

## AMBLER BOROUGH COUNCIL MINUTES

October 19, 2021

The regular monthly meeting of Ambler Borough Council was held Tuesday, October 19, 2021, 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.

**Roll Call – Present:** Mr. DeRuosi, Ms. DiPietro, Mrs. Siskind, Mrs. Deininger, Ms. Endicott, Ms. Welch, Ms. Henderson and Ms. Sheedy. Mayor Sorg, Chief Borkowski, Solicitor Joe Bresnan and Borough Manager Aversa also were in attendance. Ms. Hertz was absent.

**Approval of Minutes:** Mr. DeRuosi made a motion to approve the Minutes of the September 21, 2021 Council Meeting. Motion Seconded. All Aye. Carried.

### **COMMITTEE REPORTS**

The Committees of Ambler Borough Council met Tuesday, October 5, 2021 at 7:00 p.m. at Borough Council Chambers located at 131 Rosemary Avenue, Ambler, Pennsylvania, 19002. Present: Mr. DeRuosi, Ms. Hertz, Ms. DiPietro, Mrs. Siskind, Mrs. Deininger, Ms. Endicott, Ms. Welch, Ms. Henderson, and Ms. Sheedy. Mayor Sorg, Chief Borkowski, Solicitor Bresnan and Borough Manager Aversa were present.

**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 no actions this evening.**

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

1. The Police and Community Ambulance 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. Sheedy

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

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

1. Consider adoption of **Ordinance 1125** approving the Certificate of Termination executed by the Water Authority. A Public Hearing was held this evening. There was no public comment.
2. Consider award of the Knight Road pipeline replacement project to Caddick Construction for the low quote of \$190,000 for 800 feet replacement of existing water main and for service transfers.

**Approved at Committee Meeting:**

1. Consider advertising for adoption Ordinance 1125 approving the certificate of termination of the Water Authority. (9-Aye)

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

1. The WWTP engineer's report will be provided.
2. The Water Department is performing routine system hydrant flushing. The daily flushing schedule will be posted on the Borough website.
3. The awarded contractor is beginning the MIRIA Grant project for Wells 2, 6 & 7 (Loch Alsh Wells) pipeline replacement.
4. In accordance with the requirements of PA Code Title 25 Chapter 71.31(c), Upper Dublin Township and the Borough of Ambler are accepting comments for the next thirty (30) days on a proposed revision to their respective Official Sewage Facility Act 537 Plans. This Plan amendment proposes the demolition of the UDWWTP and the construction of a new sewage pumping station, to be located on the Ambler treatment plant property, and associated force main to connect directly to the Ambler Wastewater Treatment Plant, which will be upgraded. The Act 537 amendment was advertised on October 14, 2021 after the 30 days the Borough Council would adopt a Resolution for Revision to Official Sewage Facilities Plan. This would be tentatively scheduled for the November 16<sup>th</sup> Council meeting.

## Executive Session

An Executive Session was held. Solicitor Bresnan announced the subject of discussion was a litigation matter which would be voted upon by Council this evening.

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. Sheedy

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 **September 2021** invoices in the amount of **\$1,172,683.40** be paid as follows: General (**\$498,078.26**); Street Lights (**\$3,131.86**); Fire (**\$37,368.23**); Refuse (**\$68,457.65**); Parks & Rec. (**\$1,890.39**); Water (**\$125,883.75**); Sewer (**\$17,129.23**); WWTP (**\$296,567.88**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$486.65**).
2. Consider adoption of **Ordinance 1124** amending the Borough's existing wireless Ordinance to comply with the FCC order as well as develop design requirements for wireless facilities in the rights-of-way. A Public Hearing was scheduled for this evening. As this Ordinance involves a Zoning Ordinance change, the Court Reporter was present. Exhibits were entered by the Solicitor. Public comment was received. Bernadette Dougherty of 338 Tennis Avenue inquired whether the towers would be stand-alone. Solicitor Bresnan stated they would be mini-towers and that some would be added to existing towers resulting in an addition height of 15 feet. The Hearing was closed and vote taken. Motion to adopt. Seconded. 8-Aye. 0-Nay. Carried.
3. Consider adoption of **Resolution 2021-12** for a license transfer from Williamsonten, Inc. of Horsham to 3 Rivers Beer, LLC located at 241-65 N. Main Street. A Public Hearing was scheduled for this evening and the Court Reporter was present. Exhibits were entered by the Borough Solicitor.

A presentation was made by Gregory Szallar of Flaherty & O'Hara representing 3 Rivers Beer, LLC. Applicant's exhibit was entered. Mr. Szallar stated Applicant was entitled to a hearing since the subject liquor license would be moved from within the county. He stated that 3 Rivers Beer has three other locations and their intention in Ambler is to open S&F Café and 3 Rivers Beer would conduct the business of delivery of beer through a third party (GB Logistics). S&F Cafe would comprise on-site a 560 square foot 30 seat restaurant offering grab-and-go and microwave food. The business would employ 10 employees and

a liquor license manager. This would not be a ‘hang out’ spot and would not offer games, live entertainment, TV or outdoor dining. Per state liquor laws, this location may not be a “bottle shop.” He stated the business would advertise its App and website and would not be going after walk-in trade. Hours of operation currently planned are 7 a.m. – 2:00 a.m. Monday through Saturday and 9:00 a.m. – 2:00 a.m. Sunday. There will be 16 security cameras at the site.

Council asked many questions and stated several concerns. Ms. Sheedy was concerned about the extended business hours and any presence of delivery trucks during late hours. Ms. Henderson was concerned about parking, outdoor smoking and security. Ms. DiPietro also expressed concern about the extended operating hours. Mrs. Deininger asked about intended signage. Mr. DeRuosi stated the ‘unknown’ to residence is the prevalence of 3<sup>rd</sup> party delivery until 2:00 a.m. Ms. Siskind noted the Application was a sign of urban sprawl and stated that while she found this to be an inappropriate location given the light industrial/residential mix, Council could not deny the Applicant because of zoning. Ms. Haley asked about other 3 Rivers Beer locations and frequency of supply deliveries to the establishment.

Chief Borkowski and Manager Aversa were sworn in by the Court Reporter. Ms. Aversa stated there presently are two businesses in Ambler that deliver alcohol. Chief Borkowski stated the PD would certainly address late hours and noise with establishments with liquor licenses. He stated there have been no complaints about Giuseppe’s Restaurant. [At this point in time Ms. Endicott stated that per required procedure she had prepared a memo in advance of the Hearing to recuse herself.]

**Public Comment:** Jennifer Stomsky of 262 N. Spring Garden Street, whose home is located behind the site parking lot stated that after much deliberation she was in support of going with the least impact to the neighborhood since the Borough cannot stop the site from being developed. Jim Gambles of 277 N. Main Street inquired about whether there was sufficient parking and asked what precautions 3 Rivers Beer would take with the visibly intoxicated. Dave Signore, owner of Ambler Coal Co. at 258 N. Main Street stated his concerns about delivery congestion and curb space. He asked Council not to vote this evening. Lisa Strozzi of 23 N. Main Street asked which towns 3 Rivers Beer intended to deliver to. This led to a discussion with Mr. Szallar, with inquiry by Ms. Siskind, on a licensing agreement with Gopuff whose subsidiary Gobrands is also leasing space in the building. Solicitor Bresnan stated that if Gopuff is a necessary part of the application this might impact the parking requirement.

Ms. DiPietro stated her belief that the Borough has enough liquor licenses. She stated she was not in favor of the closing time. Solicitor Bresnan stated Council could only consider whether the application would affect the health, safety, peace and morals of the community. Mr. Szallar stated that the Borough would need substantial evidence to require a conditional licensing agreement. Mr. DeRuosi pointed out that the Borough does have a noise ordinance effective after 11:00 p.m. The public hearing was closed.

Ms. DiPietro made a Motion to extend Council's time to make a decision for 60 days. Ms. Henderson seconded the Motion. 2-Aye (Ms. DiPietro, Ms. Henderson); 5-Nay; 1-Recusal (Ms. Endicott). Motion denied. The Hearing was closed.

Council President DeRuosi made a Motion to adopt **Resolution 2021-12**. Motion seconded by Ms. Sheedy. 5-Aye; 2-Nay (Ms. DiPietro, Ms. Henderson); 1-Recusal (Ms. Endicott). Motion carried.

**Approved at Committee Meeting:**

1. A Public Hearing to adopt **Resolution 2021-11** for a license transfer for Harry's Tap Room in Blue Bell to 1 W. Butler was approved. (9-Aye)
2. Authorization was given to purchase a vehicle for the Police Department. (9-Aye)

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

1. The Borough Engineer's report was received.
2. The 2022 Municipal Budget is being prepared.

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 Mrs. Deininger.

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

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

1. The Community Garden Committee will be scheduling its next meeting.
2. The Ambler Square dedication is being planned for Saturday, November 6<sup>th</sup>.

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. Vacancies exist for community volunteers to be appointed to serve on the following Committees: 1 seat on the Environmental Advisory Council and 1 seat on the Human Relations Commission. Additionally, alternate seats currently are vacant on the Civil Service Commission, Human Relations Commission and Zoning Hearing Board.
2. A swearing in ceremony was held for Gabriela Rodriguez Fenwick and Tyler Conroy as Patrol Officers.

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 will make no recommendations this evening.

*Approved at the Committee Meeting:* Motion to adopt **Ordinance 1123** to address the new 2-Hour Parking Permit Program for Borough residents. Seconded. 8-Aye. Carried.

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

Consider adoption of **Ordinance 1125** approving the Certificate of Termination executed by the Water Authority. Seconded. 8-Aye. Carried.

Consider award of the Knight Road pipeline replacement project to Caddick Construction for the low quote of \$190,000 for 800 feet replacement of existing water main and for service transfers. Seconded. 8-Aye. Carried.

Consider retaining the law firm of Grant & Eisenhofer to take legal action against all responsible parties connected to PFAS remediation costs and related damages. Seconded. 8-Aye. Carried. [As a result of Executive Session discussion.]

*Approved at Committee Meeting:* Consider advertising for adoption Ordinance 1125 approving the certificate of termination of the Water Authority. (9-Aye)

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

Consider that **September 2021** invoices in the amount of **\$1,172,683.40** be paid. Seconded. 8-Aye. Carried.

Consider adoption of **Ordinance 1124** amending the Borough’s existing wireless Ordinance to comply with the FCC order as well as develop design requirements for wireless facilities in the rights-of-way. Seconded. 8-Aye. Carried.

Consider adoption of **Resolution 2021-12** for a license transfer from Williamsonten, Inc. of Horsham to 3 Rivers Beer, LLC located at 241-65 N. Main Street. Seconded. 5-Aye; 2-Nay (Ms. DiPietro, Ms. Henderson); 1-Recusal (Ms. Endicott). Carried.

*Approved at Committee Meeting:*

A Public Hearing to adopt Resolution 2021-11 for a license transfer for Harry’s Tap Room in Blue Bell to 1 W. Butler was approved. (9-Aye)

Authorization was given to purchase a vehicle for the Police Department. (9-Aye)

**Parks & Recreation Committee** – The Committee will make no recommendations this evening.

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

### **PUBLIC COMMENT**

Ms. Endicott announced that Ms. Siskind has completed the Certified Borough Official Program and is now a “CBO.” She stated that Ms. Siskind is the first ever certified official in the Borough.

**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