

## AMBLER BOROUGH COUNCIL MINUTES

February 15, 2022

The regular monthly meeting of Ambler Borough Council was held Tuesday, February 15, 2022 at 7:00 p.m. at Borough Council Chambers located at 131 Rosemary Avenue, Ambler, Pennsylvania, 19002.

Council President Siskind called the Council Meeting to order. Mayor Sorg led the public in the Pledge of Allegiance. Mayor Sorg announced that Michelle Miller ('Miss Michelle'), the Children's Librarian at WVPL-Ambler Branch is retiring after 33 years of service with the Library and she expressed her gratitude and best wishes.

**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 February 1, 2022 Committee Meeting. Seconded. All Aye. Carried.

### **COMMITTEE REPORTS**

The Committees of Ambler Borough Council met Tuesday, February 1, 2022 at 7:00 p.m. at Borough Council Chambers located at 131 Rosemary Avenue, Ambler, Pennsylvania, 19002. 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.

#### **Finance and Planning Committee – Ms. Nellie Forst, Chairperson**

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

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

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

1. Consider moving forward with Draft Resolution 2022-2 for 6 South Main Street, authorizing the acquisition of certain lands by Eminent Domain. Ms. Forst announced that Council had met in Executive Session on the prior Wednesday and again before this evening's meeting and had determined not to proceed with the Draft Resolution.

The Resolution was moot. Ms. Forst stated the owner could resell or rebuilt the property and she wished him well in his recovery.

2. Authorization is requested to approve payment of the January 2022 bills in the amount of **\$580,889.15** as follows: General (**\$112,234.49**); Street Lights (**\$9,304.80**); Fire (**\$19,214.00**); Refuse (**\$56,016.59**); Parks & Rec. (**\$923.76**); Water (**\$143,617.88**); Sewer (**\$92,209.65**); WWTP (**\$115,729.49**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$31,438.49**).

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

1. The Borough Engineer's report was received.
2. Two Zoning Hearing Board notices were received on February 10, 2022, one at 6:30 p.m. for 6 W. Butler Avenue and one at 7:00 p.m. for 100-112 W. Butler Avenue.

**Approved at Committee Meeting:**

1. 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.

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

**Public Safety Committee – Ms. Jennifer Henderson, Chairperson**

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

The Public Safety Committee report was given this evening by Ms. Henderson. Mayor Sorg, reflecting on the recent fire on South Main Street, expressed her heartfelt thanks to the responders for their thoroughness, speed and efficiency. Specifically, she recognized the fire fighters, fire police, members of two dozen other fire companies and the police department.

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

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

1. The Fire, Police and Community Ambulance reports were received.
2. 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 being nothing further, it was moved the Committee's report be accepted as filed. Seconded. Carried.

**Public Utilities Committee – Ms. Haley Welch, Chairperson**

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

The Public Utilities Committee report was given this evening by Ms. Welch.

A presentation was made by Harrisburg attorney Ade Bakare and Finance Project Manager at Gannett-Fleming Constance Heppenstall on the Water Department's PA Public Utilities Commission (PUC) Rate Case filing.

Mr. Bakare stated the Borough has not increased water rates since 2015. He stated the effort to form a Water Authority was abandoned due to opposition from the surrounding communities serviced by the Water Dept. As such, he stated that the Water Dept. is required to go before the PUC for authorization to raise water rates outside the Borough. He stated proposed rates are to be commensurate with service.

Ms. Heppenstall stated her involvement with the case is to set forth what will support a rate increase before the PUC. O&M, labor, cost of chemicals, appreciation expenses and rate of return are considerations. She stated they would seek a \$595,000 (42%) rate increase for services outside of the Borough with an additional three-year premium of 47 cents per 1,000 gallons to cover the rate case expenses. Since the Borough can consider a rate increase for customers inside the Borough without PUC authorization, she stated Water Dept. traditionally makes a corresponding increase inside the Borough.

Mr. Bakare further explained that the Water Dept. is governed by a PUC Tariff which sets forth rates, rules and regulations. He noted the Borough had not undertaken a comprehensive review or update of the tariff since the early 1990's and that it was his intention to update the rules and conditions of the tariff including policies and procedures.

Mr. Bakare stated a rate case filing is not a simple administrative process. The filing will be served on all customers outside the Borough and they may intervene. He noted likely public advocates who might intervene include the surrounding townships, the Consumer Advocate (AG Office), the Office of Small Business Advocate and the PUC's Bureau of Investigation and Enforcement. The rate case would undergo review and Discovery to confirm the Water Dept's request for a rate increase is justified. The length of time is approximately nine months from filing to a final ruling by the PUC.

Councilperson Auerbach asked about a 3-year outlook and use of the CPI to calculate the rate request. Ms. Heppenstall stated she can calculate a 2-year projection from the date of September 30, 2021. Mr. Bakare stated the PUC does not allow use of the CPI but requires calculation of actual costs.

Councilperson Auerbach asked whether the Water Dept. is in the 'red.' Manager Aversa stated the Water Dept. lost two years trying to form the Water Authority, adding that the Water Dept. is operational but does not have financial reserves. Ms. Auerbach asked if there is a restriction on the use of funds. Ms. Heppenstall stated funds would be dedicated

to Water O&M and could not be placed in the General Fund. Mr. Bakare stated the Borough has never utilized LTIP authority, so in the future his intention was for the Borough to recover infrastructure investments on a quarterly basis between future rate cases.

Councilperson Forst asked whether the PUC accepts or rejects the rate requested. Mr. Bakare stated the PUC usually determines a modified rate by either adjusting or reducing and never approves a rate request as initially filed. Councilperson Auerbach asked how the Borough's rate compares with other water companies. Mr. Bakare stated at present the rate is below the market rate and with an increase would be at a comparable market rate with other municipally owned water companies.

Solicitor Bresnan stated that his conversations with the other municipalities served by Ambler Water Dept. had objected to the Authority based upon how it was run and operated. He projected they would object to the rate increase on the same basis. Council President Siskind noted they want better service but will not commit to paying for it. Councilperson Endicott stated that the Authority gave the municipalities seats at the table. Mr. Bakare stated the municipalities wanted all the seats at the table.

Councilperson Sheedy suggested that a Press Release be prepared on the rate increase filing with the PUC. When asked when the rate would become effective, Mr. Bakare responded that the rate will be applied on the date an invoice is issued.

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

1. A recommendation to file the water rate increase request with the PUC is requested.

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

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 being nothing further, it was moved the Committee's report be accepted as filed. Seconded. Carried.

**Parks and Recreation Committee – Ms. Erin Endicott, Chairperson**

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

The Parks and Recreation 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 Community Garden Committee will provide an update to Council at the March Committee Meeting.

**Approved at Committee Meeting:**

1. 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 (2<sup>nd</sup> 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.
2. 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.

Ms. Endicott asked if there were further comments or questions from the Committee, 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 – Mr. Frank DeRuosi, Chairperson**

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

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

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

**No further business was discussed.**

**Approved at Committee Meeting:**

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

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

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

### **RECOMMENDATIONS**

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

Consider approval of payment of the January 2022 bills in the amount of **\$580,889.15**. Seconded. All Aye. Carried.

**Public Utilities Committee** – The Committee recommends and Ms. Welch moves:

Consider authorization to file the water rate increase request with the PUC including all increases outlined to Council in this evening's presentation. Seconded. All Aye. Carried.

### **PUBLIC COMMENT**

Dorothy Beacham of 216 Hendricks asked for clarification on the Draft Resolution regarding 6 South Main Street. Council stated the Resolution did not move forward.

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

Respectfully submitted,

Elizabeth Russell  
Assistant Secretary  
Borough of Ambler