

BOROUGH OF NORTH WALES  
 300 SCHOOL STREET  
 NORTH WALES, PENNSYLVANIA

MEETING: December 12, 2017 7:05 PM, EST

CALL TO ORDER made by President McDonald.

ROLL CALL:	Salvatore Amato	Present
	James Cherry	Present
	John Davis	Present
	Michael McDonald	Present
	Sally Neiderhiser	Present
	Daniel O'Connell	Absent
	Paula Scott	Present
	Mark Tarlecki	Present
	James Sando	Present
	Mayor Gregory D'Angelo	Present

Also in attendance were Gregory Gifford, Borough Solicitor, Donald Fantry, Chief of Police and Alan Guzzardo, Assistant Borough Manager.

President McDonald led the Pledge of Allegiance.

Solicitor Gifford announced an executive session was held prior to the meeting to discuss legal matters pertaining to the Sunlight of the Spirit House v. North Wales Borough lawsuit and a personnel matter regarding the collective bargaining agreement between North Wales Borough and the North Wales Police Department.

President McDonald stated that Public Comment would be deferred and would take place after agenda item number two, "Station Place."

**Consideration: Preliminary/Final Land Development Approval - SD-16-01 - 501 E. Walnut Street "Station Place" - 10 Townhouse Units**

Martin Eustace, Project Engineer, provided an overview of the application. He reviewed his response letter, dated December 4, 2017. Amy Montgomery, Borough Engineer, went over her second review letter, dated October 31, 2017. She provided an overview of primary concerns involving the plans. The following concerns were discussed: proposed driveways of Lots 1 and 6 would be too close to Walnut Street, proposed 16-foot-wide driveways would not be wide enough for two cars to park side by side, applicant does not propose to plant the required minimum number of replacement trees nor does applicant plan to relocate a 36-in. diameter tree, no landscape buffers were provided along Walnut Street and issues with infiltration testing were noted.

President McDonald asked Council if they had any questions; no questions were asked. Craig Robert Lewis, Project Attorney, reviewed the waiver request letter, dated December 4, 2017 with Council. Solicitor Gifford asked for clarification regarding the setback of the proposed driveways for Lots 1 and 6 from Walnut Street. Engineer Montgomery stated the proposed driveways are only setback 27 feet according to her measurements. The applicant believed the

driveways were setback 31.56 feet. After a short debate, the applicant agreed with the Borough Engineer's determination. Attorney Lewis then reviewed the rest of the waiver request letter with Council. President McDonald asked Engineer Montgomery if she had any additional comments. Engineer Montgomery stated the required 40 foot setback would provide for two car lengths between Walnut Street and the proposed driveways for Lots 1 and 6, whereas 27 feet only provides for one car length.

President McDonald again asked Council if they had any questions at this time. Manager Hart asked the applicant about jurisdiction over the right-of-way areas. Engineer Eustace explained the State has jurisdiction over the right-of-way area along Walnut Street, whereas the Borough has jurisdiction over the right-of-way areas along Fifth and Sixth Streets. Solicitor Gifford reviewed the applicant's zoning comments provided in their response letter, dated December 4, 2017. Solicitor Gifford explained that a zoning variance was never granted from the required 25 foot minimum lot width requirement of the C-Residential District. Attorney Lewis contended that the plans are consistent with the plans reviewed by the Zoning Hearing Board. Solicitor Gifford explained that zoning relief was never requested for that provision. Solicitor Gifford then reviewed the lighting requirements of the Zoning Code. Attorney Lewis explained there is no plan to add additional lighting unless Council deems it necessary because there is already adequate lighting in the area. Member Scott asked the applicant to show where there is currently lighting in the area. Engineer Eustace showed on the plans where lighting already exists.

Member Tarlecki asked the applicant to review their landscaping plans. Engineer Eustace stated they are proposing to plant 16 evergreen trees along the tract boundary line between the proposed development and the adjacent residential lots. He also stated they are proposing some buffering in the rear of both townhouse rows and they intend to salvage a 32 in. diameter tree. Member Tarlecki asked if the applicant intended to provide some landscaping along Walnut Street to create a buffer between the houses and Walnut Street. Engineer Eustace stated they are not due to the stormwater easement area and line-of-sight issues. Member Davis asked how many trees are required versus what is being proposed. Engineer Eustace stated 46 are required and they are proposing to provide 31 trees. Vice-President Cherry asked what types of deciduous and Evergreen trees are being provided. Engineer Eustace stated that a variety of trees are being provided including: Pine, Sugar Maple, Red Maple, White Pine, Willow Oak, Douglas Fir, Dogwood, Red Bud, Cherry and Serbian Spruce. Vice-President Cherry cautioned that some of the proposed tree species will be a concern in the future, due to their expected growth.

President McDonald asked the public if they had any questions. Joanne Matthews, 421 Shearer Street, stated she did not support the proposal submitted. She requested that the applicant consider other proposals that would be more suitable to the area. Michael Fellmeth, North Wales Borough Business Alliance (BBA) member, read a prepared letter in response to the Planning Commission's recommendation. He also expressed an opinion whereas, the Planning Commission's vote was a disservice to the Borough. He believed the proposal would provide great benefits to the Borough. Linda McAdoo, 412 Shearer Street, explained the rationale of the Planning Commission's vote. She believed that the development tract deserved a better plan, one more suitable to the area. She stated Planning Commission did not receive any feedback regarding their recommendation opposing the plan. Gregory Lord, 327 S. 5<sup>th</sup> Street, stated there is no evidence the Borough is not moving forward into the future. He stated it is not a suitable proposal for the land and it will not benefit the area. Cyle Hall, 107 S. 3<sup>rd</sup> Street, BBA member, requested that Council vote to approve the application. He stated the townhouses would allow for people to move into the Borough which would be a benefit to the Borough and surrounding businesses. Ruth Black, 401 S. Main Street, stated she disagreed with Mr. Hall. She expressed

her concerns with the proposed demolition of the old McKeever's Tavern building. She also cautioned that the development would result in higher traffic flows in the area and she is worried about the safety of potential children living in these homes, which would be adjacent to the North Wales Septa Station and railroad crossing.

Attorney Lewis provided an overview of the applicant's attempts to develop the site, since its purchase in 2014. He claimed the applicant has put forth other proposals for the site since that time, but they were not received favorably. He requested that Council approve the application, as presented and grant the requested waivers. Vice-President Cherry asked the applicant to provide more information related to a stacked townhouse proposal, where the units would be facing Walnut Street. Attorney Lewis explained that the proposal was reviewed with Borough staff and Planning Commission. However, he claimed the proposal was not supported by the Borough. He further reiterated the Borough has not been supportive of any of the applicant's other proposals.

Beth Ann Sinotte, 703 Church Street, stated she had attended many public meetings regarding the plans and there was never a plan put forth that would be historical or more suitable for the site. She stated she did not support the proposal and the applicant should build the townhouses in a more historic looking manner. Attorney Lewis stated, "the market" would determine the character of the proposed townhouses. Gregory Lord, 327 S. 5<sup>th</sup> Street, stated the current townhouse plan is a better proposal than the proposed 52-unit apartment building, however, he still feels the townhome plan does not fit within the Borough's neighborhood. Joanne Matthews, 421 Shearer Street, stated she toured the building and the building is salvageable. She reiterated the applicant should develop a better proposal for the site.

President McDonald asked Council how they wish to proceed. Member Scott asked Solicitor Gifford to state which requirements the applicant has failed to meet. Solicitor Gifford explained the applicant has not met certain requirements, for which they are requesting waivers, he also noted the zoning issues, as stated by Amy Montgomery, the Borough Engineer, in her review letter, dated October 31, 2017. Andrew Berenson, 439 Washington Avenue, requested a roll call vote from Council regarding this agenda item.

Member Davis made a motion to deny preliminary/final land development approval for application #16-01, "Station Place," as presented. Member Neiderhiser seconded the motion. Council voted in the following order: Member Tarlecki voted no. Member Davis voted yes. Member Scott voted yes. President McDonald voted no. Vice-President Cherry voted no. Member Amato voted yes. Member Neiderhiser voted yes. Member Sando voted yes. Motion passed 5 yes, 3 no.

President McDonald called a five-minute recess.

### **Public Comment**

Linda McAdoo, 412 Shearer Street, thanked those Council members Davis, McDonald, and Tarlecki for their years of service and dedication to the Borough.

Neil McDevitt, 324 S. 9<sup>th</sup> Street, thanked the Borough staff for the effort that went into preparing the budget. He requested that the Borough provide budget information from previous years, so people can compare. He also suggested that Manager Hart explore Lansdale Borough's website for a useful presentation on how they present their budget. Andrew Berenson, 439 Washington Avenue, stated that data from prior year budgets were already reviewed at two previous Council

meetings. He also stated that the meetings provided clarification for those who had questions or issues related to the budget.

Manager Hart explained the process the Borough uses for budgeting which is recommended by the Pennsylvania State Association of Boroughs. She explained how Council adopted a Budget Calendar in October of 2017 and followed the endorsed budget process recommended. She also commented previous year budgets were shown in the Budget presentations made during public meetings that have already taken place. She also expressed many other reports and budgetary tools were reviewed in detail at the two previously held Council meetings. She stated copies of the 2018 Budget are available at Borough Hall and on the Borough website.

### **Consideration: Adoption of 2018 Budget**

Member Scott made a motion to adopt the 2018 Budget, as presented. Vice-President Cherry seconded the motion. Motion passed 8 yes, 0 no.

### **Consideration: Advertisement of 2018 Tax Millage Ordinance**

President McDonald read the proposed 2018 Tax Millage Ordinance for the public. Member Scott stated for the record there is no proposed tax increases for 2018. Andrew Berenson, 439 Washington Avenue, asked Manager Hart to clarify how assessments are done and how they influence a property owner's real estate tax. Manager Hart provided a brief explanation as to how assessments are completed by the Board of Assessments and how real estate taxes are calculated using the assessed value determined by the County Board.

Member Amato made a motion to approve advertisement of the 2018 tax millage ordinance. Member Scott seconded the motion. Motion passed 8 yes, 0 no.

### **Consideration: Police Collective Bargaining Agreement**

Council tabled the Collective Bargaining for the next scheduled Council meeting on December 26, 2017.

### **Consideration: Electric/Energy Contract**

Manager Hart provided an overview of the contract proposals and rates. She stated that the best offer was provided by WGL Energy Co., the Borough's current provider. She asked Council to decide whether they wanted a 36 or 48 month contract. Member Davis suggested the Borough accept a 48 month contract because it is the best and safest option. Member Tarlecki asked what would happen if the provider broke the contract. Manager Hart stated there is an early termination fee for both the provider and the Borough. Andrew Berenson, 439 Washington Avenue, asked what the penalty would be if Council were to opt out of the contract in the future, as a result of the new Council members coming into office. Solicitor Gifford stated there would be a substantial penalty for early termination.

Member Neiderhiser made a motion to approve a 48-month electric energy contract with WGL Energy Co. at \$.04957/kWh. Member Scott seconded the motion. Motion passed 8 yes, 0 no.

## **Old Business/Committee & Board Reports/Zoning Applications**

Manager Hart stated she met with the North Penn Art Alliance to discuss renting St. Luke's Church at 125 N. Main Street for an art gallery event. President McDonald asked if Council agreed to allow the Alliance to use the space. No one was opposed.

Manager Hart stated that a letter of support from Council for the North Penn Volunteer Fire Co. to receive RACP grant funds was completed and sent to the State for consideration.

Manager Hart announced that Zoning Relief was granted by the Zoning Hearing Board for 107 S. 8<sup>th</sup> Street and 215 Church Street.

## **Solicitor / Mayor / Council / Manager**

Andrew Berenson, 439 Washington Avenue, asked if Solicitor Gifford could elaborate on the Sunlight of the Spirit House lawsuit case. Solicitor Gifford stated he provided Council with an update on discovery requests. Mr. Berenson then asked if any depositions have been set. Solicitor Gifford stated no dates have been set to date.

Mayor D'Angelo thanked Member Davis, Member Tarlecki and President McDonald for their service as Council members. He said Council has worked very well together and hopes that the new Council will continue to work as well as it has.

Member Tarlecki and Member Davis thanked Manager Hart for all her service and the public for the opportunity to serve.

Member Amato provided a status report on the Council bylaws document and requested that members share their ideas.

Vice-President Cherry thanked those who participated and attended the Soldier's Christmas event on December 3, 2017.

President McDonald thanked everyone for the opportunity to serve. He explained how much he learned and how wonderful an experience it was. He wished the new Council members luck in their new positions.

Manager Hart thanked everyone for their thoughtful compliments and the opportunity to serve. She stated she looks forward to working with the new Council members. She asked Council to review the bi-annual reorganization meeting procedures document provided by the Pennsylvania State Association of Boroughs (PSABS). She also announced that there are a number of opportunities to serve on the Borough's Boards and Commissions.

Member Neiderhiser made a motion to adjourn. Member Scott seconded the motion. Motion passed 8 yes, 0 no. Meeting adjourned at 9:39 P.M.

Attest: \_\_\_\_\_

Christine A. Hart  
Borough Manager