

## AMBLER BOROUGH COUNCIL MINUTES

September 15, 2020

Ambler Borough Council held their scheduled monthly meeting on Tuesday, September 15, 2020 at 7:00 p.m. via ZOOM Software Program. Consistent with Council President's and the Mayor's Declaration of Disaster Emergency, this action was taken to ensure the health, safety and welfare of our community and to promote our commitment to maintain social distancing in our community. As such, the meeting was not held at Borough Hall. A public copy of the meeting agenda was posted on the Borough website on Monday, September 14, 2020. The public was invited to access the ZOOM Meeting and offer questions or comments.

**Roll Call – Present:** Mr. DeRuosi, Ms. Hertz, Mrs. Deininger, Ms. DiPietro, Mrs. Siskind, Ms. Endicott, Ms. Welch, Ms. Henderson and Ms. Marshall. Mayor Sorg, Chief Hoffman, Solicitor Joe Bresnan and Borough Manager Aversa also were in attendance. Finance Manager Gail Gordon, Water Superintendent Philip Benigno, Public Works Superintendent Marco Resente, Code Enforcement Officer Glenn Kucher and Assistant Secretary Elizabeth Russell also were in attendance.

**Approval of Minutes:** Mr. DeRuosi made a motion to approve the Minutes of the August 18, 2020 Council Meeting and the September 1, 2020 Committee Meeting. Motion to Approve. Seconded. All Aye. Carried.

Mayor Sorg delivered a Proclamation heralding the week of September 17-23 as 'Constitution Week.' She recognized September 17<sup>th</sup> as 'Citizenship Day.'

### **COMMITTEE REPORTS**

The Committees of Ambler Borough Council met via Internet vehicle ZOOM on Tuesday, September 1, 2020 at 7:00 p.m. Present: Mrs. Deininger, Ms. DiPietro, Ms. Endicott, Mrs. Siskind, Ms. Henderson, Ms. Welch and Ms. Marshall. Mayor Sorg, Chief Hoffman, Borough Manager Aversa and Solicitor Joe Bresnan were in attendance. Code Enforcement Officer Glenn Kucher and Assistant Secretary Elizabeth Russell also were in attendance. Mr. DeRuosi and Ms. Hertz were absent.

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

**Public Safety Committee – Ms. Erin Endicott, Chairperson**  
Committee members: Ms. Hertz, Mrs. Deininger, Mrs. Siskind

The Public Safety Committee report was given this evening by Ms. Endicott.

**The Committee will consider the following actions this evening:**

1. Consider adoption of Resolution 2020-06 Winter Service Agreement with PennDOT granting authorization to execute documents.
2. Consider approval of plans for traffic calming with installation of a new crosswalk at Race and Lindenwold. The Fire Company would prefer a stamped crosswalk since a raised option would impact their travel routes.

Discussion ensued. Mrs. Siskind noted that the proposed crosswalk would be located at a distance from the corner intersection. She speculated that the crosswalk could be situated further down the street nearer the Library. Ms. Endicott stated that perhaps there would be a site line issue and noted that there was more slope further down the street. Chief Hoffman stated he assumed the crosswalk was located as close to the corner as possible but would look into whether the crosswalk could be situated at any distance from the corner. Manager Aversa stated she would ask the Borough Engineer Jim Dougherty for options. The Committee determined to defer consideration of the plan until the October meeting.

**Approved at Committee Meeting:**

1. A recommendation for adoption of the Emergency Declaration for COVID-19 for the month of September. Seconded. All Aye. Carried.

**In other business the following was reviewed:**

1. The Police and Fire Department reports were received.
2. The Public Works and Code Enforcement reports were received.

Ms. Endicott asked if there were further 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: Ms. Welch, Ms. Henderson, Ms. Marshall

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

**The Committee will consider the following actions this evening:**

1. Consider rescinding Council's March 3, 2020 vote to raise WWTP permit levels for BOD (Biological Oxygen Demand) since the DEP is satisfied with the timing change of the sampler and the amount of sample for BOD testing and has stated that no organic overload exists.
2. Consider adoption of Resolution 2020-07 granting authorization to execute a Master Agreement for Castings Adjustment with PennDOT allowing for the adjustment and/or replacement of utility castings deemed necessary during PennDOT's performance of general maintenance and reconstruction projects on State Routes.

**In other business the following was reviewed:**

1. The WWTP engineer's report was provided.
2. The Butler Pike Water Main Replacement Project at Prophecy Creek bridge was advertised on PennBid. Bid opening and award are scheduled for October.
3. An application of the Borough of Ambler for approval of the abandonment of public water service to the public in Pennsylvania has been filed and a notice has been advertised. Formal protests and petitions were received.

Discussion ensued. Solicitor Bresnan set forth the Borough's determination to form a Water Authority, citing that an Authority would not be regulated by the PA PUC as regards establishing a rate structure. He stated that in 2019 the Borough met with townships serviced by the Water Department and they seemed enthusiastic about the plan to become an Authority. At this time, he noted the Water Department was actively pursuing grants for PFAS project funding and stated the grant process was ready to roll. There would be Borough grant match obligations. He stated MIRIA funding might be jeopardized.

Solicitor Bresnan stated the townships have filed interventions objecting to the Borough forming an Authority wherein the townships have stated the Borough needs the oversight of the PA PUC to function. He stated this was perplexing since, if there is no Authority, the Water Department will have to slog through the rate increase process. He stated the townships wanted majority control of the Authority Board. At present, the Board has 5 representatives from the Borough, with the balance of 4 representing the townships.

Harrisburg attorney Adeolu Bakare stated that an Authority would be subject to the Municipal Authorities Act and not to the PA PUC. He stated that for municipal utilities the PA PUC involves a lot of red tape since customers are from within and outside the Borough. With the MMA the Borough could provide efficient service and would comply with all environmental requirements. He noted that should the Water Department operate as an Authority, anyone could object to a rate increase and file an objection in Norristown. Bottom line, there is still oversight even as an Authority.

Mrs. Siskind stated the Borough desires to get out from under the rate making process. She stated the Water Dept. would still be under the same water quality regulations. With rate increase the Borough could improve water quality and improve the system's aging infrastructure. She stated the Borough wanted to avoid selling the water system. Should this occur, she stated the Borough would lose all control. She noted Aqua Water costs three times more than Ambler Water.

State Senator Maria Collett, who was successful in obtaining grant monies for PFAS projects, noted the \$1 million grant would not require a match. She inquired as to whether the system would need to be an Authority to be eligible for MIRIA funds. Solicitor Bresnan stated that while it is not necessary to be an Authority, the Borough could not act immediately to finance a match to proposed projects and would have to wait for a rate increase. He stated the Borough cannot 'play bank' for these projects. Sen. Collett

summarized that a Water Authority could be more nimble in responding. Borough Manager Aversa noted there would be substantial annual expenditures for the water system once new PFAS treatment systems are installed requiring the Borough to factor these costs into the rate structure.

Solicitor Bakare stated a Pre-Hearing Conference is scheduled for September 24<sup>th</sup>. Intervenors include the Office of Consumer Advocate and the townships. The OCA appears to want to monitor the process and ensure that customers are treated fairly. He stated that if the litigation is mutually acceptable the process should take 3-4 months. If there is litigation the timeframe would be 6-9 months to render a final decision.

### **Public Comment**

Madge Monsor of 372 Forest Avenue asked that if an Authority would be in control of a rate increase, whether that increase would be significant. Mrs. Siskind responded that the Authority Board had not yet met to discuss and consider projects and that it was too early in the process to discuss specific numbers.

Mark Grey of 331 Arbor Lane, Lower Gwynedd, introduced himself as Chairperson of the Lower Gwynedd Township Board of Supervisors. He discussed the recent series of water main breaks in the township and stated that there had been 8 or 9 water outages this year. He stated the quality of the well water provided was poor. He noted that while only 500-600 Lower Gwynedd residents are customers, the high school, middle and elementary school are part of the Ambler Water system. He stated his concern that a rate increase might occur with no change in service. He stated there are operational problems that need to be addressed. He added that the Board as configured is not equal or proportionally representative of the customers. Solicitor Bresnan responded that Lower Gwynedd could intervene and defeat Ambler's application or accept the Authority and have a Lower Gwynedd citizen on the Board. Mrs. Siskind stated Ambler Water does not have funds on hand for large water main replacement projects. She stated that working with the PA PUC the rate increase process would be more than a year out. With the Authority, money would be available to make more changes and improve service. Ms. Marshall stated the Borough owns the water company and therefore it is with good reason that the Borough would have the majority vote.

Danielle Duckett of 440 Brookside Avenue, Lower Gwynedd, introduced herself as Vice Chairperson of the Lower Gwynedd Township Board of Supervisors. She commented on the water outages and interruption of service. She stated better communication was needed as related to these specific recent service outages. She stated the Borough needs to prioritize water main projects in the township. Water Superintendent Benigno stated the Borough does not have the money to replace the water main. He stated the water is below the MCL set by the PA DEP and EPA. He stated sections of Marion Avenue and Johns Lane had been replaced. Mr. DeRuosi stated the Borough hopes to stay ahead of mandated water quality regulations and improve the system. He stated the Borough has communicated with the townships regarding establishment of the Authority Board and did not receive a response. Manager Aversa stated the Borough has a 24-hour emergency

contact line and that the Borough would continue to improve notifications on social media and the Borough website.

Maureen Nunn of 825 Wooded Pond Road, Lower Gwynedd, commented that the MCL is determined prior to entry into the distribution system. She suggested that the Borough test samples at the point of service. Mr. Benigno replied that the Borough tests Bacterial and THM samples from 25 locations throughout the system that are determined by the DEP.

Brian Quinn of 323 Valley Brook Road stated his support for a Water Authority. He added that he has installed a 4-tank full-house filtration system on his property.

Mrs. Siskind asked if there were further 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. Nellie DiPietro, Chairperson**

Committee Members: Ms. Endicott, Ms. Welch, Ms. Marshall

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

**The Committee will consider the following actions this evening:**

1. Consider that **August 2020** invoices in the amount of **\$568,151.58** be paid as follows: General (**\$137,554.30**); Street Lights (**\$4,258.02**); Fire (**\$0.00**); Refuse (**\$35,209.24**); Parks & Rec. (**\$7,197.66**); Water (**\$122,431.69**); Sewer (**\$169,922.88**); WWTP (**\$90,952.79**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$625.00**).
2. Consider adoption of **Ordinance 1116** authorizing an increase in the annual charge for residential refuse collection from \$300 per year to \$440 per year.
3. Consider granting authorization to execute contract from PA Small Water & Sewer Program for the \$355,093 grant for the Edgewood Drive Stormwater Improvements Project.

Discussion ensued. Ms. Endicott asked whether the Borough could incorporate green stormwater infrastructure in the plan. Manager Aversa replied that the authorization requested was to accept the grant money and was not a lock-in on the project design.

**In other business the following was reviewed:**

1. The Borough Engineer's report was received.
2. The Borough Planning Commission has completed the Energy Transition Plan in line with the Ambler Borough Ready for 100 Renewable Energy Resolution adopted by

Borough Council March 2019. Public comment is being accepted with anticipated adoption in October. The Plan is available on the Borough website.

3. The Borough Pension Minimum Municipal Obligations (MMO's) for 2021 have been prepared by Joe Duda, Borough Actuary.

Mr. Duda presented the MMO's for Municipal Employees (Defined Benefit and Defined Contribution) and Police Pension Plans. These calculations are based on the January 1, 2019 Actuarial Valuations and reflect a 3% of pay municipal employees' contribution in the Defined Benefit and a 5% of pay police contribution. The Obligation for Non-Uniformed Defined Contribution is \$69, 210; for Municipal Employees' Pension Plan is \$40,676; and for Police Pension Plan is \$215,200.

The Committee acknowledged and has accepted the MMO's as provided by Mr. Duda on this 15<sup>th</sup> day of September 2020.

4. Council discussed stormwater requirements, specifically the area calculations that triggers stormwater requirements.
5. The Borough has submitted a grant application with the Redevelopment Assistance Capital Program (RCAP) for the Poplar Street Parking Lot Project. The project involves significant stormwater improvements.

Discussion ensued. Ms. Endicott noted the project treats pre-existing stormwater conditions. Manager Aversa stated the Borough would receive Best Management Practices credit for the stormwater inclusion. Ms. Marshall asked about the required match and zoning requirements. Manager Aversa stated the match is 50% and that zoning is satisfactory. Ms. Hertz asked why the EV Charger had been removed from the plan. Manager Aversa stated she did not want to go over \$1 million and that her focus for the grant was on stormwater management.

6. Consider scheduling a Public Hearing to be held on the proposed zoning map change for 24 N. Ridge Avenue from Institutional to R-3 Residential for October 6<sup>th</sup> at 6:00 p.m.
7. The Zoning Hearing Board Meeting Continuance is scheduled for September 30, 2020 and will be conducted via Zoom for Carhen Enterprises LLC regarding 27 S. Spring Garden Street.

### **Public Comment**

Madge Monser of 372 Forest Avenue asked whether the Borough match for the Poplar Street project would impact taxes. She encouraged Council to consider stormwater management project for Orange Avenue and Locust Street and stated the Borough should focus on Wissahickon Creek backflows. She asked whether residents on Greenwood Avenue had been notified about the project. Manager Aversa stated residents abutting the proposed project had been communicated with. She noted residents on Orange Avenue had

not been receptive to FEMA buy-outs. She stated the RCAP grant was available 3-4 years into the future and that it was her aim to capture \$500,000 to offset costs for stormwater management. She added that regarding the Wissahickon Creek the area of concern was at the SEPTA lot under an asbestos mountain.

Anna Lee Lapinski of 136 Rosemary Avenue questioned the Borough's purchase price which, she noted, was \$125,000 more than the purchase price earlier this year. She asked whether the cost of the property was worth it in terms of additional parking. Manager Aversa stated the parking spaces would be rented and revenue will be made. She stated that Ambler Main Street and the Ambler Theater were very excited about the project and were providing letters of support. She added the project would focus on stormwater upstream which would help people downstream.

Ms. DiPietro asked if there were further 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, Ms. DiPietro

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

**The Committee will consider the following action this evening:**

1. Consider a budgeted expenditure of \$31,625 for the rubberized pour safety surface at Knight Park.

Discussion ensued. Public Works Supervisor Resente stated that safety issues, available manpower and weeds that grow through the wood chips would all benefit with the installation of the rubberized coating. He added that work could be underway this year. Mrs. Deininger stated that Knight Park was in need of an upgrade.

**In other business the following was reviewed:**

1. The Committee is moving forward with plans for creation of a Community Garden next spring.
2. A grant extension has been made for the Growing Greener Grant.
3. Northern Montgomery County Recycling Commission (NMCRC) is amending a proposed Resolution which adopts enforcement procedures for handling of recycling and solid waste disposal Act 101 violations.
4. Ambler EAC is coordinating Electronics Recycling for Area Communities on September 19 at Calvary Church located at 16 E. Park venue. Anything with plug will

be accepted and certain fees will apply. This event is made possible by Ambler Savings Bank.

Mrs. Deininger asked if there were further 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.

**Salary and Personnel Committee – Mrs. Nancy Deininger, Chairperson**

Committee members: Mrs. Siskind, Ms. DiPietro, Ms. Henderson

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

**The Committee will consider no actions this evening.**

**In other business the following was reviewed:**

1. Resumes are being accepted for the Water Dept. Superintendent position.
2. Interviews were held for the vacant Equipment Operator position.
3. Vacancies exist (1 commissioner and 1 alternate) on the Ambler Human Relations Commission. Residents interested in being considered for appointment should contact the Borough Manager at [manager@borough.ambler.pa.us](mailto:manager@borough.ambler.pa.us).

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

**RECOMMENDATIONS**

**Public Safety Committee** – The Committee recommends and Ms. Endicott moves:

Consider adoption of Resolution 2020-06 Winter Service Agreement with PennDOT granting authorization to execute documents. Seconded. All Aye. Carried.

Approved at Committee Meeting: A recommendation for adoption of the Emergency Declaration for COVID-19 for the month of September. Seconded. All Aye. Carried.

**Public Utilities Committee** – The Committee recommends and Mrs. Siskind moves:

Consider rescinding Council's March 3, 2020 vote to raise WWTP permit levels for BOD (Biological Oxygen Demand) since the DEP is satisfied with the timing change of the sampler and the amount of sample for BOD testing and has stated that no organic overload exists. Seconded. All Aye. Carried.



Consider adoption of Resolution 2020-07 granting authorization to execute a Master Agreement for Castings Adjustment with PennDOT allowing for the adjustment and/or replacement of utility castings deemed necessary during PennDOT's performance of general maintenance and reconstruction projects on State Routes. Seconded. All Aye. Carried.

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

Consider that **August 2020** invoices in the amount of **\$568,151.58** be paid. Seconded. All Aye. Carried.

Consider adoption of **Ordinance 1116** authorizing an increase in the annual charge for residential refuse collection from \$300 per year to \$440 per year. Seconded. All Aye. Carried.

Consider granting authorization to execute contract from PA Small Water & Sewer Program for the \$355,093 grant for the Edgewood Drive Stormwater Improvements Project. Seconded. All Aye. Carried.

**Parks & Recreation Committee** – The Committee recommends and Mrs. Deininger moves:

Consider a budgeted expenditure of \$31,625 for the rubberized pour safety surface at Knight Park. Seconded. All Aye. Carried.

**Salary & Personnel Committee** – The Committee will make no recommendations this evening.

## **PUBLIC COMMENT**

Madge Monser of 372 Forest Avenue thanked Public Works crew for their efforts in the clean-up for the Wissahickon Trail Clean-Up event.

**There being no further public comment or other business**, Mr. DeRuosi moved the meeting be adjourned. Seconded, motion carried.

Respectfully submitted,

Elizabeth Russell  
Assistant Secretary  
Borough of Ambler