

AMBLER BOROUGH COMMITTEE MEETING MINUTES

February 1, 2022

The regular monthly Committee Meeting of Ambler Borough Council was held Tuesday, February 1, 2022 at 7:00 p.m. at Borough Council Chambers located at 131 Rosemary Avenue, Ambler, Pennsylvania, 19002.

Council President Siskind called the Committee Meeting to order.

Present: Mrs. Siskind, Ms. Welch, Mr. DeRuosi, Ms. Forst, Ms. Endicott, Ms. Sheedy, Ms. Henderson, Ms. Auerbach and Ms. Hughes. Mayor Sorg, Police Chief Borkowski, Solicitor Joe Bresnan and Borough Manager Aversa also were in attendance.

Approval of Minutes: Mrs. Siskind made a motion to approve the Minutes of the December 21, 2021 Council Meeting and the January 3, 2022 Reorganization Meeting. Motion Seconded. All Aye. Carried.

COMMITTEE REPORTS

Finance and Planning Committee – Ms. Nellie Forst, Chairperson

Committee Members: Mr. DeRuosi, Ms. Sheedy, Ms. Auerbach

NEW BUSINESS

1. Authorization is requested to approve payment of the December 2021 bills in the amount of **\$1,017,472.04** as follows: General (**\$188,149.20**); Street Lights (**\$3,480.40**); Fire (**\$34,188.17**); Refuse (**\$60,054.37**); Parks & Rec. (**\$2,947.21**); Water (**\$328,479.42**); Sewer (**\$24,085.98**); WWTP (**\$376,087.29**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$0.00**).
2. Consider adoption of **Resolution 2022-01** at the request of the PA Liquor Control Board to revise Resolution 2021-11 (adopted 10/5/21) correcting the legal name of the licensee to read *Harry's Blue Bell Tap Room LTD*.
3. Zoning Hearing Board will conduct public hearings at Ambler Borough Hall on February 10, 2022 as follows: 6:30 p.m. for Applicant regarding 6 W. Butler Avenue and 7:00 p.m. for Applicant regarding 100-112 W. Butler Avenue.

4. The Borough's Engineer Report was received.

Ms. Forst asked if there were further comments or questions from the Committee, Council or the public. There was no further comment.

Public Safety Committee – Ms. Jennifer Henderson, Chairperson

Committee members: Ms. Endicott, Ms. Forst, Ms. Hughes

NEW BUSINESS

1. The Public Works and Code Enforcement reports were received.

Ms. Henderson asked if there were further comments or questions from the Committee, Council or the public. There was no further comment.

Public Utilities Committee – Ms. Haley Welch, Chairperson

Committee members: Ms. Endicott, Ms. Sheedy, Ms. Hughes

NEW BUSINESS

1. Engineer's Report - The WWTP engineer's report was received.

2. MIRIA Grant Wells 2, 6, 7 Activity – The awarded contractor has completed the Loch Alsh Wells pipeline replacement project.

3. Knight Road Water Main Replacement Project – The project has been completed.

4. Ambler Water 2022 PFAS Sampling – Water Dept. has completed January 2022 water sampling in the distribution system for PFAS. The contracted lab will analyze the samples and the Water Engineer will review the data. Results will be posted on the Borough website. The Water Dept. will continue to take quarterly samples.

Ms. Welch asked if there were further comments or questions from the Committee, Council or the public. There was no further comment.

Parks and Recreation Committee – Ms. Erin Endicott, Chairperson

Committee members: Ms. Henderson, Ms. Welch, Ms. Auerbach

NEW BUSINESS

PUBLIC HEARING – ORDINANCE 1126 – SINGLE USE PLASTICS

Deliberation by Committee & Council

An advertised public hearing on proposed Ordinance 1126 “Single Use Plastics” was held. Ms. Endicott began the hearing stating the proposed Ordinance has been drafted in the fall of 2019 and that Council could not move to enact the Ordinance due to a moratorium imposed by the State. The moratorium expired November 2021 and this was the Committee’s first opportunity to discuss the proposed Ordinance. She stated that businesses experienced shock waves due to COVID which affected the supply chain and that it would be unconscionable to enact the Ordinance now. She proposed tabling the Ordinance this evening to allow two new Council members to review the issue and obtain input from new businesses. She stated aggressive community input was preferred and that a delay of six months would be a drop in the bucket as regards issues of global warming.

Solicitor Bresnan advised that an intervening motion to table action on the ordinance was required and that this would limit discussion to that motion. Mr. DeRuosi protested that the proceeding had been commandeered and that the Committee should receive public comment on the ordinance this evening.

Ms. Welch stated that outreach was conducted in 2019 and that Council should vote on the ordinance this evening. She noted that Narberth and West Chester have passed their plastics ordinances and she proposed adding a section to the ordinance granting exemptions for one year upon finding undue hardships or unique circumstances.

Ms. Auerbach stated that while she was in favor of adopting a Single Use Plastics ordinance, she had reservation about its impact on businesses during the pandemic and stated her concern that the ordinance might pose an undue burden. She stated that the language, as written, was unclear and noted that the ‘fee charged’ should be revised. She concluded that tabling the ordinance this evening was not a bad idea.

Ms. Henderson stated that the community needs to have a conversation to protect the environment. She stated a Single Use Plastics ordinance would help to manage recycling and trash costs. She looked forward to having a civilized conversation.

Ms. Endicott stated she had received a communication from Bob Eppley of 335 Forest Avenue wherein he suggested that technical revisions need to be made and urged Council not to pass the ordinance this evening. He stated the ordinance needs to be updated and should be done well, not fast.

Ms. Sheedy stated she felt a six-month delay was excessive given the fact that the present ordinance states it would not go into effect until six months from passage. Mrs. Siskind stated that not passing the ordinance this evening because changes need to be made was one issue, a delay in and of itself was another. Mrs. Siskind added that Council always has the

power to suspend the ordinance or could repeal it if warranted and stated she was not in favor or tabling the ordinance.

Solicitor Bresnan stated Council has authority to change the effective date and pass the ordinance this evening. Other changes could be made with new language being posted on the Borough website.

Ms. Endicott made a Motion to table consideration of the proposed ordinance. Vote (1st vote) Poll Council: 4-Aye (Ms. Auerbach, Ms. Henderson, Ms. Endicott, Ms. Forst); 5-Nay (Ms. Hughes, Ms. Sheedy, Mr. DeRuosi, Ms. Welch, Ms. Siskind). The Motion was not carried.

Solicitor Bresnan stated the vote was held prior to Council receiving public comment on the motion. He stated after public comment was received procedurally a second vote was needed.

Public Comment on 1st Vote

Ms. Elaina Winisky of 912 Whitpain Hills, Whitpain, who is a student and an EAC volunteer, urged Council to consider and weigh the issue of climate change versus the pandemic. Claudia Johns of 12 Belmont Avenue, Ambler, also a student and an EAC volunteer, urged Council to enact the ordinance to give the younger generation a legacy of environmental concern and sustainability.

Sweet Briar Restaurantur Kristen Reese of 109 Greenwood Avenue pointed out that the 2019 business survey does not contain accurate current data. She urged Council to table the ordinance and redistribute the ordinance for further comment. She noted the hardship of supply chain interruptions and the financial strain on businesses. She urged rewording of the ordinance, stating that it was not fitting for the current world.

Bernadette Dougherty of 338 Tennis Avenue spoke on behalf of Weaver's Way. She suggested a compromise of a 3-month tabling which would allow time to tweak the ordinance.

Erin Landis of 346 Euclid Avenue stated the ordinance need to be improved and updated. Ann Lee Lapinski of 136 Rosemary Avenue urged Council to consider passage this evening.

Casey's Alley Restaurantur Steve Britt of 169 Rosemary Avenue stated Council needs to balance helping the environment with community outreach. He noted while that the burden of the ordinance is a big deal for restaurants, the ultimate cost will be on the community given the dramatic increase in take-out sales.

Abby Cooley of 228 Fulling Mill Lane urged Council to make changes to the ordinance this evening and to move forward with adoption of the ordinance this evening. Wes Pipitone of 149 Rosemary Avenue states that procedures for revisions had been laid out.

Public Comment Before 2nd Vote

Comments by Jon Roesser (Weaver's Way General Manager) were delivered. The Co-op has prioritized the reduction of single use plastics and applauds any efforts that address the harmful proliferation of plastics. The Co-op has never offered plastic bags at checkout, uses compostable bags in produce, and has banned plastic straws. It is the Co-op's understanding that check out bags, styrofoam and straws are the primary items that will be prohibited by this ordinance and would appreciate clarity on this matter. The Co-op just received approval to use a new cryovac machine and note that health department rules impact packaging and ask that these rules and regulations receive recognition in the Ordinance. As the development of this ordinance continues, they ask that the Borough provide timelines as switching packaging can be a monumental task, particularly at a time when their packaging costs have risen 53%. They ask that support be brought to businesses making the transition through expanded marketing or other initiatives to bring in additional shoppers and eaters. The Co-op welcomes a collaborative approach to making it happen.

Council Member Henderson questioned the cost of Styrofoam containers as compared with environmentally friendly packaging. Nancy Roecker-Coates of 208 Southern Avenue stated her internet research revealed \$51.49 per 200 9x6x3 sugar cane compostable containers as opposed to \$40.99 per 200 white foam containers. She stated that legislating straws and bags only was not sufficient and added that Council must act now.

Restaurateur Sue Ross of Gypsy Blu Restaurant queried whether the ordinance would consider businesses only or would include residents as well.

Wes Pipitone of 149 Rosemary Avenue stated he is not anti-business, adding that a Single Use Plastics ordinance is the right thing to do. He added that EAC had received 150 signatures on their petition for Council to adopt the ordinance. He pointed out that it takes 600 years for plastics to decompose, and only 6 weeks for wood to decompose.

Finally, Sweet Briar Restaurateur Kristen Reese of 109 Greenwood Avenue asked that a revised ordinance spell-out what eco-friendly products are permissible and what exemptions will be allowed. She urged Council to work with the entire community on this issue and not just on businesses.

Public comment having been received Ms. Endicott made a Motion to table Council's vote on the Single Use Plastics Ordinance for six months to allow Council time in the interim to elicit further comment and to consider modification of the proposed Ordinance. Seconded. Vote (2nd vote) Poll Council: 5-Aye (Ms. Auerbach, Ms. Hughes, Ms. Henderson, Ms. Endicott, Ms. Forst); 4-Nay (Ms. Sheedy, Mr. DeRuosi, Ms. Welch, Ms. Siskind). Motion carried.

The hearing was closed.

ADDITIONAL NEW BUSINESS

1. Community Garden – Ms. Henderson reported that the garden fencing is coming up, raised beds will be planted, the water pump is operational, the Facebook page is up and running and finally, that the Committee is always looking for additional volunteers.
2. Red Tail Maintenance Contract – Consider approving the contract submitted by Red Tail Restoration & Land Maintenance, LLC. for restoration and maintenance at Ambler Borough Park for 75 hours of service in 2022.

Ms. Endicott asked if there were further comments or questions from the Committee, Council or the public. Mr. DeRuosi asked whether the Red Tail Contract could include maintenance at Ambler Square. Manager Aversa stated she was receiving separate quotes for this work since it involves only maintenance and not restoration of the site. There was no further comment.

Salary and Personnel Committee – Mr. Frank DeRuosi, Chairperson

Committee members: Ms. Forst, Ms. Henderson, Ms. Welch

NEW BUSINESS

1. Executive Session - An Executive Session was held prior to the Council Meeting on a labor matter.
2. Consider approval of the proposed Police Chief's contract.

Mr. DeRuosi asked if there were further comments or questions from the Committee, Council or the public. There was no further comment.

RECOMMENDATIONS

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

Consider approval of the December 2021 bills in the amount of \$1,017,472.04. Seconded. 9-Aye. Carried.

Consider adoption of **Resolution 2022-01** at the request of the PA Liquor Control Board to revise Resolution 2021-11 (adopted 10/5/21) correcting the legal name of the licensee to read *Harry's Blue Bell Tap Room LTD*. Seconded. 9-Aye. Carried.

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

Consider a Motion to table Council’s vote on the Single Use Plastics Ordinance for six months to allow Council time in the interim to elicit further comment and to consider modification of the proposed Ordinance. Seconded. Vote (2nd vote) Poll Council: 5-Aye (Ms. Auerbach, Ms. Hughes, Ms. Henderson, Ms. Endicott, Ms. Forst); 4-Nay (Ms. Sheedy, Mr. DeRuosi, Ms. Welch, Ms. Siskind). Carried.

Consider approving the contract submitted by Red Tail Restoration & Land Maintenance, LLC. for restoration and maintenance at Ambler Borough Park for 75 hours of service in 2022. Seconded. 9-Aye. Carried.

Salary & Personnel Committee – The Committee recommends and Mr. DeRuosi moves:

Consider approval of the Police Chief’s contract. Seconded. 9-Aye. Carried.

Consider denial of the bargaining agreement regarding overtime as discussed in Executive Session. Seconded. 9-Aye. Carried.

There being no further public comment or other business, Mrs. Siskind moved the meeting be adjourned. Seconded, motion carried.

Respectfully submitted,
Elizabeth Russell
Assistant Secretary
Borough of Ambler