

BOROUGH OF NORTH WALES
 300 SCHOOL STREET
 NORTH WALES, PENNSYLVANIA

MEETING: February 14, 2017 7:01 PM, EST

CALL TO ORDER made by President McDonald.

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

Also in attendance was Gregory Gifford, Borough solicitor, and Chief Fantry.

President McDonald led the Pledge of Allegiance.

Public Comment

Andrew Berenson, 439 Washington Avenue, asked if there was any action taken after the executive session after the last meeting. President McDonald responded no.

Presentation: 2015 Audit Report, Maillie, LLP

Chris Herr presented the audit report and cited findings to include lack of segregation of duties, many journal entries, minutes done after the fact, and tax payments were accepted in the improper period. He said this has occurred previously. Member Sando asked if they were for the same properties. Mr. Herr replied he did not know. Manager Hart said she believes they were not. A discussion ensued regarding whether the bills were paid on time or what circumstances may have affected the payment. Mr. Herr proceeded with his report on what they look at and for.

Member Amato asked what is a trial balance. Mr. Herr replied a trial balance is a report of each individual account cash, liabilities, revenues and expenses, which in total should balance to zero. Member Amato asked how do you have an in proper transfer of funds entry. Mr. Herr said it is always something that needs to be looked at. When you move money from one fund to another, you must show it going out of one fund and being received in the other. He said there are some accounting packages that will book it. Manager Hart said our accounting system is not set up to do that, you need to show that it was transferred in and transferred out. There was further discussion on the transfer of funds entry.

Carol Ryan, 121 W. Montgomery Avenue, commented on the residents of the Lamb Foundation asking for food and/or money. She then commented on the safety of school children crossing the railroad tracks. She said there are not enough crossing guards to guarantee the safety of our children and residents. Chief Fantry said there is a police officer at the crossing at Main Street and W. Montgomery Avenue during school hours.

Appointments: Sub-Committees of Council, Auditor, Solicitor, and Engineer

President McDonald said basically the sub-committees are staying the same but we are adding a new one, Building Grounds Committee.

EMPLOYEE RELATIONS COMMITTEE:

Michael McDonald, Council President
Paula Scott, Council Member
James Sando, Council Member

FINANCE COMMITTEE:

Sally Neiderhiser, Council Member
Daniel O'Connell, Council Member
Salvatore Amato, Council Member

PUBLIC SAFETY COMMITTEE:

Michael McDonald, Council President
James Cherry, Council Vice President
Mark Tarlecki, Council Member
Gregory D'Angelo, Mayor
Chief of Police

TECHNOLOGY COMMITTEE:

John Davis, Council Member
Salvatore Amato, Council Member
James Sando, Council Member

BUILDING GROUNDS COMMITTEE:

Michael McDonald, Council President
James Cherry, Council Vice President
Mark Tarlecki, Council Member

Manager Hart said we have not started the 2016 audit because we do not have a letter of engagement for 2016. She said we are not forced to do the next agenda item but we do need to appoint someone for this year and we need to do the 2016 audit. In Maille's engagement letter for 2016, they are proposing the same price as in the past \$11,500.00 for 2016 with a \$500.00 increase each year thereafter.

Donna Mengel, 427 S. Main Street, asked why we are behind. Manager Hart said after Nate Dysard left the 2014 closing entries were not entered in 2015. She said Mr. Dysard was doing the entries and unfortunately there was not enough cross training.

Andrew Berenson, 439 Washington Avenue, asked if Council was aware of the situation before. Manager Hart said she thinks they were aware. She said the day to day work was being done but auditing is a different matter pulling entries, extracting data, compiling reports and having them compute.

Member Scott made a motion to renew the three-year contract with Maillie. Member Tarlecki seconded the motion. Motion passed 9 yes, 0 no.

President McDonald said next is the appointment of Rubin, Glickman, Steinberg and Gifford as the solicitor for the Borough.

Member Scott made a motion to appoint the firm of Rubin, Glickman, Steinberg and Gifford as the Borough solicitor. Member Sando seconded the motion. Motion passed 9 yes, 0 no.

President McDonald said the next appointment is Boucher & James as the Borough engineer.

Member Amato made a motion to appoint Boucher & James as the Borough engineer. Member Scott seconded the motion. Motion passed 9 yes, 0 no.

Consideration: Contract Renewal – 2016, 2017, and 2018 Maillie, LLP

This item was taken care of above.

Consideration: Appoint Interim Certified Building Official & Zoning Officer

Manager Hart said currently we utilize Building Inspection Underwriters as our building official and zoning officer. She said we will be putting out an RFP (Request for Proposal) and in the interim we will use Boucher & James. If we hire an assistant manager, he may be qualified to take on the responsibilities of code enforcement and zoning. She said zoning will be done by David Jones and the Certified Building Official will be on call for us. Manager Hart said this firm is well versed and this will give us time to evaluate what we need to prepare an RFP. She said their rate is \$63.00 an hour.

Member Scott made a motion to appoint Boucher & James as the interim Certified Building Official and Zoning Officer. Member Davis seconded the motion. Motion passed 9 yes, 0 no.

Consideration: Appoint Special Counsel

Manager Hart said in your packet is information on David Sander, who has represented the Borough on other zoning matters. She said we have a need for someone well versed in zoning. He will be put on retainer to answer specific questions that cannot be answered otherwise.

Andrew Berenson, 439 Washington Avenue, asked if Council knew how much it would cost and what happens if the amount is more than what was budgeted. Manager Hart said \$30,000.00 was budgeted and if it is over we could do a budget transfer.

Donna Mengel, 427 S. Main Street, asked if the money was ear marked as special counsel or potential litigation. She also asked how many cases of potential litigation there were for this year. Solicitor Gifford said the litigation with Sunlight of the Spirit House survived summary judgement and is now going into litigation. Ms. Mengel asked if the expenses were covered by insurance. Solicitor Gifford said the insurance is covering everything that is allowed; this is above and beyond what insurance will cover. He said Council is bringing in special counsel to make sure everything is covered. He said it is good to have someone who has expertise in zoning.

Member Sando made a motion to appoint David Sander as special counsel. Member Scott seconded the motion. Motion passed 9 yes, 0 no.

Discussion: Update and Plan Review for 432 Shearer Street Minor Sub-Division

Manager Hart said this project has had a lot of reviews. She said under the previous manager, Mr. DeMeno, it was approved for two single family homes facing West Street. She said Mr. Caracausa has changed it to a twin facing Shearer Street because of opposition. Manager Hart explained the procedures he went through and stated that his project has been ongoing for two years. She said Mr. Caracausa is entitled to an answer. She said any questions or concerns need to be addressed now.

Andrew Berenson asked what are the consequences if nothing is done. Manager Hart said it is a deemed appropriate plan for two singles.

Joanne Matthews, 421 Shearer Street, said the builder has conceded enough. She said he has the right to build two singles. A discussion ensued regarding the plan for 432 Shearer Street. Manager Hart said Maggie Dobbs has come upon some creative ideas that other municipalities have done, for example in lieu of trees do public improvement projects. She said we can take retainage for trees or sidewalks and use it for future public improvements. She said in our Subdivision and Land Development Ordinance (SALDO) you must put in sidewalks and Council needs to decide whether to waive sidewalks or trees.

Member Tarlecki asked about the root system of the trees on the property. Member Cherry said they are sycamore trees and because they are old they have a stronger and deeper root system. He gave a synopsis of the root system.

Member Sando said over the years I have seen money set aside for tree replacement and I don't know that we have ever had a tree replaced. He said if we grant waivers, we must follow through with trees being planted and when trees die sidewalks put in. He said let's not decide and not follow through.

Judy Miller, 312 E. Montgomery Avenue, asked how long do sycamore trees live. Member Cherry said they generally last a long time.

Member Davis said the size of sidewalk does not matter to him but eventually sidewalks should be connected. Manager Hart said Mr. Caracausa is willing to do another plan with rear facing garages but that would create more waivers. She said we must determine what is more important, tree scape or sidewalks. She said this will be on the February 28th agenda.

Member Sando said he is not sure of the storm water impact but since we know that there is a storm water problem how can we waive storm water issues. He said maybe we can apply the cost of sidewalks towards improved drainage. A discussion ensued regarding the pros and cons of granting sidewalk or storm water waivers.

Mr. Berenson asked that Council not string the developer along. Member Cherry said we are not stringing him along, he came looking for direction. He is doing as much as he can to accommodate the people on Shearer Street.

Ms. Matthews said he has spent the money and he will build on that lot one way or another. She said he is approved for two single homes. Manager Hart said she will tell Mr. Caracausa that most likely the waivers will be granted for 4 foot sidewalks instead of 5 feet on Shearer Street, keep the trees and see if that cost saving measure enables him to enhance drainage; and if he agrees to bring the plans here on February 28th.

Consideration: Approval of Minutes – January 24, 2017

Member Scott made a motion to approve the minutes of January 24, 2017. Member Neiderhiser seconded the motion. Motion passed 9 yes, 0 no.

Old Business/Committee & Board Reports/Zoning Applications

OLD BUSINESS – Manager Hart said four new computers were purchased, three for administration and one for the police. She said Chief Fantry had WatchGuard installed in the police vehicles and he did a fabulous job in the basement.

Ms. Mengel asked about the status of McKeeever's. Manager Hart said their time limit runs out February 28th and they recently signed another thirty-day review period. She said they will be meeting to see if they want to revise the plan or stay with the ten townhouses.

Manager Hart said there are no pending zoning applications. She said on February 7th there was a hearing for the North Penn Volunteer Fire Company and all the variances were granted.

Solicitor/Mayor/Council/Manager

Mayor D'Angelo said today is Valentine's Day and the fact that we are sitting around this table it seems we love the Borough more than our spouses. He said today marks the 80th birthday of our former Mayor Herb Schlegel.

Member Davis thanked public works, Manager Hart and Chief Fantry for snow removal. He said three trucks are not enough and we need to figure out how to make their job easier.

Member Cherry introduced the new chairperson of the Borough Business Alliance, Duncan Reed. Mr. Reed said he and Cyle Hall, from Tex Mex, are chairs and they are looking to have a relationship with the Borough and see what they can do. President McDonald thanked him for stepping up. He said he heard a lot of enthusiasm and energy and wished them good luck.

Manager Hart said the Personnel Committee had interviews and there were a few good candidates. She said the candidates will come before Council in executive session.

Member Scott made a motion to adjourn. Member Neiderhiser seconded the motion. Motion passed 9 yes, 0 no.

Attest: _____
Christine A. Hart
Borough Manager