County of Montgomery, Commonwealth of Pennsylvania ("Agreement"); and

WHEREAS, Lessor and Lessee desire, in their mutual interest, wish to amend the Agreement as set forth below.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

1. **New Premises Area.** Lessor agrees to increase the size of the Premises leased to Lessee to accommodate Lessee’s needs. Upon the execution of this Amendment, Lessor leases to Lessee the additional premises described on attached Exhibit 1-A (“New Premises Area”). Lessor’s execution of this Amendment will signify Lessor’s approval of Exhibit 1-A. The Premises under the Agreement prior to this Amendment in addition to the New Premises Area under this Amendment shall be the Premises under the Agreement.
2. **Generator.** Lessee shall have the right to install, repair, maintain, modify, replace, remove, utilize and operate (including but not limited to operate as may be required by applicable law) equipment within the New Premises Area, including without limitation a concrete pad and generator thereon, including back-up power supply. Lessee shall have the right to access the New Premises Area, and any provisions in the Agreement governing access shall apply to such access. The generator shall remain the property of Lessee, and Lessee shall have the right to remove or modify it at any time.
3. **Rent.** Commencing the first day of the month following commencement of installation within the New Premises Area (“Increase Commencement Date”), Rent shall be increased by Two Hundred and No/100 Dollars (\$200.00) per month, subject to further adjustments, if any, as provided in the Agreement; provided that the first such

increased payment shall not be due until sixty (60) days after such commencement date and provided further that, any partial month occurring after the Increase Commencement Date, the increased Rent amount shall be pro-rated.

4. **Other.** Lessor represents and warrants that, to its knowledge, no conditions exist within the New Premises Area or otherwise on the property where the Premises and New Premises Area are located that would adversely impact Lessee’s permitting and/or installation of a generator within the New Premises Area. Lessor authorizes Lessee to prepare, execute and file all required applications to obtain any government approvals for Lessee’s use of the New Premises Area under this Agreement and agrees, at Lessee’s request, to reasonably assist Lessee with such applications and with obtaining and maintaining the government approvals. Where applicable law governs how the generator will be used, Lessee may use the generator in the manner set forth in applicable law. Lessee may terminate this Amendment by written notice to Lessor at any time, and the rent increase set forth in Section 3 shall not take effect or shall be cancelled, as applicable, following any such termination. Within one hundred twenty 120 days after termination of this Amendment, Lessee shall remove its equipment from the New Premises Area; provided that any portions of the equipment that Lessee fails to remove within such period and cessation of Lessee’s operations at the New Premises Area shall be deemed abandoned. Lessee shall repair any damage, less ordinary wear and tear, to the New Premises Area caused by its removal activities.

5. Section 21.3 of the Agreement is hereby deleted in its entirety and replaced with the following:

Notices. All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows.

If to LESSOR: Borough of Ambler
122 East Butler Pike
Ambler, PA 19002

If to LESSEE: New Cingular Wireless PCS, LLC
Attn: TAG - LA
Re: Cell Site # 10010205
Cell Site Name: Overlay - Ambler
Fixed Asset #: 10010205
1025 Lenox Park Blvd NE
3rd Floor
Atlanta, GA 30319

With copy to: New Cingular Wireless PCS, LLC
Attn: Legal Department
Re: Cell Site # 10010205
Cell Site Name: Overlay – Ambler (PA)
Fixed Asset #: 10010205
208 S. Akard Street
Dallas, Texas, 75202-4206

The copy sent to the Legal Department is an administrative step which alone does not constitute legal notice. Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

7. Memorandum of Lease. Either party will, at any time upon fifteen (15) days prior written notice from the other, execute, acknowledge and deliver to the other a recordable Memorandum of Lease substantially in the form of the Attachment 2. Either party may record this memorandum at any time, in its absolute discretion.

8. Other Terms and Conditions Remain. In the event of any inconsistencies between the Agreement and this Second Amendment, the terms of this Second Amendment shall control. Except as expressly set forth in this Second Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Second Amendment. The rights granted to Lessee herein are in addition to and not intended to limit any rights of Lessee in the Agreement. Unless otherwise specified herein or unless the context requires otherwise, the terms in the Agreement shall apply to the New Premises Area.

9. Capitalized Terms. All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Second Amendment on the dates set forth below.

LESSOR:

LESSEE:

New Cingular Wireless PCS, LLC,
a Delaware limited liability
company

By: AT&T Mobility Corporation
Its: Manager

By: _____

By: _____

Print Name: _____

Print Name: Christopher J.
Gehlhaus

Its: _____

Its: Sr. Real Estate & Construction
Manager

Date: _____

Date: _____

LESSEE ACKNOWLEDGEMENT

STATE OF _____)
)ss:
COUNTY OF _____)

On the ____ day of _____, 20__ before me personally appeared _____, and acknowledged under oath that he is the _____ of _____, the _____ named in the attached instrument, and as such was authorized to execute this instrument on behalf of the _____.

Notary Public: _____
My Commission Expires: _____

LESSOR ACKNOWLEDGEMENT

CORPORATE ACKNOWLEDGEMENT

STATE OF _____)
)
COUNTY OF _____)

I CERTIFY that on _____, 20__, _____ [name of representative] personally came before me and acknowledged under oath that he or she:

- (a) is the _____ [title] of _____ [name of corporation], the corporation named in the attached instrument,
- (b) was authorized to execute this instrument on behalf of the corporation and
- (c) executed the instrument as the act of the corporation.

Notary Public
My Commission Expires: _____

EXHIBIT 1-A

Additional Premises Area

See attached

[include this Attachment only if text in amendment providing for this Attachment is included]

Attachment 1

Generator

See attached

Parks & Recreation Committee

September 5, 2023

Erin Endicott- Chair

Haley Welch

Jen Henderson

Lisa Auerbach

OLD BUSINESS

NEW BUSINESS

COMMUNITY CLEAN UP

1. Ambler Community Clean UP-World Clean Up day is September 16, 2023 from 9am- noon at Ambler Borough Hall. This is a combined cleanup that will include 180 countries and thousands of partners. Meet at Ambler Borough Hall at 9am to clean up litter and cigarette butts. Gloves and bags will be provided. All are welcome. Participants under 16 years of age must be accompanied by an adult.

Salary & Personnel Committee

August 1, 2023

Karen Sheedy- Chair

Haley Welch

Nellie Forst

Jen Henderson

OLD BUSINESS

1. Resumes are being accepted for the Water and Waste Water vacancies.

NEW BUSINESS

1. EAC VACANCY

Consideration is requested to appoint a new applicant to the EAC. (attached)