

AMBLER BOROUGH COUNCIL MINUTES

November 16, 2010

The regular monthly meeting of Ambler Borough Council was held Tuesday, November 16, 2010 at 7:00 p.m. at Borough Council Chambers located at 122 E. Butler Avenue, Ambler, Pennsylvania 19002. President Antonio Isabella presided.

The meeting was preceded at 6:00 p.m. by the first of three public meetings scheduled on the FY2011 budget. Discussion focused on having an ordinance prepared to initiate a business privilege tax for business owners and owners of rental properties. Mrs. Aversa stated there are 310 businesses and 383 owners of rental properties. Mr. Kenney offered various revenue scenarios if a business privilege tax were put into effect. Borough Solicitor Bresnan counseled that such a tax must be a flat tax and may not be based on income earned by a business. Council agreed that the Borough Solicitor should prepare an ordinance adopting a flat tax upon the privilege of doing business within the Borough setting the tax rate at \$240 per year per business. [7-Aye. 1-Nay (Mr. Amento)]

It was further agreed after discussion that the property tax rate shall be increased 13.72 percent (from 5.54 mil to 6.30 mil). Mr. Kenney offered the example of a \$200,000 assessed value property incurring an additional \$12.68 per month in property tax. The increase in property tax was necessitated, stated Mr. Kenney, due to the decrease in earned income tax revenue and due to Borough contractual commitments. Council authorized the Finance Manager to prepare an ordinance increasing the property tax rate from 5.54 mil to 6.3 mil. [8-Aye, 0-Nay]

It was further agreed after discussion that the Borough will require a \$75 annual licensing fee of landscapers and also of painters who do business in the Borough. Additionally, it was agreed to remove the request to purchase a new pickup truck for the Highway Department from the budget. It was announced that as advertised, future Budget Meetings will be held November 23rd at 10:00 a.m. and December 7th at 6:00 pm. Council shall consider adoption of the budget at a public meeting scheduled Tuesday, December 21, 2010 at 6:00 p.m.

At the conclusion of the FY2011 budget meeting, Mr. Isabella called the regular monthly meeting to order. Mr. Amento led the public in the Pledge of Allegiance and a moment of silence. The meeting proceeded.

Roll Call – Present: Mr. Isabella, Mr. Amento, Mr. Kenney, Mr. S. Pasceri, Ms. Maxion, Mrs. Strus, Ms. Tomlinson and Mr. Curtis. Solicitor Bresnan, Chief Foley and Mrs. Aversa also were present. Mayor Wahl and Mr. G. Pasceri were absent.

A motion was made to approve Minutes of the October 19, 2010 meeting as submitted. Seconded. Carried.

COMMITTEE REPORTS

The Committees of the Ambler Borough Council met on Wednesday, November 3, 2010 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Ave. Present: Mr. Isabella, Mr. Amento, Mr. Kenney, Mr. G. Pasceri, Mrs. Strus, Ms. Tomlinson and Mr. Curtis. Mayor Wahl, Chief Foley, Solicitor Bresnan and Mrs. Aversa also were present. Mr. S. Pasceri and Ms. Maxion were absent.

At the Council Meeting this evening, the Committees conducted business as follows:

Public Safety Committee – Mrs. Strus, Chairperson

Committee members: Mr. G. Pasceri, Ms. Maxion, and Mr. Curtis

The Public Safety Committee report was given this evening by Mrs. Strus.

The Committee will consider the following actions this evening:

1. Recommend adopting the Borough Fee Schedule **Resolution 2010-11**.

Discussion ensued. Several line items were discussed, and non-enforceable, conflicting or outdated fee categories were amended. It was clarified that it is illegal in Pennsylvania to have a movie theatre ticket sales fee, but that live theatre or live entertainment where admission or cover is charged may incur a fee by the Borough. Ms. Tomlinson asked that Yard Sale permits be simplified to \$20 refundable once yard sale signs are taken down. The Committee stated its intent to recommend adopting Resolution 2010-11 with revisions.

In other business the following was reviewed this evening:

1. The Police Department and Fire Department October 2010 reports were received.
2. The October 2010 Public Works, Safety Minutes and Code Enforcement reports were reviewed.
3. The Borough Solicitor is corresponding with the EPA Solicitor in reference to remediation work proposed for the Kane Core site.

Discussion ensued. Solicitor Bresnan stated that as of yet no decision has been made regarding ultimate responsibility for maintenance of the pipe. He has informed EPA that he would oppose any obligation placed on the Borough.

4. Leaf and yard waste pickup dates for the fall are November 16, 23 and 30 and December 7, 2010.
5. The grant request for the Community Development Block Grant Program for School Crossing Signals at Mattison Avenue Elementary and St. Anthony-St. Joseph's Elementary School has been approved for \$78,000. The agreement will be signed and submitted and work will commence in 2011.
6. Staff will make temporary repairs that are needed at the Maple Avenue Culvert.

Mrs. Strus asked if there were comments or questions from Council or the public. There being none, it was moved the report be accepted as filed. Seconded, carried.

Parks and Recreation Committee – Ms. Maxion, Chairperson

Committee members: Mr. Amento, Mrs. Strus, Ms. Tomlinson

The Parks and Recreation Committee report was given this evening by Ms. Maxion.

The Committee will consider no actions this evening:

In other business the following was reviewed this evening:

1. The Borough has been contacted by Lisa Capero of Caldwell Banker Realty to ascertain whether the Borough would be interested in acquiring for permanent open space several properties adjacent to Rose Valley Creek which are for sale on Valley Brook Road. The properties consist of a duplex house listed at \$250,000 with a 26,000 sq ft lot, the main house (hunting lodge) with pond and creek-frontage at \$250,000, and a lot near Hendricks consisting of 1.114 acres at \$80,000. All properties are in the flood plain.

Discussion ensued. While it was agreed this would be a wonderful opportunity for the Borough, Council recognized that purchase of these properties would be a luxury the Borough cannot at present afford. Mrs. Aversa stated there is little grant money available these days for the acquisition of open space lands.

Ms. Maxion asked if there were comments or questions from Council or the public. There being none, it was moved the report be accepted as filed. Seconded, carried.

Public Utilities Committee – Mr. Amento, Chairperson

Committee members: Mr. S. Pasceri, Mr. Kenney, and Mr. Curtis.

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

The Committee will consider the following actions this evening:

1. Authorization to purchase electricity for all Borough electric needs through Exelon Energy with a three-year rate guarantee.

Discussion ensued. Ms. Tomlinson asked about contract termination conditions. Finance Manager Wojciechowski stated there would be a three-year penalty and that the contract was written to lock in the agreement.

2. Consider awarding a two-year contract for Liquid Aluminum Sulfate to Univar USA, Inc. at a cost of \$0.9589/gallon.

In other business the following was reviewed this evening:

1. The October 2010 WWTP Supervisor's and Engineer's reports were received.
2. Staff continues to communicate with the DEP in response to the DEP technical review of plans for the rehabilitation of Loch Alsh Reservoir.
3. The revised cost sharing agreement for the storm water coalition was signed and submitted.
4. The trash hauler request for bids has been advertised.
5. The plant engineer continues the process of preparing specs and RFP's for the removal and replacement of the load interrupter and transformer.
6. Staff is reviewing requirements to offer water customers Water Line Insurance which the Borough intends to offer in 2011.

Mr. Amento asked if there were questions or comments from Council or the public. There being none, it was moved the report be accepted and filed. Seconded, carried.

Finance and Planning Committee - Mr. Kenney, Chairperson

Committee Members: Mr. S. Pasceri, Ms. Maxion, and Ms. Tomlinson.

The Finance and Planning Committee report was given this evening by Mr. S. Pasceri.

The Committee will consider the following actions this evening:

1. Consideration that **OCTOBER** invoices in the amount of **\$535,154.77** be paid as follows: General (**\$130,448.23**); Street Lights (**\$5,402.34**); Fire (**\$0.00**); Parks & Rec. (**\$6,100.06**); Water (**\$106,707.16**); Sewer (**\$91,753.79**); WWTP (**\$193,786.73**); Rail Corridor (**\$0.00**); Road Overlay (**\$0.00**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$1,026.46**) and one voided check for **\$70.00**.

In other business the following was reviewed this evening:

1. The Borough Engineer's October 2010 report was reviewed.
2. Zoning Ordinance Amendments for Signs, Building Design Standards and for MR-Mixed Dwelling Unit and Garden Apartment District Zoning will be advertised for adoption in January 2011.
3. The Planning Commission will review the Parking Ordinance to identify a need for possible amendments to be drafted which would allow inclusion of metered parking in parking calculations for businesses in the Downtown Commercial District.
4. Staff is researching alternatives for implementation of an inspection process for residential sales.
5. A Resolution appropriating Specific Sums Estimated per the 2011 Budget Required for the Specific Purpose of the Municipal Government will be prepared and offered for adoption in December 2010.
6. A draft Ordinance for Outdoor Vending machines is being prepared by the Borough Solicitor and will be sent to the Borough Planning Commission for review.
7. An Ordinance to be advertised for adoption in December 2010 Fixing the Real Estate Tax Rate for FY2011 will be prepared.
8. The 2011 Borough Meeting Schedule will be prepared and advertised in December.
9. Several term appointments expire December 31, 2010 and as such Committee members have been contacted by staff to determine intentions to seek re-appointment. A listing of committee positions has been posted on the Borough website and on the lobby bulletin board.

In new business:

1. Plans made possible by the pedestrian improvement grant from Allison Schwartz's office are progressing. Funds are an earmark in the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) legislation.

Discussion ensued. Borough Manager Mrs. Aversa stated that on September 6, 2005 through Congresswoman Schwartz's office the Borough received a commitment of earmarked monies totaling \$520,000 towards pedestrian improvements. Mr. S. Pasceri

stated that he would be hopeful that the earmarked funds would not be cut by Congress. Mrs. Aversa further stated that the public walkways have been marked and that currently the proposed scope of the Ambler Pedestrian Improvements Project is as follows: Orange Avenue (S. Main-Rosemary); Main Street (Orange-Bannockburn); Highland Avenue (Spring Garden-North); North Street (Highland-Trinity); Southern Avenue (Spring Garden-Park); Park Avenue (Spring Garden-Highland); and Bannockburn Avenue (S Main-Spring Garden).

Mr. S. Pasceri asked if there were questions or comments from Council or the public. There being none further, it was moved the report be accepted and filed. Seconded, carried.

Salary and Personnel Committee – Mr. S. Paceri, Chairperson
Committee members: Mr. G. Pasceri, Mr. Kenney, and Mrs. Strus

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

The Committee will consider no actions this evening:

An Executive Session was called.

Upon return to Council Chambers, Mr. S. Pasceri stated the Executive Session was in regards to a legal matter.

RECOMMENDATIONS

Public Safety Committee – The Committee recommends and Mrs. Strus moves:

Recommend adopting the Borough Fee Schedule **Resolution 2010-11** with final revisions. Seconded. Carried.

Parks & Recreation Committee – The Committee will make no recommendations this evening states Ms. Maxion.

Public Utilities Committee – The Committee recommends and Mr. Amento moves:

Recommend the purchasing of electricity for all Borough electric needs through Exelon Energy with a three-year rate guarantee. Seconded. 6-Aye; 2-Nay (Mr. Kenney, Ms. Tomlinson). Carried.

Recommend awarding a two-year contract for Liquid Aluminum Sulfate to Univar USA, Inc. at a cost of \$0.9589/gallon. Seconded. Carried.

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

Recommend that **OCTOBER** invoices in the amount of **\$535,154.77** be paid. Seconded. Carried.

Agreed to at Budget Meeting:

That the Borough Solicitor should prepare an ordinance adopting a flat tax upon the privilege of doing business within the Borough setting the tax rate at \$240 per year per business. [7-Aye. 1-Nay (Mr. Amento)]

That the Finance Manager shall prepare an ordinance increasing the property tax rate from 5.54 mil to 6.3 mil. [8-Aye, 0-Nay]

Salary & Personnel Committee – The Committee will make no recommendations this evening states Mr. S. Pasceri.

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

Respectfully submitted,

Elizabeth Russell
Administrative Assistant
Borough of Ambler