BOROUGH OF AMBLER
COUNCIL MEETING AGENDA

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

December 20, 2022
7:00 p.m.

Minutes for Consideration:
November 15, 2022

An Executive Session will be held at 6:30 PM this evening

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

This evening's presentation:

Portrait Dedication of Mayor Charles "Bud" Wahl will take place this evening.

Finance & Planning Committee

Committee Members: Nellie Forst– Chair, Frank DeRuosi, Karen Sheedy, and Lisa Auerbach. Absent: Ms. Henderson

The Committee will consider the following recommendations:

1. That the November **2022** bills be paid in the amount of $ 906,471.79.

#	FUND	November 1st Run	November 2nd Run	TOTALS
1	GENERAL	306,423.62	67,758.79	374,182.41
2	STREET LGTS	7,366.92	-	7,366.92
3	FIRE	-	-	-
4	REFUSE	50,126.24	6,235.25	56,361.49
5	PARKS & REC	1,393.72	1,815.39	3,209.11
6	WATER	131,137.17	49,205.18	180,342.35
8	SEWER	24,881.15	3,843.31	28,724.46
9	WWTP	121,546.59	108,330.90	229,877.49
35	LIQUID FUELS	10,578.05	7,669.51	18,247.56
30	WATER CAPITAL	-	8,160.00	8,160.00
	TOTALS	653,453.46	253,018.33	906,471.79
	VOID CHECKS *	-	-	-
	GRAND TOTAL	653,453.46	253,018.33	906,471.79

2. A Public Hearing will be held tonight to consider adoption of Ordinance #1130 Fixing the Real Estate Tax Rate for the Year 2023. **(attached)**

3. Consider adoption of Resolution 2022-14 appropriating specific sums estimated per the 2023 Budget. **(attached)**

4. Consider purchasing 2- Ford F-250 SRW 4X4 Regular Cab and an Extended Cab with Plow at a cost of $57,303. and $62,552.00 for the Highway Department. The 3 older vehicles will be advertised for bids and will be removed from the fleet. **(attached)**

5. A recommendation is requested to approve the Verizon Franchise Agreement and Resolution 2022-16. **(attached)**

The following business will be discussed:

1. The Borough Engineer's report was received.

2. The Zoning Hearing Board application for 24 N. Ridge Avenue was withdrawn.

3. Residential trash and recycling service day changes to Mondays in 2023. The first collection day under the new schedule is Monday, January 2, 2023. Yard Waste collection stays on Tuesdays except during a holiday week. **(NEW 2023 collection schedule attached)**

4. The Planning Commission will be reviewing the revised Transit-Oriented Development Ordinance Amendment Council authorized the Solicitor to draft. **(attached)**

APPROVED AT THE COMMITTEE MEETING

1. An ordinance amending the Zoning Ordinance changing the parking setback requirement in an R-3 Zoning District will be sent to the Planning Commission for consideration . 7-Ayes; 1-Nay (Ms. Forst). Carried

Recommendations

1. That the November **2022** bills be paid in the amount of $ 906,471.79 .

2. Consider adoption of Ordinance #1130 Fixing the Real Estate Tax Rate for the Year 2023.

3. Consider adoption of Resolution 2022-14 appropriating specific sums estimated per the 2023 Budget.

4. Consider purchasing 2- Ford F-250 SRW 4X4 Regular Cab and an Extended Cab with Plow at a cost of $57,303. and $62,552.00. The 3 older vehicles will be advertised for bids and will be removed from the fleet.

5. Consider approving the Verizon Franchise Agreement and Resolution 2022-16.

ORDINANCE 1130
AN ORDINANCE OF THE BOROUGH OF AMBLER
COUNTY OF MONTGOMERY
COMMONWEALTH OF PENNSYLVANIA
FIXING THE REAL ESTATE TAX RATE FOR THE YEAR 2023

BE IT ORDAINED AND ENACTED and is hereby Ordained and Enacted by the Borough Council of the Borough of Ambler, County of Montgomery, Commonwealth of Pennsylvania that a Tax be and the same levied on all Real Property within the Borough of Ambler subject to location for the Fiscal Year 2023 as follows:

TAX RATE

For General Purposes, the sum of six and two hundred eighty thousandth (7.275) mill on each dollar of Assessed Valuation or the sum of 7.275 cents on each one hundred dollars of Assessed Valuation.

For Street Lighting Purposes, the sum of two hundred ten thousandth (.210) mill on each dollar of Assessed Valuation or the sum of .21 of a cent on each one hundred dollars of Assessed Valuation.

For Fire Fighting Purposes, the sum of four hundred eighty thousandth (.650) mill on each dollar of Assessed Valuation or the sum of 0.65 of a cent on each one hundred dollars of Assessed Valuation.

For Debt Service Purposes, the sum of (0.000) mill on each dollar of Assessed Valuation or the sum of 0.00 of a cent on each one hundred dollars of Assessed Valuation.

For Parks and Recreation Purposes, the sum of three hundred ninety thousandth (0.680) mill on each dollar of Assessed Valuation or the sum of 0.68 of a cent on each one hundred dollars of Assessed Valuation.

The same being summarized in tabular form as follows:

TOTAL 8.76 MILLS	MILLS ON EACH DOLLAR OF ASSESSED VALUATION	CENTS ONE HUNDRED DOLLARS OF ASSESSED VALUATION
Tax Rate General Purpose	7.275 Mills	7.275 Cents
Tax Rate Street Lights	0.210 Mills	0.21 Cents
Tax Rate Fire Protection	0.650 Mills	0.65 Cents
Tax Rate Debt Service	0.0 Mills	0.0 Cents
Tax Rate Parks & Recreation	0.680 Mills	0.68 Cents

Enacted by the Borough of Ambler this ____ day of December, ____.

_____ _____
Glynnis Siskind, Council President Mary Aversa, Borough Manager

RESOLUTION 2022 - 14

A Resolution of the Borough of Ambler, County of Montgomery, Commonwealth of Pennsylvania appropriating specific sums estimated per the 2023 Budget to be required for the specific purpose of the municipal government, hereinafter set forth, during the year 2022 by the Borough Council of the Borough of Ambler, County of Montgomery, Commonwealth of Pennsylvania.

Section 1. That the expenditures and expenses for the Fiscal Year 2023 in the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 2023 for the specific purposes set forth in the following budget summaries.

	General Fund	
Revenues		$ 4,703,154
Expenditures		$ 4,703,154
	Refuse Fund	
Revenues		$ 942,379
Expenditures		$ 942,379
	Fire Fund	
Revenues		$ 262,692
Expenditures		$ 262,692
	Liquid Fuels	
Revenues		$ 167,344
Expenditures		$ 167,344
	Parks and Recreation	
Revenues		$ 198,277
Expenditures		$ 198,277
	Sewer Fund	
Revenues		$ 1,051,612
Expenditures		$ 1,051,612
	Street Light Fund	
Revenues		$ 61,135
Expenditures		$ 61,135
	Wastewater Treatment Plant	
Revenues		$ 4,105,748
Expenditures		$ 4,105,748
	Water Department	
Revenues		$ 4,263,935
Expenditures		$ 4,263,935
Total Budget		**$ 15,456,276**

Section 2. That any Resolution conflicting with this Resolution be and the same is hereby repealed insofar as the same affects this Resolution.

ADOPTED this _____ day of December, 20_____.

_____ Glynnis Siskind, Council President

_____ Mary Aversa, Secretary

Highway

CHAPMAN
CHRYSLER
of HORSHAM
Jeep Ford RAM

AH32MBLER BOUROUGH
2022 FORD F250 REG. CAB
STOCK #: H221364
SALESPERSON: JERRY DOWLING
11/8/2022 3:34 PM

This presentation is designed to provide an example of various finance options that may be available. Incentive programs, Rebates, Rates, Terms and Payments are estimates, subject to change and are impacted by individual credit history and subject to credit approval and program verification. Specific details will be provided when an alternative or alternatives are selected.

Cash Deal Structure

Our List Price	47,115.00
Discount Savings	-2,356.00
Vehicle Price	44,759.00
Accessories	12,544.00

Due On Delivery	57,303.00

Tax: CASH NO TAX	0.00 %

On Approved Credit. Payments are an estimate and may vary among lending institutions. The final terms of your loan or lease may differ depending on credit history and the actual terms of the financial institutions acceptance. Tax rules and amounts may vary based upon State or Locality. Vehicle Price does not include Accessories. Vehicle Price is before Taxes and/or applicable fees.
Tax Profile: Cash No Tax

Cash Total includes: UPFITTING $12544

2022 F250 4X4 REGULAR CAB SRW
142" WHEELBASE
OXFORD WHITE
VINYL SEATS - MEDIUM EARTH GRAY
LT245/75R17E BSW ALL TERRAIN TIRES
PLATFORM RUNNING BOARDS
10000# GVWR
110//400W OUTLET
SNOW PLOW PREP
ROOF CLEARENCE LIGHTS
UPFITTER SWITCHES
240 AMP ALTERNATOR

UP FIT:
BED SPRAY LINER
WESTERN PLOW 8'
HAND CONTROLLER
ROOFTOP MINI BAR LIGHT
FRONT AND REAR STROBES

X _____ _____
Customer Signature Date

Highway

CHAPMAN of HORSHAM

Jeep Ford RAM

AMBLER BOROUGH
2022 F250 4X4 SUPERCAB
STOCK #: H221672
SALESPERSON: JERRY DOWLING
12/06/2022 9:18 PM

This presentation is designed to provide an example of various finance options that may be available. Incentive programs, Rebates, Rates, Terms and Payments are estimates, subject to change and are impacted by individual credit history and subject to credit approval and program verification. Specific details will be provided when an alternative or alternatives are selected.

Cash Deal Structure

Our List Price	52,975.00
Discount Savings	-2,648.00
Vehicle Price	50,327.00
Accessories	12,225.00

Due On Delivery	62,552.00

Tax: CASH NO TAX	0.00 %

On Approved Credit. Payments are an estimate and may vary among lending institutions. The final terms of your loan or lease may differ depending on credit history and the actual terms of the financial institutions acceptance. Tax rules and amounts may vary based upon State or Locality. Vehicle Price does not include Accessories. Vehicle Price is before Taxes and/or applicable fees.
Tax Profile: Cash No Tax

Cash Total includes: ASSIT STEPS//REMOTE START, BED LINER - SPRAY, PLOW - 8FT, LIGHT BAR//STROBES, UPFIT $12225

2022 F250 4X4 SUPERCAB PICKUP
6.2L V-8 ENGINE
6-SPEED AUTOMATIC TRANS
LT275/70R18E BSW ALL TERRAIN
4.3 ELECTRONIC LOCKING AXLE
POWER EQUIPMENT GROUP
TRAILER TOW PACKAGE
STX APPEARANCE PACKAGE
FX4 OFF-ROAD PACKAGE
SNOW PLOW PREP
110V / 400W OUTLET
ROOF CLEARENCE LIGHTS
UPFITTER SWITCHES
240 AMP ALTERNATOR

UPFIT:
ASSIST STEPS // REMOTE START
LINER - SPRAY IN
WESTERN PLOW 8 FT
LIGHT BAR
AMBER 4" MPOWER FOR FRONT GRILLE
AMBER LED HIDEAWAY FOR REAR TAIL LIGHTS
POWER WIRE/FUSE HOLDERS/CONSUMABLES

X _____ _____

RESOLUTION NO. 2022-16

RESOLUTION OF THE BOROUGH OF AMBLER AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND VERIZON PENNSYLVANIA LLC

WHEREAS, the Franchisee is a "cable operator" and the Borough is a "local franchising authority" in accordance with Title VI of the Communications Act (*see* 47 U.S.C. § 522(5), (10)) and the Borough is authorized to grant one or more nonexclusive cable franchises to operate a Cable System within the Borough pursuant to Title VI of the Communications Act;

WHEREAS, the Borough granted to the Franchisee, effective as of August 21, 2006, a nonexclusive initial Franchise to install, maintain, extend, and operate a Cable System in the Borough for a term of twelve (12) years (the "Initial Franchise");

WHEREAS, the Franchisee has operated a Cable System in accordance with the Initial Franchise as of the Effective Date on its existing Telecommunications Facilities consisting of a Fiber to the Premises Telecommunications Network ("FTTP Network") in the Borough which also transmits Non-Cable Services pursuant to authority granted by applicable state law and Title II of the Communications Act, and which are not subject to Title VI of the Communications Act or this Agreement;

WHEREAS, the Franchisee has requested that the Borough renew the Franchisee's Franchise to provide Cable Service to residents of the Borough;

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Borough undertook a process to determine whether it should renew the Initial Franchise and the terms for such a renewal;

WHEREAS, the Borough has examined the past performance of the Franchisee and has identified the Borough's future cable-related needs and interests;

WHEREAS, following good faith negotiations between the parties, the Borough and the Franchisee have agreed on the terms for a Franchise Renewal Agreement under which the Franchisee will continue to operate its Cable System in the Borough; and

WHEREAS, the Borough has determined that this Agreement and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations.

NOW THEREFORE, BE IT RESOLVED that the Borough Council does hereby approve the cable franchise agreement negotiated with the Franchisee, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

RESOLVED this ____ day of _____, 2022.

ATTEST:

BOROUGH OF AMBLER

_____

_____
President, Borough Council

EXECUTIVE SUMMARY OF CABLE FRANCHISE RENEWAL AGREEMENT WITH VERIZON PENNSYLVANIA LLC
December 15, 2022

Introduction

We are pleased to inform you that the Cohen Law Group ("CLG") has reached agreement with Verizon Pennsylvania LLC ("Verizon") on a Cable Franchise Renewal Agreement ("Agreement"). The negotiation of this Agreement took longer than expected, because the climate for negotiations was a challenging one. The reason is that there have been dramatic developments since Verizon first entered the cable market in Pennsylvania in 2006-08. They fall into three categories—changes in the industry, in technology, and in the regulatory landscape.

First, the video industry has undergone a transformation that has led to much greater competition for cable operators like Verizon. The users of video streaming services, such as Netflix, Hulu and Disney+, have increased 24% in the last four years and are expected to increase by another 52% by 2025. (*Statista*, July 2020). Because they operate over the internet rather than over a cable system, these streaming services are not subject to a cable franchise agreement or the assessment of franchise fees. Meanwhile, the number of cable television subscribers has decreased by 12% in the last eight years and this decline has accelerated in the last two quarters during the coronavirus crisis. (*Forbes Magazine*, July 24, 2020).

Second, the technology for distributing video services has also changed dramatically over this time period. There has been a strong migration to wireless video services, which in the case of Verizon, has led the company to redirect capital funds from the FiOS wired service to Verizon Wireless. In addition and while we strongly disagree, there are some industry representatives who question whether Verizon's FiOS television platform is actually an internet-based platform that is not technically a "cable system" under the Cable Act.

Finally, there has been a significant shift in the regulations applicable to cable franchising. The Federal Communication Commission's ("FCC's") 2019 Third Report and Order was the most consequential regulatory change in cable franchising in the last 24 years (since the Telecommunications Act of 1996). The key ruling of the Order is that all "in-kind, non-capital cable company contributions" to local governments fall within the maximum five percent (5%)

franchise fee and therefore may be offset against franchise fee payments.[1] The Order is being appealed by many local governments before the Sixth Circuit Court of Appeals.

It was against this backdrop that CLG negotiated a cable franchise renewal agreement with Verizon. Given that Verizon is subject to greater competition, there have been significant technology changes, and municipalities have somewhat fewer legal rights today, much of our negotiations involved fighting to retain the benefits in your current franchise agreement. The following is a brief summary of the major provisions contained in the new Agreement. While there are many other important provisions in the Agreement, this summary addresses only the major items. The Agreement is subject, of course, to approval by your local governing body.

1. Franchise Fees

As with your current Verizon agreement, the new Agreement allows your municipality to assess a franchise fee of up to five percent (5%) of the cable operator's "gross revenue" received from cable services derived from the municipality. The percentage in the new agreement is the same as in your current Verizon agreement. The Agreement also includes a comprehensive definition of "gross revenue" that includes twenty-two (22) enumerated revenue sources that will maximize your municipality's franchise fee revenue.

The "gross revenues" list includes all current eligible revenue sources and a "catch all" item to capture future revenue sources that are not foreseeable today. The list adds two new sources that are not in your current agreement, but that we asked to be included—regional sports programming fees and revenue from the sale of subscriber lists. As you know, all franchise fees are passed through to cable subscribers as a separate line item on their bills.

2. Franchise Fee Accountability

As with your current agreement, the new Agreement also authorizes your municipality to conduct a franchise fee audit of Verizon to ensure the accurate payment of franchise fees. If an audit is conducted, it will be subject to a four-year "look back" period and Verizon must pay six percent (6%) interest in addition to any underpayments. If the audit reveals underpayments of franchise fee revenue of five percent (5%) or more, then Verizon must also pay $3,000 toward the cost of the audit.

The process for franchise fee audits in your current agreement is minimal. Based on our firm's past experience in conducting audits of Verizon, we requested new provisions to ensure that the audit process is fair to both sides. While Verizon did not agree to all of our requests, the audit section adds new process language, including the requirements that Verizon "provide all records reasonably necessary" for the audit and that it respond to "reasonable follow-up records requests to the extent necessary to complete the audit."

Finally, the new Agreement includes a stronger "bundled services" protection than the one in the current agreement. If a subscriber purchases all of Verizon's three services (i.e. cable,

[1] We have included with the final franchise renewal approval packet a 3-page summary of the FCC's Third Report and Order, which we prepared on August 8, 2019.

internet and phone) and receives a "bundled services" discount, this provision ensures that the discount is not applied solely to cable services. If this occurred, then franchise fee revenue to the municipality would be reduced. The new Agreement states that Verizon "will not intentionally or unlawfully allocate such revenue for the purpose of evading payments under this Franchise."

3. Conditional Unilateral Termination

This is the issue that caused the most contentious debate during our negotiations with Verizon. Verizon initially insisted upon the unilateral right to terminate the Agreement and all of its obligations upon 60 days' written notice to the municipality. Its stated reasons for this request are consistent with the first two issues discussed in the introduction above—namely, competition in the video industry and changes in technology. Either or both of these developments could cause Verizon to end its foray into the cable television market.

Recognizing that, if Verizon decides to terminate its cable service business, there is little the municipality could do to stop it, we fought with Verizon's attorneys for months to include protections for the municipality. We asked for certain pre-conditions to termination as well as a reasonable notice period, so that the municipality would not suffer an abrupt drop in franchise fee revenue without the time to be able to fill the ensuing revenue gap. This notice period would also give Verizon subscribers time to switch to the incumbent cable operator and help preserve franchise fees for the municipality. Note that the current franchise agreement with Verizon also includes a unilateral termination provision.[2]

In the end, Verizon agreed to the following: 1) a pre-condition of a decrease of at least six percent (6%) of Verizon subscribers in the municipality over a 12-month period; 2) the 12-month period may not begin until after the effective date of the Agreement; and 3) after meeting this pre-condition, Verizon must give a separate 12-months' notice to the municipality of its plans to terminate its cable service. Based on its counsel's representations, Verizon has not yet suffered a loss of six percent (6%) of its cable subscribers in a 12-month period in any of its jurisdictions. If Verizon were to experience such a loss in your municipality going forward and if it decides to terminate, then it must provide at least one year's advanced notice to the municipality. After months of negotiations, we can confidently state that this is as far as Verizon is willing to go on this issue.

4. Customer Service Standards

The new Agreement includes a set of comprehensive, quantifiable, and enforceable customer service standards. These standards adopt the recommendations of the FCC, which are not enforceable unless they are included in a franchise agreement, and also add certain additional requirements. The customer service standards include, but are not limited to, the following:

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[2] Verizon retained the right to terminate the current agreement after three years if it "does not then in good faith believe it has achieved a commercially reasonable level of subscriber penetration on its cable system, making it commercially impracticable for Verizon to continue the provision of cable service in the municipality." In other words, if Verizon had decided to shut down its cable service because it had not signed up a sufficient number of cable customers, then it could have terminated the Agreement.

- Telephone answering time limits for customer service representatives, including the requirement that Verizon measure compliance if there are subscriber complaints;
- Time limits for commencing installation, service interruption and repair work, including limits on technicians cancelling appointments with subscribers;
- A four-hour "appointment window" for service calls;
- Credits for service interruptions of four or more hours upon request;
- Requirements that bills be clear and fully itemized, and that Verizon may not impose late fees on a subscriber who disputes a bill in good faith until the dispute is resolved;
- Customer complaint procedures and time frames; and
- Requirements to be met prior to Verizon disconnecting a subscriber's cable service.

5. Reporting and Records Requirements

As with the current agreement, the new Agreement requires Verizon to send the municipality a quarterly, line-item franchise fee report. In addition, Verizon must keep the following specific records that may be inspected by the municipality: 1) records of all "complaints" as defined in the Agreement; 2) records of all "significant outages" as defined in the Agreement; 3) records of service calls for repair or maintenance; and 4) records of installation/reconnection activities and requests for service extensions. The municipality also has the right to inspect all of Verizon's records pertaining to the Agreement or any aspect of Verizon's cable service. Verizon must retain these records for at least four years.

6. Cable Services to Community Facilities

In your current agreement, Verizon agreed to provide free Basic Service to the municipal buildings, public and private schools, and public libraries listed in Exhibit A to the agreement. Last year, however, the FCC injected a major new restriction regarding this issue in its Third Report and Order. The Order states that "costs attributable to franchise terms that require a cable operator to provide free or discounted cable services to public buildings" may be offset against franchise fees. The FCC found that these courtesy services are in-kind contributions and therefore fall within the five percent (5%) franchise fee cap.[3] As such, Verizon will no longer provide courtesy cable services and will charge municipalities that wish to receive such services based on its current rate card (rather than an actual offset of franchise fees).

The FCC Order is being challenged in court by many municipalities and local government associations around the country. Our law firm represents the City of Pittsburgh in one such appeal. These appeals have been consolidated in the Sixth Circuit Court of Appeals and are currently being briefed. As such, the new Agreement states that, if the courtesy services portion of the Order is reversed on final appeal, then, if requested in writing by the municipality, Verizon will provide Basic Service to the public buildings listed in Exhibit A to the Agreement on a complimentary basis.

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[3] For those municipalities that assess a franchise fee percentage that is lower than five percent (5%), they may receive free cable services for public facilities, provided the services have a fair market value that, combined with franchise fee revenue, is less than five percent (5%) of gross revenues.

7. Educational and Governmental Channels

Verizon continues to reserve the right for the municipality to obtain dedicated channel space on the Basic Service tier for an educational and a governmental ("EG") channel. The municipality may activate the reserved EG channels by providing written notice to Verizon. The municipality would have complete control over the content, scheduling and administration of the channel, and may delegate these functions to an appropriate designee (for example, the local high school).

Verizon is required to use reasonable efforts to interconnect its cable system with the cable system of the incumbent cable operator so that the EG channel signal may be distributed by both cable systems. If interconnection is not achieved within 12 months after the municipality notifies Verizon that it wishes to activate a channel, then Verizon must provide a direct connection from the video origination site to its cable system without charge to the municipality. With respect to an EG channel grant, Verizon will not agree to a monetary grant if the municipality does not have an active governmental channel. This policy is different from that of Comcast, which under certain conditions will agree to a monetary grant even if the municipality does not have its own channel.

8. Enforcement

The Agreement provides the municipality with three enforcement tools in the event that Verizon violates the Agreement—liquidated damages (pre-determined monetary fines), lawsuit and revocation. The Agreement includes liquidated damages for eight categories of potential violations. Verizon agreed in the new Agreement to increase the damage amounts from the current agreement due to inflation. The new damage amounts are $150 per day (up from $100 per day in the current agreement) for all categories, except for violations of customer service standards, which are $450 per quarter (up from $300 per quarter). The amount of liquidated damages per year for each municipality may not exceed $15,000 (up from $12,000).

The municipality also has the option to file a lawsuit against the cable operator or, in the case of an extreme violation, revoke the Agreement altogether after providing due process rights to Verizon. If the municipality revokes the Agreement, Verizon may appeal the revocation to a court of competent jurisdiction.

9. Modification/Termination Based on Video Service Provider Requirements

Like Comcast and other incumbent cable operators, Verizon insisted on a competitive equity provision to ensure that the municipality does not grant a separate franchise to another cable operator that is more favorable to that company than this Agreement is to Verizon. After much negotiation, we agreed that the provision will trigger only if your municipality enters into another franchise or other agreement with a "video service provider (VSP)" to provide video services and if that agreement "taken as a whole upon consideration of all of its material obligations, is less burdensome than those imposed by this (Agreement)."[4]

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[4] The provision also applies to "changes in federal, state, or local law that reduces any material financial and/or operational obligation that the municipality has required from or imposed upon a VSP..."

If this occurs, then Verizon may notify the municipality and, within 60 days of such notice, the parties must "commence negotiations to modify this (Agreement) to create reasonable competitive equity between Verizon and such other VSP's." Initially, Verizon wanted to define VSP's broadly to include wireless companies utilizing the public rights-of-way. We objected on the grounds that wireless companies are subject to completely different regulatory requirements, not the least of which is that wireless companies may not legally be subject to fees calculated as a percentage of gross revenues, such as franchise fees. In the end, Verizon agreed to define VSP to only include wired facilities in the rights-of-way.

10. Length of Franchise Term

Typically, in renewal negotiations, cable operators seek longer franchise terms and municipalities seek shorter terms. The reason is that, for cable operators, franchise agreements secure their capital investment in the cable system, and for municipalities, franchise agreements typically provide new benefits and allow municipalities to address new technologies. In our experience, the average franchise term for all cable operators is 10 years.

In this negotiation, however, Verizon turned this policy upside down and insisted on a 5-year term. For the reasons described in the introduction above, Verizon does not want to be locked into a longer term (despite the "unilateral termination" provision described above). Verizon attorneys stated that no local government in the United States has negotiated a longer renewal term than five years with Verizon. From the beginning of the negotiations, its attorneys said that this item was non-negotiable. As such, the length of term in the new Agreement is 5 years.

Thank you for the opportunity to present this summary of the major provisions of the new Agreement. Please do not hesitate to contact either of us directly if you have any questions or concerns.

Dan Cohen and Phil Fraga
Cohen Law Group
413 South Main Street
Pittsburgh, PA 15215

Phone: (412) 447-0130
Emails: dcohen@cohenlawgroup.org
pfraga@cohenlawgroup.org

Ambler Borough

Waste Collection Day Change

Trash and Recycle Service day changes to Monday in 2023

First Collection Day under the New Schedule is
Monday, January 2, 2023!

Yard Waste collection stays the same — Tuesdays
Except during a holiday week

HAZARDOUS WASTE & ELECTRONIC WASTE COLLECTION
Refer to Montgomery County's website, www.montcoparecycles.org for a list of hazardous waste collection sites and other recycling news. Refer to Ambler Borough's website www.boroughofambler.com for e-waste collection opportunities when they are posted.

2023 Ambler Borough
Trash & Recyclables Collection

January 2023

Su	M	Tu	W	Th	F	Sa
H	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February

Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March

Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April

Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May

Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	H	30	31			

June

Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July

Su	M	Tu	W	Th	F	Sa
						1
2	3	H	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August

Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September

Su	M	Tu	W	Th	F	Sa
					1	2
3	H	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October

Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November

Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	H	24	25
26	27	28	29	30		

December

Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	H	26	27	28	29	30
31						

Trash / Recycle / Bulk item Yard Waste Collection H Holiday

BOROUGH COUNCIL
BOROUGH OF AMBLER

MONTGOMERY COUNTY, PENNSYLVANIA

PROPOSED ORDINANCE NO._____

"Transit-Oriented Development Ordinance Amendment"

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF AMBLER, CHAPTER 27 (ZONING), PART 2 (DEFINITIONS), SECTION 27-202 (DEFINITION OF TERMS) IN ORDER TO ADD THE NEW DEFINITION OF "TOD EFFECTIVE TRACT AREA"; AND FURTHER AMENDING CHAPTER 27 (ZONING), PART 27 ("RO" REDEVELOPMENT OVERLAY DISTRICT), SECTION 27-2703 (USE REGULATIONS), PARAGRAPH "A" (PARKING GARAGE/STRUCTURE), SUB-PARAGRAPH (1) (DIMENSIONAL REGULATIONS) TO ADD THE NEW SUB-SUBPARAGRAPH (e) TO ESTABLISH SETBACKS FOR JOINT USE WITH OTHER PRINCIPAL USE IN SAME STRUCTURE; AND FURTHER AMENDING CHAPTER 27 (ZONING), PART 27 ("RO" REDEVELOPMENT OVERLAY DISTRICT), SECTION 27-2703 (USE REGULATIONS), PARAGRAPH "E" (TOD TRANSIT-ORIENTED DEVELOPMENT), SUBPARAGRAPH (4) (CONDITIONAL USE STANDARDS), SUB-SUBPARAGRAPHS (a)1) TO PERMIT TOD DEVELOPMENT ON TRACTS WITH UNDERLYING "RSC" or "OC" ZONING WITHIN 800 FEET OF AN ACTIVE OR PROPOSED COMMUTER RAIL STATION; AND FURTHER AMENDING SUB-SUBPARAGRAPH (a)2) TO ESTABLISH A MINIMUM TOD EFFECTIVE TRACT AREA OF TWO ACRES WHERE CERTAIN CONDITIONS ARE MET; AND FURTHER AMENDING SUB-SUBPARAGRAPH (b)1) TO LIMIT TOD DEVELOPMENTS WITH UNDERLYING "RSC" ZONING TO A MAXIMUM DENSITY OF 50 DWELLING UNITS PER GROSS TRACT ACRE OF THE TOD EFFECTIVE TRACT AREA; AND FURTHER AMENDING SUB-SUBPARAGRAPH (b)4) TO LIMIT THE LENGTH OF MULTI-FAMILY BUILDINGS IN TOD DEVELOPMENTS TO 375 FEET IN LENGTH; AND FURTHER AMENDING SUB-SUBPARAGRAPH (h) TO ADD THE NEW SUB-SUBPARAGRAPH (h)4) TO PROVIDE EXCEPTIONS FROM THE GREEN SPACE REQUIREMENTS FOR TOD DEVELOPMENTS WHERE CERTAIN CONDITIONS ARE MET; AND FURTHER AMENDING SUB-SUBPARAGRAPH (g) TO ESTABLISH AN EXCEPTION TO A PERMANENT LANDSCAPED AREA OF AT LEAST 10 FEET IN DEPTH WHERE CERTAIN CONDITIONS ARE MET.

The Borough Council of the Borough of Ambler does hereby **ENACT** and **ORDAIN:**

SECTION I. – Amendment to Code

The Code of the Borough of Ambler, Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definition of Terms) is hereby amended to add the following new term:

> TOD EFFECTIVE TRACT AREA – The aggregate Net Lot Area of the parcels involved in a Transit-Oriented Development including any land subdivided off an adjoining parcel and merged in ownership with the proposed TOD Development or land immediately adjacent to the TOD Parcel on which the TOD Applicant benefits from a recorded, perpetual, irrevocable easement for use and access as permitted by the Borough.

SECTION II. - Amendment to Code

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph "A" (Parking Garage/Structure), Subparagraph (1) (Dimensional Regulations) is hereby amended to add the following new Sub-subparagraph (e):

(e) Setbacks. Joint use with other principal use in same structure: Setback applicable to other principal use.

SECTION III. - Amendment to Code

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph "E" (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (a)1) is hereby repealed in its entirety and replaced with the following new subparagraph (a)1):

1) A tract proposed for TOD development must be zoned "OC" or "RSC" and must be located within 800 feet of an active or proposed commuter rail station. The 800-foot requirement (for proximity to a commuter rail station) shall be measured from the nearest property line of the TOD to the nearest edge of the passenger platform of the commuter rail station.

    a. Transit-oriented development shall be permitted in the Industrial Zoning District for parcels: (i) within 800 feet of an active or proposed commuter rail station; and (ii) with frontage on a public street.

SECTION IV. – Amendment to Code

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph "E" (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (a)2 is hereby deleted in its entirety and replaced with the following new Sub-subparagraph (a)2):

2) Minimum Lot Area: eight acres. The minimum lot area requirement may be reduced to two acres of TOD Effective Tract Area if the tract proposed for the TOD is: (1) proposed exclusively for multi-family and/or single-family attached residential uses; and (2) within 800 feet of an existing or proposed commuter rail station, measured from the nearest property line of the TOD to the nearest edge of the passenger platform of the commuter rail station.

SECTION V. – <u>Amendment to Code</u>

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph "E" (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (b)1) is hereby repealed in its entirety and replaced with the following new Sub-subparagraph (b)1):

1) The maximum residential density for a TOD development shall not be more than 35 dwelling units per gross tract acre, except that tracts zoned "RSC" shall be permitted to have TOD developments with a maximum residential density of 50 dwelling units per gross TOD Effective Tract Area acre.

SECTION VI. – <u>Amendment to Code</u>

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph "E" (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (b)4 is hereby repealed in its entirety and replaced with the following new Sub-subparagraph (b)4):

4) The maximum length of any building used exclusively for multi-family residential use (excluding mixed-use buildings), shall be 375 feet.

SECTION VII. – <u>Amendment to Code</u>

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph "E" (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (h) is hereby amended to add a new Sub-subparagraph 4) as follows:

4) The on-lot green space and village green/plaza requirements for a TOD development solely containing multi-family residential dwellings or a mix of multi-family residential dwellings and single family attached dwellings shall be eliminated if the TOD meets one of the following:

a. A minimum of 20% green area is provided throughout the entire site, including but not limited to, rooftop green space and amenities, and public access to a park and/or nature/wildlife preserve within five-hundred (500) feet of the TOD; or

b. A shared green space and village green/plaza is provided by written agreement (approved by Borough Solicitor) between the TOD and an existing, adjoining TOD where the existing, adjoining TOD contains green space in excess of 30% and a village green/plaza that is at least 30,000 square feet.

SECTION VIII. – <u>Amendment to Code</u>

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph "E" (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (g) is hereby repealed in its entirety and replaced with the following new Sub-subparagraph (g):

(g) Planting Buffer. All TOD developments shall provide a permanent landscaped planting area of at least 10 feet in depth (inclusive of curb, but not sidewalk, of up to one foot in width) along all property lines adjacent to residentially zoned property, except property adjacent to a public right-of-way (when street trees and foundation landscaping is planted in the front yard along the right-of-way) or a common property line with an existing, multi-family residential TOD providing shared vehicular and pedestrian access and village green/plaza amenities (through a written agreement approved by Borough solicitor). The property line buffer shall be designed in accordance with the applicable requirements of the Subdivision and Land Development Ordinance [Chapter 22]. Where a residential land development abuts an industrial use or vice versa, one of the following buffers shall be established which shall be equivalent to the type of screens described in Chapter 22, Appendix B, §100.4.4F(2) or 100.4.4F(4). If §100.4.4F(2) (evergreens) is

selected, the evergreens may be planted at a depth closer than 10 on center. If §100.4.4F(4) (fence with plantings) is selected, than (a) a combination of large shrubs or ornamental trees may be used, provided they are planted three feet on center; and (b) a wall or fence is acceptable, provided it is constructed of brick, stone, wood, masonry or similar appearing material (chain link or cinder block is not acceptable).

SECTION IX. - Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION X. - Failure to Enforce not a Waiver

The failure of the Borough to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION XI. - Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION XII. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Borough of Ambler, Montgomery County, Pennsylvania, this _____ day of _____, 2023.

BOROUGH OF AMBLER

By: _____
Frank DeRuosi, President of Council

Attest: _____
Mary Aversa, Manager

APPROVED: _____
Jeanne Sorg, Mayor

PROPOSED PUBLIC NOTICE

NOTICE is hereby given that the Borough Council of the Borough of Ambler, at its public meeting on _____, 2023 at Borough Hall, 131 Rosemary Avenue, Ambler, Pennsylvania 19002, will hold a public hearing on and could vote to adopt an ordinance entitled "Transit-Oriented Development Ordinance Amendment" amending the Code of the Borough of Ambler, Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definition of Terms) in order to add the new definition of "TOD Effective Tract Area"; and further amending Chapter 27 (Zoning), Part 27 ("RO" Redevelopment Overlay District), Section 27-2703 (Use Regulations), Paragraph "A" (Parking Garage/Structure), Sub-Paragraph (1) (Dimensional Regulations) to add the new Sub-subparagraph (e) to establish setbacks for joint use with other principal use in same structure; Paragraph "E" (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraphs (a)1) to permit TOD development on tracts with underlying "RSC" or "OC" zoning within 800 feet of an active or proposed commuter rail station; and further amending Sub-subparagraph (a)2) to establish a minimum TOD effective tract area of two acres where certain conditions are met; and further amending Sub-subparagraph (b)1) to limit TOD developments with underlying "RSC" zoning to a maximum density of 50 dwelling units per gross tract area of the TOD effective tract area; and further amending Sub-subparagraph (b)4) to limit the length of multi-family buildings in TOD developments to 375 feet; and further amending Sub-subparagraph (h) to add to add the new Sub-subparagraph (h)4) to provide exceptions from the green space requirements for TOD developments where certain conditions are met; and further amending Sub-subparagraph (g) to establish an exception to a permanent landscaped area of at least 10 feet in depth where certain conditions are met.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the Offices of Montgomery News, 290 Commerce Drive, Fort Washington, Pennsylvania 19034, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and Ambler Borough Hall, 131 Rosemary Avenue, Ambler, Pennsylvania 19002 where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

Public Safety Committee

Committee members: Jennifer Henderson – Chair, Nellie Forst, Erin McKenna Endicott, and Amy Hughes. Absent: Ms. Henderson

The Committee will make no recommendations.

The following business was discussed:

1. The Police Department report is **attached**.
2. The Community Ambulance report is **attached**.
3. The Fire Department report is **attached**.
4. The Public Works and the Code Enforcement reports were received.
5. The Ambler Borough Gym is now a regular community site for American Red Cross Blood Drives. A blood drive is scheduled on Thursday, December 29th from 2-7 p.m. To make an appointment to give go online to www.redcrossblood.org (keyword: ambler) or call 1-800-Red-Cross. Walk-ins are welcome.

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 – 2022

Month	Calls in Borough	Total Calls for CAAA
January	66	493
February	50	450
March	43	465
April	56	456
May	53	482
June	58	507
July	59	484
August	48	477
September	51	484
October	57	516
November	52	509
YTD Totals	593	5,323

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

Wissahickon Fire Company
Fire Chief Report
November 2022 (334 days)

Township	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22		Total	%
Abington										1				1	0%
Ambler	18	20	13	4	9	14	8	15	11	9	10			131	31%
Conshohocken		1												1	0%
East Norriton								1						1	0%
Horsham	1	5	1		1	1				1	3			13	3%
Lansdale								2						2	0%
Lower Gwynedd	13	19	18	15	16	25	16	23	11	23	21			200	47%
Montgomery	2	2				2	1	3	3	4	3			20	5%
North Wales	1	1												2	0%
Plymouth								1						1	0%
Springfield						1								1	0%
Upper Dublin	2	3	4	5	1		3	2			1			21	5%
Upper Gwynedd				1										1	0%
Whitemarsh	1					3	1		1	2				8	2%
Whitpain	3	3	1	2	3		2		1		10			25	6%
TOTAL	41	54	37	27	30	46	31	47	27	40	48	0		428	100%

Type of Call	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22		Total	%
Accident Standby							1			2				3	1%
AFA Actual	13	9	14	8	11	13	5	17	3	9	11			113	26%
AFA False	4	15	5	6	7	9	11	12	12	15	9			105	25%
Appliance						1								1	0%
Assist EMS	1					1	1	1			2			6	1%
Brush			2	1			1							4	1%
Building Investigation	2	1					1		1		1			6	1%
CO Detector	3	2			3	3	1	1	2	3	6			24	6%
Commercial Bldg	1	4		5	2	3	2	3	2	1	3			26	6%
Elevator Rescue			2											2	0%
Fast Team Assist	2		1	1	1						1			6	1%
Gas Odor Inside	1	1	1		1	1			3	1	2			11	3%
Gas Odor Outside		1	3		1	1				1				7	2%
Helicopter Landing						1					1			2	0%
Non Comm Bldg	6	5	2	2		2	2	2	1	1	3			26	6%
Officer Investigation	1	4	4		1	2	2		1	1	1			17	4%
Search		1				1					1			3	1%
Smoke in area									1		1			2	0%
Standby	1	1				1		2		1	1			7	2%
Traffic Unit assist	3	3		2		4		2		3	2			19	4%
Trash	1	1												2	0%
Unknown type		1												1	0%
Vehicle Fire	1				1			4			1			7	2%
Vehicle Rescue	1	3	2	1	1	1	1	1		1	2			14	3%
Water Rescue														0	0%
Wires		2	1	1	1	2	3	2	1	1				14	3%
TOTAL	41	54	37	27	30	46	31	47	27	40	48	0		428	100%

Day of the week	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22		Total	%
Monday	4	9	3	2	4	1	4	17	4	3	4			55	13%
Tuesday	5	6	3	3	3	7	5	7	3	7	13			62	14%
Wednesday	8	10	5	2	3	12	4	5	3	3	8			63	15%
Thursday	4	6	9	6	3	9	5	2	3	5	5			57	13%
Friday	7	10	7	6	7	5	5	4	6	4	11			72	17%
Saturday	5	5	3	4	6	5	2	7	6	11	4			58	14%
Sunday	8	8	7	4	4	7	6	5	2	7	3			61	14%
TOTAL	41	54	37	27	30	46	31	47	27	40	48	0		428	100%

Wissahickon Fire Company
Fire Chief Report
November 2022 (334 days)

Attendance	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22		Total	%
Day Calls (M to F 6AM to 6PM)	17	30	18	17	11	19	12	21	10	12	28			195	46%
Attendance at Day Calls	169	336	200	194	107	171	116	209	105	123	286			2,016	
Average Day Calls	9.9	11.2	11.1	11.4	9.7	9.0	9.7	10.0	10.5	10.3	10.2	-		10.3	
Night & Weekend Calls	24	24	19	10	19	27	19	26	17	28	20			233	54%
Attendance at N & W Calls	233	267	243	105	211	231	173	266	172	292	218			2,411	
Average Night & Weekend	9.7	11.1	12.8	10.5	11.1	8.6	9.1	10.2	10.1	10.4	10.9	-		10.3	
Total Calls	41	54	37	27	30	46	31	47	27	40	48			428	100%
Total Attendance	402	603	443	299	318	402	289	475	277	415	504			4,427	
Average Total Calls	9.8	11.2	12.0	11.1	10.6	8.7	9.3	10.1	10.3	10.4	10.5			10.4	
Average Fire Attendance 7A	8.9	10.1	11.0	9.1	9.7	8.1	8.7	8.9	9.2	8.9	9.1			9.2	
Average Fire Attendance 7B	0.9	1.1	1.0	2.0	0.9	0.6	0.6	1.2	1.1	1.5	1.4			1.1	
Average Firel Attendance	9.8	11.2	12.0	11.1	10.6	8.7	9.3	10.1	10.3	10.4	10.5	-		10.4	
Total Drills	5	3	4	4	4	4	3	5	3	4	4			43	
Total Drill Attendance	146	84	118	114	100	99	66	133	77	112	106			1,155	
Average Drill Attendance	29.2	28.0	29.5	28.5	25.0	24.8	22.0	26.6	25.7	28.0	26.5			26.9	

Count of Alarm 2022								
Hour of Day	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total
0	1	3	2		1	3	3	13
1	2		1			1	1	5
2	2		1	3	1	1	2	10
3	1		2		2	1		6
4	1	2	1		1	1	1	7
5	1	5	1	2	1	2	2	14
6		1	2	4	2	1	2	12
7	3	5		3	3	3	1	18
8	5	2	3	4	2	4	3	23
9	2	2	8	2	4	3	1	22
10	2	2	4	4	5	7	2	26
11	2	6	2	7	7	2	4	30
12	8	2	8	3	2	6	3	32
13	1	1	2	2	4	1	5	16
14	3	3	3	6	1	2	5	23
15		3	3	1	3	4	3	17
16	5	6	3	3	2	6	1	26
17	2	3	2	1	4	2	2	16
18	3		4	5	2	3	2	19
19	8	1	3	3	4	2	4	25
20	2	4	2	3	1	5	3	20
21	3	2	2	5	3	8	3	26
22		1	2	1	2	2	3	11
23	4	1	1	1		2	2	11
Grand Total	61	55	62	63	57	72	58	428

Public Utilities Committee

Committee Members: Haley Welch-Chair, Erin McKenna Endicott, Amy Hughes, and Karen Sheedy. Absent: Ms. Henderson

The Committee will consider the following recommendation.

1. A recommendation is requested to approve the electric generation for the WWTP. **(attached)** An updated quote will be provided at the meeting.

2. A Public Hearing will be held at 7:00 p.m. at the December 20 Council Meeting to consider adoption of Ordinance #1129 of the Borough of Ambler Setting Revised Rates for Borough Water Service. **(attached)**

3. Consider purchasing 2 Ford F-250 SRW 4X4 Regular Cab for a cost of $65,571.00 each. **(attached)**

The following business was discussed:

1. The WWTP Engineer's report was provided.

2. The Water Engineer's tabulation of PFAS sampling results from October 2022 has been received. While most results continue to be consistent with historic levels, the results for Whitemarsh and the Broad Axe Tank are 'ND' – Non-detectable. This is good news and indicates the new carbon at Whitemarsh is effectively removing PFAS. The chart also includes an update to the status of the PA PFAS Rule, which was approved in November and is expected to be finalized next year. The spreadsheet will be posted on the Borough website. **(attached)**

Recommendations

1. Consider approval of the electric generation contract for the WWTP.

2. Consider adoption of Ordinance #1129 of the Borough of Ambler Setting Revised Rates for Borough Water Service.

3. Consider ordering 2 Ford F-250 SRW 4X4 Regular Cab trucks for a cost of $65,571.00 each.

Mary Aversa

Subject: FW: Tradition Energy - Borough of Ambler Electricity Price Report
Attachments: 221205 Borough of Ambler - EL Fixed.pdf; 221205 Borough of Ambler - EL Fixed - Green.pdf; 221205 Borough of Ambler - EL Index.pdf

Importance: High

From: Adam Kurzer <Adam.Kurzer@traditionenergy.com>
Sent: Tuesday, December 6, 2022 3:01 PM
To: Jarrett Evans <awwtpasst@Borough.Ambler.pa.us>
Subject: Tradition Energy - Borough of Ambler Electricity Price Report
Importance: High

Good afternoon Jarrett,

Attached are electricity price reports for the Borough's large electric account. The most aggressive fixed rates are below and the remaining are attached. The current contracted supply rate is $0.04335 per kWh.

Start Date:	**January 2023**	
Term	**Rate**	**Supplier**
12 Months	$0.0794 per kWh	Freepoint
24 Months	$0.0755 "	Freepoint
36 Months	$0.0735 "	Freepoint

Please note that the rates quoted above are subject to change due to market movement.

Please note that Freepoint reserves the right to adjust the rate based on changes to PJM's capacity obligation costs. PJM, the transmission operator for the Mid-Atlantic region, has yet to set capacity costs for 2025 and beyond. Because of that, suppliers offering to fix capacity costs did so at a slight premium due to the increased risk they face. Those suppliers are Constellation, Direct Energy, Dynegy, and BP. All suppliers reserve the right to adjust the rate based on changes to PJM's transmission costs, which are not set in advance and therefore cannot be forecasted.

Two other Price Reports were attached:

1. **Green Price Report** – This Price Report includes the cost of RECs bundled with the cost of electricity. The Borough has an agreement for RECs also expiring on January 1st, and this would bundle the two products together and ensure the account's electricity usage remains 100% carbon neutral.

2. **Index Price Report** – An index supply agreement would fix delivery costs and other components, while "floating" the commodity cost of electricity. The total supply rate would vary monthly with the electricity market. The Borough would have the option to "flip to fixed" at any point, fixing the commodity cost for the remainder of the agreement. The table on page 2 includes what the indicative Total Supply Rate would be given the current market price of electricity in each month and the Best Index Adder (Energy Harbor's 36 month adder from page 1). If you would like additional information on this, let me know.

I will give you a call first thing Wednesday morning to discuss this in detail and go through next steps.

Thank you,

Adam Kurzer
Energy Advisor, Sustainability

Tradition Energy

9 W Broad Street, 9th Floor
Stamford, CT 06902
Tel: (203) 653-3092
Cel: (914) 260-4095
US.Sustainability@TraditionEnergy.com
www.linkedin.com/in/adamjkurzer
www.TraditionEnergy.com

Connect with us!

AMBLER BOROUGH, MONTGOMERY COUNTY, PA

ORDINANCE NO. 1129

AN ORDINANCE OF THE BOROUGH OF AMBLER SETTING REVISED RATES FOR BOROUGH WATER SERVICE

WHEREAS, the Borough of Ambler does own and operate a water system which serves customers within the Borough and in portions of surrounding contiguous municipalities, and

WHEREAS, water rates for customers living outside of the Borough are regulated by the Pennsylvania Public Utilities Commission, while the Borough itself regulates water rates for Borough residents, and

WHEREAS, the Borough, effective December 16, 2007, did receive authority from the Pennsylvania Public Utilities Commission to enact certain lawful rate increases to reflect increases in the costs of providing service, and

WHEREAS, it is the desire and intention of Borough Council to revise the rates for Borough customers simultaneously with the approval of new rates for customers outside of the Borough,

NOW THEREFORE, it is hereby ORDAINED by Ambler Borough Council as follows:

1. All prior Borough ordinances establishing water rates for customers within the Borough are hereby repealed, including but not limited to ordinance 1081.
2. The schedule of water rates applicable to all types of domestic, commercial, industrial, and public customers within the Borough of Ambler shall be as follows, effective January 1, 2023:

Residential – Quarterly

Rate Block 1000 Gallons Water Fund Surcharge	Rates:
5/8	$ 15.72
3/4	$ 19.25
1	$ 24.20
1 1/2	$ 55.47
2	$ 77.43
3	$ 250.15
4	$ 633.28
6	$ 998.44
8	$ 1,316.88
Consumption	
Up to 110,000 Gallons	$ 5.7572
Over 110,000 Gallons	$ 5.0312

Commercial – Quarterly

Rate Block 1000 Gallons Water Fund Surcharge	Rates:
5/8	$ 15.72
3/4	$ 19.25
1	$ 24.20
1 1/2	$ 55.47
2	$ 77.43
3	$ 250.15
4	$ 633.28
6	$ 998.44
8	$ 1,316.88
Consumption	
Up to 110,000 Gallons	$ 5.7572
Over 110,000 Gallons	$ 5.0312

Industrial – Quarterly

Rate Block 1000 Gallons Water Fund Surcharge	Rates:
5/8	$ 15.72
1	$ 24.20
1 1/2	$ 55.47
2	$ 77.43
3	$ 250.15
4	$ 633.28
6	$ 998.44
8	$ 1,316.88
Consumption	
Up to 110,000 Gallons	$ 5.7572
Over 110,000 Gallons	$ 5.0312

Public - Quarterly

Water Fund Surcharge	Rates:
5/8	$ 15.72
¾	$ 19.25
1	$ 24.20
1 ½	$ 55.47
2	$ 77.43
3	$ 250.15
4	$ 633.28
6	$ 998.44
8	$ 1,316.88
Consumption	
Up to 110,000 Gallons	$ 5.7572
Over 110,000 Gallons	$ 5.0312

Private Fire – Annually

Sprinkler Charges	Rates:
1"	$ 237.44
2"	$ 498.40
4"	$ 626.76
6"	$ 829.97
8"	$ 1,354.04
10"	$ 1,790.43
12"	$ 2,284.56
Hydrant	$ 829.97

Public Fire – Annually

Hydrant	$ 206.07

SO ORDAINED this 20th day of December, 2022.

_____

Glynnis Siskind, Borough Council President

Attest: _____

Mary Aversa, Council Secretary

Water

CHAPMAN
CHRYSLER DODGE JEEP RAM
Jeep Ford RAM

AMBLER WATER
2022 FORD F-250SD XL
VIN: 1FDBF2B61NEE96467
STOCK #: H221296
SALESPERSON: JERRY DOWLING
12/06/2022 5:08 PM

This presentation is designed to provide an example of various finance options that may be available. Incentive programs, Rebates, Rates, Terms and Payments are estimates, subject to change and are impacted by individual credit history and subject to credit approval and program verification. Specific details will be provided when an alternative or alternatives are selected.

Cash Deal Structure

Our List Price	62,893.00
Discount Savings	-7,894.00
Vehicle Price	54,999.00
Accessories	10,572.00

Due On Delivery	65,571.00

Tax: CASH NO TAX	0.00 %

On Approved Credit. Payments are an estimate and may vary among lending institutions. The final terms of your loan or lease may differ depending on credit history and the actual terms of the financial institutions acceptance. Tax rules and amounts may vary based upon State or Locality. Vehicle Price does not include Accessories. Vehicle Price is before Taxes and/or applicable fees.
Tax Profile: Cash No Tax

Cash Total includes: PLOW $7500, SPRAY LINE $1000, FIRST MOBILE $2072

2022 F250 SRW 4X4 REG CAB
XL 142" WB
6.2l EFI V-8 ENGINE
6-SPEED AUTOMATIC TRANS
LT245/75R17E BSW ALL-TERRAIN
4.30 ELECTRONIC-LOCKING AXLE
POWER EQUIPMENT GROUP 1
PICKUP BOX DELETE
FRONT LICENSE PLATE BRACKET
XL DECOR PACKAGE
PLATFORM RUNNING BOARDS
10000# GVWR PACKAGE
ENGINE BLOCK HEATER
110V/400W OUTLET
SNOW PLOW PREP PACKAGE
SPARE TIRE AND WHEEL
TRAILER BRAKE CONTROLLER
TELESCPNG TT MIRR-POWR/HTD SIG
UPFITTER SWITCHES
240 AMP ALTERNATOR
REAR VIEW CAMERA & PREP KIT
DAYTIME RUNNING LIGHTS
XL VALUE PACKAGE

UPFIT:
8FT- SERVICE BODY
WESTERN PLOW 8FT
BED LINER - SPRAY
LIGHT BAR AND STROBES

AMBLER WATER SYSTEM PFAS SAMPLE RESULTS
OCTOBER 2022 SAMPLING

Well No. or Location	PFOA Average of Past Results (ppt)	PFOS Average of Past Results (ppt)	PFOA* October 2022 (ppt)	PFOS* October 2022 (ppt)
2	12.5	9.6	11.0	8.9
4	10.8	10.1	10.0	9.3
6	9.6	9.1	9.4	8.1
7	9.4	8.4	8.7	6.7
8	2.3	6.8	**	**
9	11.4	9.6	12.0	9.2
11	10.1	8.2	**	**
12	7.3	6.2	7.1	5.8
14	7.4	6.9	5.9	5.8
Whitemarsh WTP Raw	7.8	6.3	7.9	5.9
Whitemarsh WTP Treated	8.0	5.7	ND	ND
Storage Tanks				
Loch Alsh Tank	12.5	9.2	11.0	8.6
Broad Axe Tank	9.6	6.9	ND	ND
Houston Road Tank	8.8	7.6	8.5	7.1

Notes:
ppt = parts per trillion
** = Not Sampled
Average of Past Results is the average of samples collected since 2016.
October 2022 samples were collected on October 31, 2022 and analyzed by Eurofins Environment Testing Philadelphia - Horsham, PA

*PA DEP adopted a proposed rule - "The Safe Drinking Water PFAS MCL Rule" - in November 2021. The rule proposes an MCL of 14 ppt for PFOA and 18 ppt for PFOS. While all sources are currently testing below the proposed levels, several are near the proposed MCL for PFOA. Following public hearings and public comment, in October and November 2022, the PA Environmental Quality Board (EQB) and the Independent Regulatory Review Commission (IRRC) approved the regulation. The PA PFAS rule is expected to be finalized in 2023, which will include a schedule of effective dates for various components of the rule.

Park and Recreation Committee

Committee Members: Erin McKenna Endicott-Chair, Jen Henderson, Haley Welch, and Lisa Auerbach. Absent: Ms. Henderson

The Committee will make no recommendations.

The following business was discussed:

1. A presentation was made by the Montgomery County Planner outlining the key recommendations for the Borough Park System put together by the Borough Planning Commission from public input as part of the Parks System.

Recommendations at the Committee Meeting.

1. Consider the design and estimated costs for a dog park at Knight Park. 7-Nays 1- Aye (Ms. Auerbach). Motion did not pass.

2. Consider a workout station at Locust Street Park and Ricciardi Park. 8-Ayes. Carried

Salary & Personnel Committee

Committee Members: Frank DeRuosi-Chair, Haley Welch, Nellie Forst, and Jen Henderson. Absent: Ms. Henderson

This evening's presentation:

A Resolution will be presented to Frank DeRuosi in recognition of his service to the Borough.

The Committee will consider the following recommendations.

1. Consider appointments to several volunteer Committee & Board positions which expire at the end of the year, to include:

Environmental Advisory Council (3-year term) – 3 seats

- Nancy Roecker-Coates (incumbent)
- Wes Pipitone (incumbent)

Human Relations Commission (3-year term) – 3 seats

- Denise Valerio (incumbent)
- Marilyn Frazier (incumbent)

Planning Commission (4-year term) – 2 seats

- Robert Lagreca (incumbent)
- Carissa Hazelton (incumbent)

Vacancy Board (1-year term) – 1 seat

- Karen Polesir (incumbent)

Zoning Hearing Board (3-year term) – 1 seat

- Steve Ware (incumbent)

VACANCIES exist for the following appointed positions:

- **Appeals Board** (3-year term) – 1 seat
- **Environmental Advisory Council** (3-year term) – 1 seat
- **Human Relations Commission** (3-year term) – 1 seat
- **Civil Service Commission (Alternate)** – 1 seat
- **Zoning Hearing Board (Alternates)** – 3 seats

2. A recommendation is requested to approve Resolution 2022-15 recognizing Frank DeRuosi for his service to the Borough.

3. An executive session is required . An offer of employment for the water department vacancy is requested.

The following business will be discussed:

1. Resumes are being accepted for the vacant Borough Council position in Ward 3. Interested Candidates must submit a letter of interest by January 3, 2023.

Recommendations

1. Consider appointments to several volunteer Committee & Board positions which expire at the end of the year, to include:

Environmental Advisory Council (3-year term) – 3 seats
- Nancy Roecker-Coates (incumbent)
- Wes Pipitone (incumbent)

Human Relations Commission (3-year term) – 3 seats
- Denise Valerio (incumbent)
- Marilyn Frazier (incumbent)

Planning Commission (4-year term) – 2 seats
- Robert Lagreca (incumbent)
- Carissa Hazelton (incumbent)

Vacancy Board (1-year term) – 1 seat
- Karen Polesir (incumbent)

Zoning Hearing Board (3-year term) – 1 seat
- Steve Ware (incumbent)

2. Consider adoption Resolution 2022-15 recognizing Frank DeRuosi for his service to the Borough.

3. An offer of employment for the water department vacancy is expected.