

AMBLER BOROUGH COUNCIL MINUTES

March 19, 2019

The regular monthly meeting of Ambler Borough Council was held Tuesday, March 19, 2019 at 7:00 p.m. at Borough Council Chambers located at 131 Rosemary Avenue, Ambler, Pennsylvania, 19002.

Council President DeRuosi called the Council Meeting to order. Mayor Sorg led the public in the Pledge of Allegiance. The Mayor's Moment was delivered by Mayor Sorg regarding her participation with 'Mayors Against Illegal Guns' and her conviction that there should be a requirement for 100 percent background checks for the purchase of guns. She stated that H.R. 8 has been passed the U.S. House of Representatives and that the proposed legislation is now being considered by the U.S. Senate. She encouraged residents who support these background checks to make their viewpoints known to their legislators.

Roll Call – Present: Mr. DeRuosi, Ms. Hertz, Mr. Pasceri, Mr. Zaccone, Ms. Tomlinson, Mrs. Deininger, Ms. DiPietro, Ms. Endicott and Mrs. Siskind. Mayor Sorg, Chief Hoffman, Solicitor Joe Bresnan of Dischell, Bartle & Dooley and Borough Manager Aversa were present.

Approval of Minutes: Mr. DeRuosi made a motion to approve the Minutes of the February 19, 2019 Council Meeting. Seconded. Carried.

Executive Session: An Executive Session was held prior to this evening's meeting to discuss personnel issues involving police department hiring and an increase in compensation for a Borough employee.

COMMITTEE REPORTS

The Committees of Ambler Borough Council met Tuesday, March 5, 2019 at 7:00 p.m. at Borough Council Chambers located at 131 Rosemary Avenue, Ambler, Pennsylvania, 19002. Present: Mr. DeRuosi, Ms. Hertz, Mr. Zaccone, Mr. Pasceri, Mrs. Deininger, Ms. Tomlinson, Ms. DiPietro, Ms. Endicott, and Mrs. Siskind. Mayor Sorg, Chief Hoffman, Solicitor Joe Bresnan of Dischell, Bartle & Dooley, and Borough Manager Aversa were present.

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

Public Safety Committee – Mr. Claudio Zaccone, Chairperson

Committee members: Mrs. Deininger, Mrs. Siskind

The Public Safety Committee report was given this evening by Mr. Zaccone.

The Committee will consider no action this evening.

In other business the following was reviewed:

1. The Police Department, Fire Department and Community Ambulance Association reports were received.
2. The Public Works and Code Enforcement reports were received.
3. The Police Department and Code Enforcement Department remind Borough residents that fireworks are not permitted to be discharged in the Borough. Residents seeing fireworks use should contact the Police Department.

Mr. Zaccone asked if there were comments or questions from Council or the public. There being nothing further, it was moved the Committee's report be accepted as filed. Seconded. Carried.

Public Utilities Committee – Mrs. Glynnis Siskind, Chairperson

Committee members: Mr. Pasceri, Mr. Zaccone, Ms. Tomlinson

The Public Utilities Committee report was given this evening by Mrs. Siskind.

The Committee will consider the following action this evening:

1. Authorization is requested to approve the tower lease on the Water Tank at Skippack and Butler Pikes in Whitemarsh.
2. Authorization is requested to award the bid contract for the WWTP's EPS-4 rebuild to Derstine at the low responsive cost of \$102,000. [\$100,000 had been budgeted for this project.]
3. Authorization is requested for the WWTP to contract with Paone Electric LLC for regular monthly electrical control and instrumentation maintenance at the low service quote of \$8,112 annually.

In other business the following was reviewed:

1. The WWTP Engineer's report was received.
2. The Solicitor is preparing a notice of action regarding forming a Water Authority to be sent on to the Pennsylvania Public Utilities Commission.

3. Water Engineers have filed the Water Department's Application for Ground or Surface Water Withdrawal in the Delaware River Basin. Every 10 years all water withdrawal facilities in the distribution system must be reviewed and approved of by the Delaware River Basin Commission (DRBC) which determines the allowance of water withdrawal in the Delaware River Basin. The filing fee of \$15,401 was budgeted for 2019.
4. Water Department has conducted voluntary water testing for PFAS and is awaiting lab results which should be available in approximately 60 days.

Mrs. Siskind asked if there were comments or questions from Council or the public. There being nothing further, it was moved the Committee's report be accepted as filed. Seconded. Carried.

Finance and Planning Committee – Ms. Francine Tomlinson, Chairperson

Committee Members: Ms. DiPietro, Ms. Endicott

The Finance and Planning Committee report was given this evening by Ms. Tomlinson.

The Committee will consider the following actions this evening:

1. Consideration that **February 2019** invoices in the amount of **\$1,074,603.09** be paid as follows: General (**\$164,766.80**); Street Lights (**\$5,046.81**); Fire (**\$0.00**); Refuse (**\$30,913.42**); Parks & Rec. (**\$1,961.23**); Water (**\$401,407.15.**); Sewer (**\$140,028.67**); WWTP (**\$323,767.81**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$6,711.20**).
2. Consider proposed parking upgrades and changes including: adding one kiosk to the Lindenwold lot; increasing the fee from \$0.50 to \$1.00 per hour; increasing street metered parking time limits from one hour to two hours; updating all signage to reflect rate change, parking hours and parking availability; discontinuing 'free' parking in December; and, maintaining free parking from Noon-2:00 daily.

Discussion ensued. Ms. DiPietro asked whether business owners had been contacted regarding the proposed changes. Mr. DeRuosi stated that Liz Kunzier of Ambler Main Street had contacted several business owners and that no definitive opinion was received. Ms. Endicott suggested business owners be surveyed and invited to attend a meeting. Mr. DeRuosi replied that Council meetings are advertised and the agenda is public. He recalled that Ambler Main Street had met with business owners prior to the August 2017 meeting. He stated no concrete opinion was held on the best options to pursue and that at some point in time Council must make a decision. Manager Aversa stated AMS will be meeting on Monday and Ms. Endicott offered to work with Ms. Kunzier and send out a 'blast' to AMS members prior to the meeting.

Ms. Tomlinson recommended that Council vote this evening on two of the parking issues on the agenda, namely adding one kiosk to the Lindenwold lot and updating all signage

once terms of parking are determined. She recommended that the Committee table the remainder of the discussion on parking issues to a future meeting. The Finance Committee members agreed to her recommendations.

3. Consider adoption of **Resolution 2019-03** the ‘Ready For 100’ Renewable Energy Initiative.

Discussion ensued. A resident from Overlook Road stated enthusiasm for Council considering transitioning to 100 percent renewable energy. He listed communities across the County that have passed similar resolutions. Karen Sheedy of 223 Overlook Road thanked Council for their consideration. Ms. Tomlinson asked that the final Resolution be formatted consistent with other Borough documents. Mr. DeRuosi stated the Resolution could be voted on making no conceptual changes, simply visual changes.

4. Consider granting Preliminary/Final Land Development for 171 Rosemary Avenue (Zacone Motors) to consolidate two abutting parcels and construct a new storage building. Borough Planning Commission recommendation, Borough Engineer review letter, Zoning Hearing Board notice of decision and Montgomery County review letters have been received.

A lengthy discussion ensued. Solicitor Bresnan stated that per the SALDO requirement if the applicant is compliant with the approved plans and engineer’s letter then Council must approve. He stated that while Preliminary and Final approval are usually allowed at the same time, Council could simply grant Preliminary approval at this time. He added that this is a ‘clean’ engineering review letter and that the application was not of the magnitude of most SALDO applications.

Ms. DiPietro asked for a clarification on the number of parking spaces required. Mr. Bresnan stated the parking requirement for customers and employees is 16 spaces, that vehicles parked under the roof of the proposed enclosure are considered ‘inventory.’ Ms. Endicott asked about the proposed height of the structure which she stated was not delineated in the plans. Borough Engineer Jim Dougherty stated that height would be less than that required by Zoning.

Ms. Endicott reviewed the Montgomery County Planning Commission letter and asked that the applicant adopt these recommendations. She stated that the applicant should be required to plant trees at the pre-existing garden beds as a condition of approval, and that the final plan should include a landscape plan so that the applicant would adhere to Montgomery County’s suggestions. She suggested the Environmental Advisory Council be consulted on which trees to plant.

Mr. DeRuosi vehemently stated that Council should not act like a ‘dictatorship’ and impose everything it ultimately would like on our residents, and that in his opinion this project legally adheres to the requirements. He stated the addition of shade trees should be a recommendation and not a requirement. Ms. Hertz noted the ‘laser-like’ focus on this property, noting that the site has been covered by blacktop for decades. She stated that

Council must consider what it requires of small business owners who are established in the Borough or who may be consider locating in the Borough.

Solicitor Bresnan stated that Borough Engineer Dougherty recommends approval and that the planting of trees within the confines of the existing planter beds could be covered procedurally in an engineering letter. Mr. Zaccone stated that he would consider planting appropriately-sized trees on the property.

Public comment followed. Mrs. Judy Baigis of Tennis Avenue questioned the procedural correctness of the proceeding which allowed Councilperson Zaccone to remain at his Council seat during the discussion. She stated Mr. Zaccone should have been seated in the audience, removed from the front dais and should have had representation present. Solicitor Bresnan stated it was totally correct and acceptable for Mr. Zaccone to remain at his seat and be available for discussion. A resident from Rosemary Avenue spoke enthusiastically about the aesthetics of removing ewe shrubbery and adding small trees to showcase the new building. Two residents of Orange Avenue asked that Council consider mitigation of the crowded parking situation at Orange Avenue and consider stormwater management issues.

A motion was made to grant Preliminary/Final approval in accordance with the Engineer's Letter to include the **condition of a requirement** to plant of one or two small trees in the raised planter bed in accordance with the Applicant's agreement. Seconded. Aye-2 (Ms. Endicott, Ms. DiPietro. Nay-6. Recusal – Mr. Zaccone. Motion denied.

A motion was made to grant Preliminary/Final approval in accordance with the Engineer's Letter **to include a notation** that Applicant has agreed to plant one or two small trees in the raised planter bed. Seconded. Aye-8. Recusal – Mr. Zaccone. Motion carried.

Approved at the Committee Meeting:

1. Consider adoption of **Resolution 2019-02** authorizing participation in the RSLPP LED streetlight/metered area lighting conversion project. Seconded. 9-Aye. Carried.

In other business the following was reviewed:

1. The Borough Engineer's report was received.
2. Sample ordinance language was provided to the Borough Planning Commission by the County dealing with green improvement options when replacing Borough sidewalks or driveways and the like. The Planning Commission provided a letter listing possible incentives in order to assist in attracting property owners to promote sustainable building practices. Council will discuss the Planning Commission recommendations at a future meeting.

Ms. Tomlinson asked if there were comments or questions from Council or the public. There being nothing further, it was moved the Committee's report be accepted as filed. Seconded. Carried.

Parks and Recreation Committee – Ms. Sara Hertz, Chairperson

Committee members: Mrs. Deininger, Ms. Endicott

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

The Committee will consider the following actions this evening:

1. Consider adoption of **Resolution 2019-1** concerning Single Use Plastics & EPS.

In other business the following was reviewed:

1. The Committee is scheduling a training session on cycling safety on March 30th for ages 10-15.
2. The Ambler Environmental Advisory Council has offered to give every homeowner a rain barrel and will assess individual property storm water needs to ascertain their qualification for a reduced cost for rain barrels, downspout planters or permeable (patio only) conversion. The final scheduled workshop date is Saturday, April 13th (during EarthFest) at 10:00 a.m. at Ambler Borough Hall.
3. A meeting was held to discuss the Friends of Parks Program on Monday, March 18th at Ambler Borough Hall. Ms. Endicott stated that a mid-May 'kick-off' event will be held at Wahl Playground and at Ricciardi Park.

Ms. Hertz asked if there were comments or questions from Council or the public. She stated that the Committee was setting a schedule for two Family Movie Nights and for a return of Mindfulness and Yoga sessions.

Salary and Personnel Committee – Mrs. Nancy Deininger, Chairperson

Committee members: Mr. Pasceri, Mr. Zaccone, Ms. DiPietro

The Salary and Personnel Committee report was given this evening by Mrs. Deininger.

The Committee will consider the following actions this evening:

1. Consider adoption of an employee Code of Conduct/Social Media Policy.

Discussion ensued. Ms. Tomlinson stated she would like language concerning receipt of gifts added to the documents. Ms. Aversa stated no comments had been received from

Council. Borough Solicitor will review language in the documents. Consideration was tabled. Policies will be discussed at a future Council/Committee meeting.

2. Consider adoption of the Rules approved by the Civil Service Commission at its February 28, 2019 meeting.

In other business the following was reviewed:

1. Interviews were held for the Public Works Assistant Supervisor position. Credentials are being accepted for the soon-to-be vacant Highway Laborer position.

Mrs. Deininger asked if there were questions or comments from Council or the public. Ms. DiPietro stated that the Civil Service Commission will hold a meeting February 28, 2019 at 4:00 p.m. at Ambler Borough Hall. There being nothing further, it was moved the report be accepted and filed. Seconded, carried.

RECOMMENDATIONS

Public Safety Committee – The Committee will make no recommendations this evening.

Public Utilities Committee – The Committee will recommend and Mrs. Siskind moves:

Authorization is requested to approve the tower lease on the Water Tank at Skippack and Butler Pikes in Whitemarsh. Seconded. Carried.

Authorization is requested to award the bid contract for the WWTP's EPS-4 rebuild to Derstine at the low responsive cost of \$102,000. Seconded. Carried.

Authorization is requested for the WWTP to contract with Paone Electric LLC for regular monthly electrical control and instrumentation maintenance at the low service quote of \$8,112 annually. Seconded. Carried.

Finance & Planning Committee – The Committee recommends and Ms. Tomlinson moves:

Consideration that **February 2019** invoices in the amount of **\$1,074,603.09** be paid. Seconded. Carried.

Consider proposed parking upgrades and changes including: adding one kiosk to the Lindenwold lot. Seconded. Carried.

Consider proposed parking upgrades and changes including updating all signage to reflect rate change, parking hours and parking availability. Seconded. Carried. [Other parking policies tabled]

Consider adoption of **Resolution 2019-03** the ‘Ready For 100’ Renewable Energy Initiative. Seconded. Carried.

Consider granting Preliminary/Final approval for 171 Rosemary Avenue (Zaccone Motors) to consolidate two abutting parcels and construct a new storage building in accordance with the Engineer’s Letter to include the **condition of a requirement** to plant of one or two small trees in the raised planter bed in accordance with the Applicant’s agreement. Seconded. Aye-2 (Ms. Endicott, Ms. DiPietro. Nay-6. Recusal – Mr. Zaccone. Motion denied.

Consider granting Preliminary/Final approval for 171 Rosemary Avenue (Zaccone Motors) to consolidate two abutting parcels and construct a new storage building in accordance with the Engineer’s Letter **to include a notation** that Applicant has agreed to plant one or two small trees in the raised planter bed. Seconded. Aye-8. Recusal – Mr. Zaccone. Motion carried.

Approved at the Committee Meeting: Consider adoption of **Resolution 2019-02** authorizing participation in the RSLPP LED streetlight/metered area lighting conversion project. Seconded. 9-Aye. Carried.

Parks & Recreation Committee – The Committee recommends and Ms. Hertz moves:

Consider adoption of **Resolution 2019-1** concerning Single Use Plastics & EPS. Seconded. Carried.

Salary & Personnel Committee – The Committee recommends and Mrs. Deininger moves:

Tabled: Consider adoption of an employee Code of Conduct/Social Media Policy.

PUBLIC COMMENT PERIOD

At the conclusion of the public meeting, Council allows the public time to comment on matters of interest or concern. Comment is not limited to current agenda items. During the Public Comment Period, Council will not answer questions or engage in dialog with the speaker. Residents are asked to state their name and address. Comments regarding any and all employee issues are not entertained. Council may address items or questions raised at the next scheduled Committee or Council meeting, but reserves the right to determine

agenda items. Council requests those in attendance refrain from engaging the speaker during public comments.

Sara Pilling of Radnor Township congratulated Council on ‘taking the big step’ with passage of the Ready for 100 Initiative.

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

Respectfully submitted,

Elizabeth Russell
Assistant Secretary
Borough of Ambler