



BOROUGH OF AMBLER

COUNCIL MEETING AGENDA

**All matters that are deliberated could result in a vote
to take official action.**

October 19, 2021

7:00 p.m.

**Minutes for Consideration:
September 21, 2021 Council Meeting**

**COMMITTEE REPORTS:
PUBLIC SAFETY
PUBLIC UTILITIES
FINANCE & PLANNING
PARKS & RECREATION
SALARY & PERSONNEL**

Public Safety Committee

October 5, 2021 at 7:00 p.m. Committee members: Erin McKenna Endicott – Chair, Glynnis Siskind, Sara Hertz, Nancy Deininger.

The Committee will make no recommendations.

The following business will be discussed:

1. The Police Department report is **attached**.
2. The Fire Department report is **attached**.
3. The Community Ambulance report is **attached**.
4. The Public Works and the Code Enforcement reports were received.



Wissahickon Fire Company
 Fire Chief Report
 Year 2021 (273 days)

Township	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total	%
Ambler	14	15	9	11	16	24	9	12	26				136	35%
East Norriton		1											1	0%
Horsham		1	2	1	3	2			2				11	3%
Lower Gwynedd	8	15	18	16	22	15	23	22	25				164	42%
Montgomery	2	1		1	1	2	1	1					9	2%
North Wales				1									1	0%
Pottstown			1										1	0%
Springfield		1					2		1				4	1%
Upper Dublin	3	1	1	2	1		2	2	14				26	7%
Upper Gwynedd					1				1				2	1%
Whitemarsh	1		1	2	2	2	6	1	3				18	5%
Whitpain	1	1	4		3	1		4	4				18	5%
TOTAL	29	36	36	34	49	46	43	42	76	0	0	0	391	100%

Type of Call	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total	%
Accident Standby	1				2	1	1	1	2				8	2%
AFA Actual	2	7	10	9	11	10	7	10	13				79	20%
AFA False	5	7	5	4	12	16	15	14	17				95	24%
Appliance	1		1		1								3	1%
Brush			2	1	3		1	2					9	2%
Building Investigation	2			1		1	1	3	1				9	2%
CO Detector	4	2	2	1	2	1	2	1	1				16	4%
Commercial Bldg	3	4	5	2		2	1	1					18	5%
Elevator Rescue	1	1			1	3	1						7	2%
Fast Team Assist		1			1			1	3				6	2%
Gas Odor Inside		3	1		1	1		1	1				8	2%
Gas Odor Outside	1	1			1			1	4				8	2%
Hazmat							1						1	0%
Helicopter Landing								1					1	0%
Non Comm Bldg	2	1	4	5	7	1	2	1	3				26	7%
Officer Investigation	4	2	4	1	2		1	2	8				24	6%
Residential Rescue							1		1				2	1%
Smoke in Area			1		1								2	1%
Standby	1					1			2				4	1%
Traffic Unit assist		3		2	2	3	7	1	5				23	6%
Trash			1	3					1				5	1%
Vehicle Fire				1		2							3	1%
Vehicle Leaking Fuel				2					1				3	1%
Vehicle Rescue	1	1		1	1	2			1				7	2%
Water Rescue									10				10	3%
Wires	1	3		1	1	2	2	2	2				14	4%
TOTAL	29	36	36	34	49	46	43	42	76	0	0	0	391	100%

Day of the week	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total	%
Monday	5	6	4	3	6	8	6	5	3				46	12%
Tuesday	4	6	2	5	7	13	12	7	6				62	16%
Wednesday	6	7	8	8	2	6	9	3	29				78	20%
Thursday	3	7	5	2	13	5	5	10	10				60	15%
Friday	4	4	6	7	7	3	4	8	9				52	13%
Saturday	3	2	6	5	8	5	2	3	9				43	11%
Sunday	4	4	5	4	6	6	5	6	10				50	13%
TOTAL	29	36	36	34	49	46	43	42	76	0	0	0	391	100%



Wissahickon Fire Company
Fire Chief Report
Year 2021 (273 days)

Attendance	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total	%
Day Calls (M to F 6AM to 6PM)	13	18	16	22	16	19	24	25	32				185	47%
Attendance at Day Calls	136	217	227	297	182	196	266	228	255				2004	
Average Day Calls	10.5	12.1	14.2	13.5	11.4	10.3	11.1	9.1	8.0	-	-	-	10.8	
Night & Weekend Calls	16	18	20	12	33	27	19	17	44				206	53%
Attendance at N & W Calls	271	274	310	163	416	368	189	165	522				2,678	
Average Night & Weekend	16.9	15.2	15.5	13.6	12.6	13.6	9.9	9.7	11.9	-	-	-	13.0	
Total Calls	29	36	36	34	49	46	43	42	76				391	100%
Total Attendance	407	491	537	460	598	564	455	393	777				4,682	
Average Total Calls	14.0	13.7	15.1	13.5	12.2	12.3	10.6	9.4	10.2				12.1	
Average Fire Attendance 7A	10.8	10.9	12.3	10.4	9.4	10.4	8.7	7.8					10.09	
Average Fire Attendance 7B	3.2	2.8	2.8	3.1	2.8	1.9	1.9	1.6					2.5	
Average Fire Attendance	14.0	13.7	15.1	13.5	12.2	12.3	10.6	9.4	-	-	-	-	12.6	
Total Drills	4	3	5	4	4	4	3	5	3				35	
Total Drill Attendance	150	99	162	129	133	100	88	143	82				1086	
Average Drill Attendance	37.5	33.0	32.4	32.3	33.3	25.0	29.3	28.6	27.3				31.0	

Count of Alarm 2021								
Hour of Day	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total
0			1	3			1	5
1		1			1			2
2		1	1	1	2		3	8
3	2		2	1	1			5
4	2	2	1	1				6
5	1	1	1	2				5
6			1	2	3	1		7
7	2	1	1	3	2	1	1	11
8	1		3	5	3	3	2	17
9	2	3	3	7	3	2		20
10	3	5	4	6	3	4	1	26
11	3	3	3	1	2	8	3	23
12	5	4	3	3	4	1	4	24
13	5	2	3	3	8	2	5	28
14	1		5	2	2	2	3	15
15	1	5	7	8	1	1	5	28
16	2	4	4	1	3	4		18
17	1	3	4	1	4	5	2	20
18	5	4	5	7	3	3	2	29
19	7	3	2	9	5	5	6	37
20	4	3	2	6	3	3	4	25
21	1	1	2	4	2	3	1	14
22	1		2	3	2	2		10
23	1		1		3	2	1	8
Grand Total	50	46	61	78	60	52	44	391



EMERGENCY: DIAL 911
EMAIL: info@amblerambulance.org

BUSINESS: (215) 643-6517
FAX: (215) 643-5212

Excellence in Pre-Hospital Care
COMMUNITY AMBULANCE ASSOCIATION, AMBLER
1414 E. BUTLER PIKE
P.O. BOX 98
AMBLER, PENNSYLVANIA 19002

Ambler Borough Statistics – 2021

<u>Month</u>	<u>Calls in Borough</u>	<u>Total Calls for CAAA</u>
January	85	421
February	75	417
March	63	405
April	69	425
May	66	447
June	53	394
July	58	398
August	76	416
September	91	465
October		
November		
December		
<hr/>		
<u>YTD Totals</u>	636	3,788

*Serving Ambler Borough, Lower Gwynedd Township
Springfield Township and Portions of Upper Dublin Township*

Public Utilities Committee

October 5, 2021 at 7:00 p.m. Committee Members: Glynnis Siskind – Chair, Haley Welch, Jen Henderson, and Karen Sheedy.

The Committee will consider the following recommendations.

1. A Public Hearing is scheduled for this evening to consider adoption of Ordinance 1125 approving the certificate of termination of the Water Authority. **(attached)**
2. A recommendation is requested to award 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. **(attached)**

Approved at the Committee Meeting

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

The following business will be discussed:

1. The WWTP Engineer's report will be provided.
2. Water Department is performing routine hydrant flushing. The flushing schedule will be posted and updated daily 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 the attached Resolution. This would be tentatively scheduled for the November 16th Council meeting. **(attached)**

**BOROUGH OF AMBLER
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1125

**AN ORDINANCE OF THE BOROUGH OF AMBLER,
MONTGOMERY COUNTY, PENNSYLVANIA,
APPROVING THE CERTIFICATE OF TERMINATION OF
THE WATER AUTHORITY AND AUTHORIZING ALL
ACTIONS NECESSARY TO EFFECTUATE THE SAME.**

WHEREAS, the Borough of Ambler is a political subdivision of the Commonwealth of Pennsylvania and enjoys all of the rights and powers granted by the Pennsylvania Borough Code, the Municipal Authorities Act, and other laws related to political subdivisions, and

WHEREAS, Ambler Borough owns and operates its own water department, which is regulated by the Pennsylvania Public Utilities Commission, and

WHEREAS, Ambler Borough formed a water authority by the adoption of ordinance (INSERT) with the intention of transferring water operations to the Authority, and

WHEREAS, for numerous reasons stemming from the objection of Townships within the water service area to such transfer, Ambler Borough will continue its operations of the water department and, consistent with its public statement upon forming the Authority that it would dissolve the Authority if its transfer efforts were unsuccessful, it now desires to dissolve the Authority, and

WHEREAS, at a duly advertised meeting of the Water Authority on September 9, 2021, the Water Authority board did vote to execute, and did execute, a certificate requesting termination of the water authority,

NOW, THEREFORE, PURSUANT TO THE PENNSYLVANIA MUNICIPALITY AUTHORITIES ACT, THE BOROUGH COUNCIL OF THE BOROUGH OF AMBLER DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

Section 1. The Borough Council hereby directs and orders that the Authority be terminated.

Section 2. Insofar as water operations were never transferred to the Authority, which met once to organize and once to authorize termination, there are no debts or accounts or financial transactions or documents of any kind, and there are no further actions required of the Authority prior to its termination.

Section 3. The Authority has approved, executed and delivered to the Borough a Certificate of Termination dated September 9, 2021, a true and correct copy of which is attached hereto as Exhibit "A" (the "Certificate"), so that the Borough, as required by the Authorities Act, 53 Pa.C.S. §5619, may as and when appropriate file the executed Certificate with the Pennsylvania Department of State.

Section 4. The Authority is hereby prohibited from taking any action or expending any money in connection with any action that is inconsistent with its termination. The Authority shall not engage in any conduct or expend any money, directly or indirectly, for any purpose other than accomplishing the directives and objectives of the Borough as set forth in this Ordinance. Any expenditure of funds by the Authority that is contrary to the directives and objectives of the Borough as set forth in this Ordinance shall be a violation of the restrictions on expenditures of funds by the Authority under the Authorities Act, 53 Pa.C.S. §5612 and a violation of the specification of projects to be undertaken by the Authority under the Authorities Act, 53 Pa.C.S. §5607(c).

Section 5. The Borough Council hereby approves the Certificate in the form attached hereto as Exhibit "A".

Section 5. Upon enactment of this Ordinance and compliance with all executory provisions herein, the proper officers of the Borough Council are hereby authorized to file the Certificate in the Office of the Secretary of the Commonwealth of Pennsylvania.

Section 6. Upon receipt of the Certificate, the Secretary of the Commonwealth shall note the termination of existence of the Authority on the Authority's record of incorporation and return the Certificate with approval to the Borough Council. Upon receipt thereof, the proper officers of the Borough Council are hereby authorized to record the Certificate in the Office of the Recorder of Deeds of Montgomery County.

Section 7. Upon recordation of the Certificate with the Montgomery County Recorder of Deeds, all property of the Authority shall pass to the Borough, the Borough shall assume any remaining liabilities of the Authority, and the Authority will be effectively terminated.

Section 8. The Borough Council, its president, the Borough manager, and the Borough solicitor are all, individually and collectively, authorized to take any further action necessary to effectuate the termination of the Authority and the removal of any impediments to such termination.

Section 9. All ordinances, parts of ordinances, resolutions or parts of resolutions inconsistent herewith be and the same are hereby rescinded, cancelled and annulled.

Section 10. If any sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the legislative intent of the Borough Council that this

Ordinance was enacted to terminate the Authority and should be interpreted to effectuate such intent.

Section 11. This Ordinance shall take effect on the earliest date permitted pursuant to section 3301.3(b) of the Pennsylvania Borough Code.

ENACTED AND ORDAINED by Borough Council of the Borough of Ambler, Pennsylvania, this _____ day of _____, 2021.

AMBLER BOROUGH COUNCIL

By: _____
Frank DeRuosi, Borough Council President

Attest:

Mary Aversa, Borough Secretary

Filed in the Department of State on:

Secretary of the Commonwealth


**CERTIFICATE OF TERMINATION
AMBLER WATER AUTHORITY**

In accordance with the requirements of 53 PA. CONS. STAT. § 5619(c), the Ambler Water Authority, pursuant to Resolution 2021-01 adopted by the Board of the Authority on January 23, 2020, hereby requests the termination of its existence and submits this Certificate to the Borough of Ambler for its approval by ordinance. The Authority certifies that it has no outstanding bonds or claims of any kind against it. The Authority was formed under the Act of May 2, 1945, Pa Laws 382, known as the "Municipal Authorities Act of 1945," as amended and supplemented. The original articles of Incorporation were approved and filed on January 22, 2020.

As provided in 53 PA. CONS. STAT. § 5619(c), if the Borough of Ambler approves this Certificate, it shall be filed in the office of the Secretary of the Commonwealth, who shall note the termination of its existence on the record of incorporation and return the Certificate with approval to the Authority, which shall then record the Certificate in the office of the recorder of deeds of Montgomery County. Upon recording, the property of the Authority shall pass to the Borough of Ambler.

IN WITNESS WHEREOF, the Ambler Water Authority has caused this Certificate to be executed by its duly authorized officers under the seal of the Authority, this 9th day of September, 2021.

Attest:



Mary Aversa, Secretary

AMBLER WATER AUTHORITY



Lou Orehek, Chair

(SEAL)

PUBLIC NOTICE

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.

The primary amendment to the Act 537 Plans is to address the present and future sewage disposal needs of the central portion of Upper Dublin Township that is tributary to the Upper Dublin Wastewater Treatment Plant (UDWWTP), owned and operated by the Bucks County Water and Sewer Authority (BCWSA). This Plan amendment proposes the demolition of the UDWWTP and the construction of a new sewage pumping station, to be located on the treatment plant property, and associated force main to connect directly to the Ambler Wastewater Treatment Plant, which will be upgraded to handle the additional flows.

The Act 537 Plans will also be revised to address service area boundaries as follows:

- The adjustment of the Ambler Service Area to encompass the entire UDWWTP Service Area.
- Expand the new Ambler Service Area boundary line in the vicinity of Craig-Y-Nos Avenue to accommodate the proposed low pressure sanitary sewer system to serve the neighborhood.

The amendment is available for public review during normal business hours at Upper Dublin Township's temporary offices located at 370 Commerce Drive, Fort Washington PA 19034, (215) 643-1600.

It is also available for public review during normal business hours at the Ambler Borough Hall, 131 Rosemary Avenue, Ambler, PA 19002, (215) 646-1000.

BOROUGH OF AMBLER

RESOLUTION NO. _____

RESOLUTION FOR REVISION TO OFFICIAL SEWAGE FACILITIES PLAN

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PENNSYLVANIA (hereinafter “the municipality”).

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the “Pennsylvania Sewage Facilities Act” as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, requires the municipality to adopt an Official Sewage Facilities Plan (Facilities Plan), providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said Plan, whenever it is necessary to meet the sewage disposal needs of the municipality; and

WHEREAS, Borough of Ambler has received a report titled, “Upper Dublin WWTP Act 537 Amendment Plan No. 3” which provides for the sewage facilities in a portion of Upper Dublin Township, currently tributary to the Upper Dublin Wastewater Treatment Plant; and

The alternative of choice to be implemented is Option 2 - Alternative No. 1, to abandon the existing Upper Dublin Wastewater Treatment Plant and construct a new sewage pumping station and force main to connect directly to the Ambler Wastewater Treatment Plant, including necessary upgrades to the Ambler WWTP. In addition, the proposed amendment to the current Act 537 Plan revises wastewater flow projections for the 5-year, 10-year and the ultimate time frames and adjusts the boundaries of service areas within Upper Dublin Township.

The key implementation activities/dates include:

<u>MILESTONE</u>	<u>ESTIMATED ELAPSED TIME IN DAYS (FROM DEP PLAN APPROVAL)</u>
DEP Approval of 537 Plan Amendment No. 3	0
Submission of DEP WQM Permit Application	30
Submission of other Permit Approvals	60
Advertise Force Main Project for Bids	120
Advertise Pump Station Project for Bids	150
Complete construction of the pumping station and associated force main to redirect flows from the Upper Dublin Wastewater Treatment Plant directly to the Ambler Wastewater Treatment Plant.....	515

Complete modifications to the Ambler Wastewater Treatment Plant
to accept flows from the Upper Dublin Wastewater Treatment Plant 515*

Complete demolition of the Upper Dublin Wastewater Treatment Plant 880

** Elapsed times subject to PADEP approval for modifications to Ambler Wastewater Treatment Plant. Should the Diversion Pump Station and Force Main be completed prior to the Ambler WWTP Modifications, a partial diversion of flow could commence in an increment agreeable to the Borough of Ambler.*

WHEREAS, the Borough of Ambler finds that the Act 537 Sewage Facilities Plan Amendment described above conforms to zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Ambler hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the "Official Facilities Plan" of the municipality, the above referenced Facilities Plan. The municipality hereby assures the Department of the complete and timely implementation of the said Plan, as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

RESOLVED, this _____ day of _____, 2021, at a public meeting of the Council of the Borough of Ambler.

I, _____, Secretary, Council of The Borough of Ambler, hereby certify that the foregoing is a true copy of the Municipality's Resolution No. _____, adopted _____, 2021.

COUNCIL OF THE BOROUGH OF AMBLER

By: _____
Frank DeRuosi, President

ATTEST:

Finance and Planning Committee

October 5, 2021 at 7:00 p.m. Committee Members Nellie Di Pietro – Chair, Erin McKenna Endicott, Haley Welch, Karen Sheedy.

The Committee will consider the following recommendations:

1. That the September Bills be paid in the amount of \$1,172,683.40.

#	Fund	Sept 1st Run	Sept 2nd Run	TOTALS
1	GENERAL	35,436.79	462,641.47	498,078.26
2	STREET LGTS	3,131.86		3,131.86
3	FIRE	36,582.05	786.18	37,368.23
4	REFUSE	49,631.81	18,825.84	68,457.65
5	PARKS & REC	621.99	1,268.40	1,890.39
6	WATER	42,428.23	83,455.52	125,883.75
8	SEWER	2,793.12	14,336.11	17,129.23
9	WWTP	162,620.89	133,946.99	296,567.88
35	LIQUID FUELS	486.65		486.65
30	Water Capital	103,068.00	20,621.50	123,689.50
TOTALS		436,801.39	735,882.01	1,172,683.40
VOID CHECKS				-
GRAND TOTAL		436,801.39	735,882.01	1,172,683.40

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 is scheduled for this evening. **(attached)**
3. Consider adoption of Resolution 2021-12 for a license transfer from Williamsonten, Inc. in Horsham to 3 Rivers Beer, LLC at 241-65 N. Main Street. A Public Hearing will take place this evening. **(attached)**

Approved at the 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)

The following business will be discussed:

1. The Borough Engineer's report was provided.
2. The 2022 Budget is being prepared and public meetings will be scheduled.

THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 1124

AN ORDINANCE OF THE BOROUGH OF AMBLER THAT AMENDS ORDINANCE 1083 REGULATING TOWER-BASED AND NON-TOWER BASED WIRELESS COMMUNICATION FACILITIES, BY ADDING A DEFINITION OF SMALL WIRELESS FACILITIES, AND ADDING OBJECTIVE AESTHETIC CRITERIA TO THE DESIGN REGULATIONS FOR ALL SUCH FACILITIES; LEAVING THE REMAINDER OF ORDINANCE 1083, CODIFIED IN CHAPTER 27 OF THE ZONING ORDINANCE, IN FULL FORCE AND EFFECT; INCLUDING A SAVINGS CLAUSE AND REPEALER; EFFECTIVE ON THE EARLIEST DATE PROVIDED FOR IN THE BOROUGH CODE

WHEREAS, Borough ordinance 1083, adopted April 21, 2015, amended Chapter 27 of Title 27 of the Borough zoning ordinance by adopting various criteria applicable to wireless communication facilities, and

WHEREAS, in January of 2019, the Federal Communications Commission issued an order that, among other things, requires that any aesthetic requirements sought to be imposed by a municipality must be objective and formally adopted, such that a facilities applicant may know at the time of application the particular aesthetic requirements that must be met,

NOW THEREFORE, Ordinance 1083, Codified at 27-2700 et. Seq., Wireless Communication Facilities, is amended as follows:

1. Ordinance 27-2702 of the Codified Ordinances is amended by adding the following definition to the existing list of definitions:

"18. Small Wireless Facility. A facility mounted on a structure 50 feet or less in height, including antennas; or, is mounted on a structure not more than ten percent taller than other adjacent structures; or, does not extend existing structures on which they are located to a height of more than 50 feet or by more than ten percent, whichever is greater.

2. Ordinance 27-2703(D) is amended by the addition of the following language:
 - a. Section "(1)c)vii", Design Regulations, is modified by adding a new subsection (3), "Aesthetic Criteria)", the text of which is: "Non-Tower WCF shall be consistent with the design and aesthetic criteria which are attached to this Ordinance as Appendix #1."
 - b. Section "(4)b)", Design Regulations, is modified by adding a new subsection "v)", "Aesthetic Criteria)", the text of which is: "Tower-Based WCF shall be consistent with the design and aesthetic criteria which are attached to this Ordinance as Appendix #1."
 - c. Section "(5)d)", Design Regulations, is modified by adding a new subsection "v)", "Aesthetic Criteria)", the text of which is: "Tower-Based WCF shall be consistent with the design and aesthetic criteria which are attached to this Ordinance as Appendix #1."

The remainder of Ordinance 1083 remains in full force and effect. If any portion of this ordinance is found invalid by a court of competent jurisdiction, then to the extent possible the portion of the ordinance found invalid shall be severed from the remainder of the ordinance, which shall continue in full force and effect. Any provision of any existing ordinance that is inconsistent with this ordinance is, to the extent of such inconsistency, repealed.

This ordinance is effective on the earliest applicable date identified in the Pennsylvania Borough Code as it relates to ordinance adoption.

SO ORDAINED this ____ day of _____, 2021.

Frank DeRuosi, Council President

Attest: _____
Mary Aversa, Secretary

MONTGOMERY COUNTY
BOARD OF COMMISSIONERS

VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



MONTGOMERY COUNTY
PLANNING COMMISSION

MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
www.montgomerycountypa.gov

SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

August 23, 2021

Glenn Kucher, Zoning Officer & Planning Coordinator
Ambler Borough
131 Rosemary Avenue
Ambler, Pennsylvania 19002

Re: MCPC # 19-0254-002
Plan Name: Telecommunications Ordinance
Borough of Ambler

Dear Mr. Kucher:

We have reviewed the above-referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on October 16, 2019. We forward this letter as a report of our review.



The Borough of Ambler has submitted a zoning text amendment to Ordinance 1083 which provides standards for Wireless Communications Facilities. The amendment includes aesthetic design guidelines for Small Wireless Communications Facilities, which are included in the form of a referenced appendix. The purpose is to establish uniform design standards for Wireless Communications Facilities specifically defined as Small Wireless Facilities (SWF) under (2018) Declaratory Ruling and Order by the Federal Communications Commission (FCC). The amendment requires small wireless communication facilities to be aesthetically consistent with the design, schematics, and hardware components referenced in an appendix.



The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that Ambler may wish to consider prior to adoption of the amendment. Our comments are as follows:





DEFINITIONS

- A. **Definition of Small Wireless Facility.** A specific definition for Small Wireless Facility (SWF) is not included in the proposed amendment. In terms of the recently issued Declaratory Ruling and Third Report and Order (“Order”) from the Federal Trade Commission (FCC), we recommend a definition for Small Wireless Facility be included in §27-2702 Definitions section of the existing ORDINANCE NO. 1083. This would serve to address the requirements that are uniquely applicable to such facilities under the Order. The new FCC Order defines SWF specifically in terms of the height (less than 50 feet or 10% taller than adjacent structures) and the cubic volume (less than 3 ft³) of an antenna and associated equipment. Under this new unique definition for SWF, the Order sets fee ceilings for permitting, application approval timeframes or “shot clocks”, and designates a legal framework under which municipalities may codify aesthetic requirements. A definition would provide clarity in the code regarding these new guidelines as they apply to a specific subset of permit applications.
- B. **Procedures and Fees.** In addition to bringing specificity to the guidelines the borough wishes to apply to aesthetic criteria, a definition would clearly delineate the fees and time frames required for the approval of applications as specific to exclusively SWF. Additionally, if any new federal or state legislation is adopted, any revisions, amendments, or portions to be severed in the future would then specifically refer to SWF in borough code as well.

DEADLINES AND FEES

- A. **Deadlines.** In terms of §27-2703(D)(1)b)ii, Ordinance 1083 allows the borough (30) days to notify an applicant when an application is incomplete. The FCC Order requires a time limit of (10) days for notification of an incomplete application specific to SWF. Although the existing Ordinance 1083 is sufficient for deadlines regarding all wireless facilities’ approval under the Pennsylvania Wireless Broadband Collocation Act (WBCA), it does not address the new FCC Order of a (10) day limit specific to SWF for incomplete application notification or batch applications. Time frames could present a procedural problem or workload issue if applications are filed in batches. The Order requires that the deadline applying to a batch of SWF applications is the same one that would apply had the applicant submitted an individual application. We recommend the borough review its existing internal procedures to ensure that the review process and approvals for SWF can be accommodated reasonably by staff within the timeframes. Under the FCC Ruling, any failure to comply with deadlines is considered a presumptive violation and allows the applicant to seek expedited relief.
- B. **Fee Scheduling.** The municipality should remain attentive when receiving applications involving SWFs as to the specific fee limitations the FCC Order places on initial applications and recurring fees. The Order includes a threshold for what is defined as “presumptively reasonable” in terms of fees. In order

to exceed the fee ceilings, the municipality must satisfy a 3-part test and provide well documented cost studies or similar defensible methodology.

DESIGN REGULATIONS AND AESTHETIC CRITERIA

The applicant's amendment adequately addresses the component of the Order's requirement of establishing specific and objective aesthetic criteria and that such criteria are published in advance. The applicant's appendix items function as a guidebook for design aesthetics that meets the Order's requirements for antenna and support structures that is objective, reasonable, and allows applicants to predict a SWF permit's aesthetic requirements in advance. The appendix items also meet the requirement that any design guidelines do not prohibit technology or discriminate among service providers as outlined in Pennsylvania state law.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal, but we believe that our suggested revisions and policy reviews will better achieve Ambler's planning objectives for wireless facilities. We also note our general deference to the borough solicitor in terms of both this proposed text amendment as well as any Pennsylvania legislation regarding the deployment and regulatory measures applicable to Small Wireless Facilities. Furthermore, we recommend that the ordinance is updated as necessary in the future to remain consistent with any new legislation.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body adopt this proposed zoning ordinance amendment, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Michael Lowrey, Community Planner II
m_lowrey@montcopa.org – 610 -278-3887

c: Robert LaGreca, Chair, Ambler Planning Commission
Joseph E. Bresnan Esq., Ambler Borough Solicitor

**Borough
Of
Ambler**

131 ROSEMARY AVENUE
AMBLER, PENNSYLVANIA 19002-4476

PHONE 215-646-1000
FAX 215-641-1355 ADMINISTRATION
FAX 215-641-1921 WATER DEPARTMENT
WEBSITE: www.ambler.pa.us



August 24, 2021

Mary Aversa, Borough Manager
Borough of Ambler
131 Rosemary Avenue
Ambler, PA 19002

Re: Guidelines for Changes to the Borough's
Existing Wireless Ordinance

Dear Ms. Aversa:

At the direction of Council, the Planning Commission has been requested to review and recommend changes to the Borough's existing wireless Ordinance and fee schedule to comply with the FCC Order as well as develop design requirements for wireless facilities in the rights-of-way to prevent aesthetically obtrusive facilities.

Discussion took place at previous Planning Commission meetings. At the meeting held this date a motion was made and seconded. After a vote was taken of the six members present, the motion carried unanimously to recommend to Council to consider approving the changes to the Ordinance that had been prepared by our Solicitor in compliance with the FCC Order.

If you have any questions, please do not hesitate to contact our Chairman, Robert Lagreca, who presided over the meeting.

Very truly yours,

Carol Ann DiPietro
Secretary
Ambler Borough Planning Commission



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Cell 412-596-6504
File No: 37005.0223

September 10, 2021

Via Email manager@borough.ambler.pa.us

Ambler Borough Hall
Attn: Mary Aversa, Borough Manager
131 Rosemary Avenue
Ambler, PA 19002

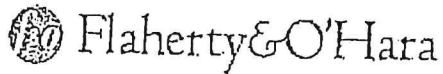
Re: Request by 3 Rivers Beer, LLC for Approval of Inter-Municipal Transfer of Restaurant Liquor License No. R-9265

Dear Ms. Aversa:

I represent and am writing on behalf of 3 Rivers Beer, LLC ("3 Rivers Beer") to request a resolution from the Borough of Ambler approving the inter-municipal transfer of a Pennsylvania "R" or "restaurant" liquor license from outside the municipality into Ambler Borough. 3 Rivers Beer's newly renovated restaurant, in which it intends to sell malt and brewed beverages, for both on and off premises consumption, will have seating for more than 30 customers and will be located at 241-65 N. Main Street in Ambler, Pennsylvania.

To open and operate its restaurant in Ambler Borough, 3 Rivers Beer must secure a restaurant liquor license. No Ambler Borough license was available for purchase at the time my client entered into an agreement to purchase a restaurant liquor license. As a result, 3 Rivers Beer has entered into an agreement to purchase a license from outside of Ambler Borough and plans to move the license into Ambler Borough, with the approval of the Borough, pursuant to the inter-municipal transfer provisions of the Liquor Code (47 P.S. 461).

3 Rivers Beer hereby requests that, pursuant to 47 P.S. 461, Ambler Borough schedule a hearing, as required by the Liquor Code, on the issuance of a resolution approving the transfer by 3 Rivers Beer of a restaurant liquor license from outside the Borough to within it.



September 10, 2021

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Pursuant to the Liquor Code, the purpose of the hearing is to allow 3 Rivers Beer to describe its proposed business and to allow the residents of Ambler Borough and the Ambler Borough council members to voice their opinions on the proposed inter-municipal transfer by 3 Rivers Beer to Ambler Borough, pursuant to 47 P.S. 461, Ambler Borough must approve or deny the requested transfer, by way of a resolution or ordinance, within 45 days of this request.

For your convenience and reference, I have enclosed a form resolution which other municipalities have used in responding to requests for inter-municipal transfers. The Pennsylvania Liquor Control Board requires that a resolution approving an inter-municipal transfer include the name of the applicant (here, "3 Rivers Beer, LLC"), the address to which the license is being transferred (here, "241-65 N. Main Street, Ambler Borough, Montgomery County, Ambler, Pennsylvania 19002"), the liquor license number (here, "R-9265"), the name and address of the seller of the license (here, "Williamsonten, Inc., 500 Blair Mill Road, Horsham Township, Montgomery County, Horsham, Pennsylvania 19044") and must state that a public hearing was held.

Effective July 1, 2006, the Liquor Code (47 P.S. §102) was amended to require that notice of a public hearing must be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Further, such notices must state the time and place of the hearing and the matter to be considered at the hearing. Amended Section 102 also provides that the first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

At the time of the hearing, we will present complete information on the operations of 3 Rivers Beer and answer any questions that you, the council members, the solicitor or residents might have. Initially, by way of background, 3 Rivers Beer will be a casual restaurant which also intends to sell malt and brewed beverages, for both on and off premises consumption.

Ambler Borough's approval of an inter-municipal transfer of a liquor license by 3 Rivers Beer will permit the operation of a restaurant in the Borough that will be a positive attribute to the Borough, its residents, and the surrounding area.



September 10, 2021
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3 Rivers Beer asks that a public hearing on its request for an inter-municipal transfer be held at the Borough's Council meeting that is scheduled for October 18, 2021 (or at earlier time and date should the municipality desire to hold the hearing at a non-scheduled Council meeting). Please advise me if the Borough will be able to schedule the hearing for that date. Finally, 3 Rivers Beer can reimburse Ambler Borough for any costs associated with this hearing.

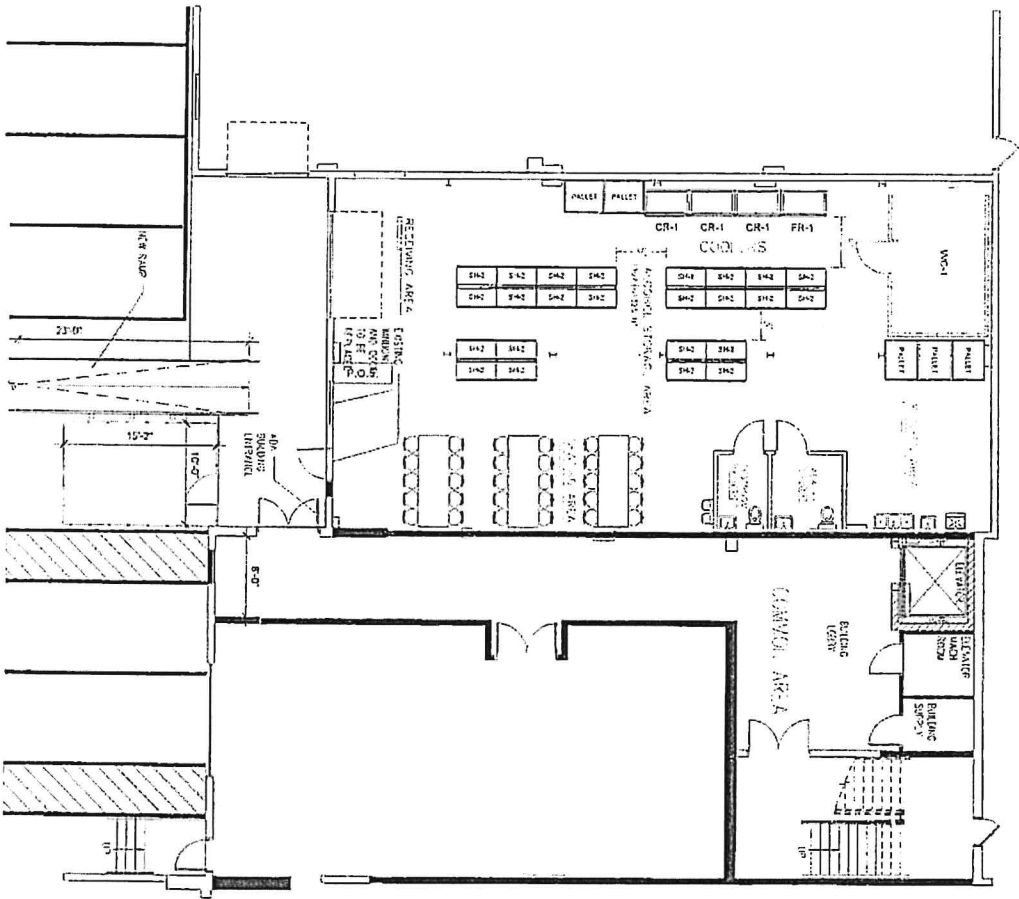
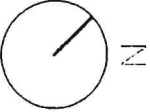
In the event you should have any questions or need additional information regarding this matter, please do not hesitate to call me.

Best regards,

Gregory A. Szallar
GREGORY A. SZALLAR
GAS/klb

Enclosure

cc: Glenn Kucher, Code Officer (via email code@borough.ambler.pa.us)



NO.	DESCRIPTION	QUANTITY	UNIT
1	RECEIVING AREA	1	SQ. FT.
2	TRUCK SLIP	1	SQ. FT.
3	TRUCK SLIP	1	SQ. FT.
4	TRUCK SLIP	1	SQ. FT.
5	TRUCK SLIP	1	SQ. FT.
6	TRUCK SLIP	1	SQ. FT.
7	TRUCK SLIP	1	SQ. FT.
8	TRUCK SLIP	1	SQ. FT.
9	TRUCK SLIP	1	SQ. FT.
10	TRUCK SLIP	1	SQ. FT.

3 Rivers Beer LLC

Ambler, PA

241 N Main St,
Ambler, PA 19002

PROJECT NO. _____

DATE: _____

SCALE: 3/8" = 1'-0"

FEE PLAN

A-1.02

AMBLER BOROUGH

RESOLUTION NO. 2021-12

A RESOLUTION OF AMBLER BOROUGH COUNCIL,
MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA,
APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-9265
INTO AMBLER BOROUGH

WHEREAS, Act 141 of 2000 (“the Act”) authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if, as in Ambler Borough, sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant to obtain from the receiving municipality a resolution approving the inter-municipal transfer of the liquor license prior to an applicant’s submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding applicant’s intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED, that 3 Rivers Beer, LLC, has requested the approval of Ambler Borough for the proposed transfer of Pennsylvania restaurant liquor license no. R-9265, from Williamsonten, Inc., 500 Blair Mill Road, Horsham Township, Montgomery County, Horsham, Pennsylvania 19044 to 3 Rivers Beer, LLC for restaurant facilities within Ambler Borough to be located at 241-65 N. Main Street, Ambler Borough, Montgomery County, Ambler, Pennsylvania 19002 with the understanding that the liquor license will be transferred to only that location. Further, said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that Ambler Borough has held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code to receive comments on the proposed liquor license transfer; and

BE IT FURTHER RESOLVED that Ambler Borough approves, by adoption of this Resolution, the proposed inter-municipal transfer of restaurant liquor license no. R-9265 into Ambler Borough by 3 Rivers Beer, LLC; and

BE IT FURTHER RESOLVED that transfers, designations and assignments of licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board.

DULY ADOPTED this ____ day of _____, 2021, at a regular meeting of the Council Members of Ambler Borough, Montgomery County, Pennsylvania, in a lawful session duly assembled.

AMBLER BOROUGH

Frank DeRuosi, Council President

ATTEST:

Mary Aversa, Secretary

Park and Recreation Committee

October 5, 2021 at 7:00 p.m. Committee Members: Sara Hertz – Chair, Nancy Deininger, Erin McKenna Endicott, Nellie DiPietro.

The Committee will make no recommendations.

The following business will be discussed:

- 1 The next Community Garden meeting will be announced.
2. A dedication is being planned for Ambler Square on November 6 at 10:00 a.m.

Salary & Personnel Committee

October 5, 2021 at 7:00 p.m. Committee Members Nancy Deininger – Chair, Glynnis Siskind, Nellie Di Pietro, Jen Henderson.

The Committee will make no recommendations.

The following business will be discussed:

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.

RECOMMENDATIONS

PUBLIC UTILITIES

1. Consider adoption of Ordinance 1125 approving the certificate of termination of the Water Authority.
2. Recommend awarding 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 service transfers.

FINANCE & PLANNING COMMITTEE

1. Authorization is requested that the September bills are paid in the amount of \$ 1,172,683.40.
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.
3. Consider adoption of Resolution 2021-12 for a license transfer from Williamsonten, Inc. in Horsham to 3 Rivers Beer, LLC at 241-65 N. Main Street.