

BOROUGH OF NORTH WALES
 300 SCHOOL STREET
 NORTH WALES, PENNSYLVANIA 19454

MEETING: September 22, 2015 7:02 P.M. EST

CALL TO ORDER made by President McDonald

ROLL CALL:	Michael McDonald, President	Present
	Christine Hart, Vice President	Present
	Jim Cherry	Present
	Sally Neiderhiser	Present
	Daniel H. O'Connell, Sr.	Present
	Ed Redstreak	Present
	Jim Sando	Present
	Paula Scott	Present
	Mark Tarlecki	Absent
	Greg D'Angelo, Mayor	Present

Also in attendance was John Filice, Borough solicitor.

President McDonald led the Pledge of Allegiance.

Public Comment

Rebecca Flannery, 405 School Street, asked about the issues related to her rear yard. President McDonald asked engineer Amy Montgomery about a report. Ms. Montgomery said that she has been in contact with Solicitor Gifford. President McDonald said that the Borough solicitor will reach out to her.

Julia Libor, 123 N. Fourth Street, said she had asked several times that the light illuminating the flag be repaired. She said there is a problem with both lights. She said it is a lack of respect that the flag is not illuminated.

Ms. Flannery asked about the indent in the road on School Street across from the construction on Beaver Street. Chief Levy said he will get PECO to take care of it.

Laine Fountaine, 439 Shearer Street, asked if anyone had checked to see if there were people buried at 432 Shearer Street. Developer Caracausa said that the property does not have any areas where people were buried. Ms. Fountaine also asked about storm water runoff once the new houses are built.

Member Hart gave a brief history of the property and said she believes no record of burials are present at that location.

Consideration: Waivers for 432 Shearer Street

Developer David Caracausa said a request for waivers was submitted in June of this year. The waivers are the width of the sidewalks, storm water peak rates, the grading around trees, the existing features 400 feet from the property, and control of storm water through 100 year storm. Ms. Montgomery reviewed each waiver. Ms. Montgomery said that the sidewalk waiver is of minimal concern. The second waiver is related to the peak rate waiver because of the addition of the sidewalks, which was requested by the neighbors. The third related to grading and protecting the trees. The existing features are not a concern. The State Water Quality Infiltration requirements would require a waiver but the extra water generated by this plan should not be a lot.

Mr. Caracausa showed a diagram of the proposed development and described the planned construction. Basically, they are building two single family homes facing West Street.

Ms. Fountaine asked about the storm water runoff. Mr. Caracausa said the criterion was met except for the sidewalks. Ms. Fountaine said you are saying the rain gardens are a solution when they have proved that they are not a solution and will the new owners know about their responsibility to maintain them. Why is it okay to do rain gardens when it is proven they do not work? Mr. Caracausa said the rain gardens are the best management practice for water runoff. He explained the process of how the rain gardens work. Ms. Montgomery confirmed the accuracy of Mr. Caracausa's explanation. She said the purchasers will be informed of their responsibility to maintain the rain gardens. Member Hart said the rain gardens are not necessarily approved. Ms. Montgomery explained the requirements of the ordinance and how it relates to the requirements of the state. Member Hart asked what happens if the storm water management does not work. Ms. Montgomery said it would be up to the Borough to enforce maintenance. Member Cherry mentioned that several parks have rain gardens that do not work and he expressed concerns for the new owners. Member Redstreak asked if there were other alternatives. Ms. Montgomery said that you could do an underground bed that has a discharge point. Mr. Caracausa said there are no storm water inlets near the property.

Sal Amato, 201 S. Tenth Street, asked about water runoff after construction. Ms. Montgomery asked where Ms. Fountaine lives. Mr. Amato said she lives across the alley. Mayor D'Angelo said the previous manager was to contact PENN DOT about the inlets at West and Walnut Streets. Now the water authority is trying to contact them to recommend that they look at the inlets on Walnut Street. Mr. Amato asked who is responsible if the rain gardens don't work. Ms. Montgomery said that the home owner is responsible. She said the Borough could wave the storm water requirements if they felt that it was appropriate as long as the runoff would not create an adverse effect.

Maria Sweeney, 330 W. Walnut Street, asked if the new homes would have basements. Mr. Caracausa replied yes. She said the new home next to her home has caused some problems to her property. She proceeded to describe the procedure that the builder did to eliminate the water problem but she still has a wet yard.

Jacqueline Morgan, 435 W. Walnut Street, said she has been a resident for 22 years. Ms. Morgan also owns 431 and 437 W. Walnut Street. She talked about what she has done on her property to upgrade and handle runoff issues. Ms. Morgan expressed her concerns about the development. She said her neighbor has a tremendous runoff and in the winter the sidewalk is frozen over. She said she is against putting two homes on the lot.

Ms. Flannery talked about the storm water improvements that were done at the SEPTA lot when it was redone and N. Fourth Street improvements. She said during that period large holes were dug behind 405 School Street. It has been years since these holes were taken care of.

Chris Wolowicz, 200 West Street, asked how will the sewage be pumped out and what happens if the pump fails. He asked who would be responsible for the cleanup if the pump fails. Mr. Caracausa explained how the pumping system works.

Tim Weigner, 430 Shearer Street, expressed his concerns about the rain gardens and the runoff from the sidewalks. He asked who would enforce the maintenance of the rain gardens. Member Hart asked if there would be a deed restriction. Mr. Caracausa replied yes.

Loretta Weigner, 430 Shearer Street, said she works at a large complex that has rain gardens and their full time landscaper said he has never seen a rain garden work properly.

Mike Taylor, 303 W. Montgomery Avenue, asked about access to the new properties, setbacks and the width of the sidewalks. Mr. Caracausa replied that they meet the required setbacks. A brief discussion ensued regarding the width of the sidewalks.

Mr. Caracausa said no matter how you feel about rain gardens, they are considered the best water management practice. Every new development has them. Member Cherry asked if they were being used at Mr. Caracausa's other development at Tenth and Prospect. He responded yes. Member Cherry also asked about grading closer to existing trees and expressed his concerns about how this will impact the existing trees and their roots. Mr. Caracausa said the plan takes into consideration his concerns.

Martha Lotus, 307 S. Eighth Street, asked if brick driveways would help with runoff. Mr. Caracausa said there is impervious macadam, that is something I can look at but I don't see it tipping the scale that much.

Linda McAdoo, 412 Shearer Street, sent a letter to Member Hart to read at the Council meeting. In her letter she expressed her concerns about the rain gardens and the façade that would be facing Shearer Street.

A discussion ensued regarding rain gardens and their upkeep, new homes that are being built in the Borough, the price of new homes and if they will become rental properties. Member Redstreak expressed concerns about how this development will impact the community.

Mr. Caracausa asked if Council could give their opinions on his waivers so he knows where to go with his plans. Member Hart asked if he could clarify the waiver related to the 400 feet. Ms. Montgomery said the existing ordinance requires that some existing features be maintained. Member Hart also asked about the infiltration requirements. Ms. Montgomery said this relates to water quality.

Member Sando said the rain garden is part of the plan due to impervious surface. He asked are the rain gardens necessary if the sidewalks are not installed. Ms. Montgomery said the rain gardens would still be required because they are for storm water management. Mayor D'Angelo said rain gardens will work if the soil is amended.

Member Scott asked if underground water tanks have been considered as an option. Mr. Caracausa said there is no place to put the tanks because there is no storm water pipe near the property.

Member O'Connell asked where the storm water pipe at West and Walnut goes. He asked if it was possible to put a culvert in front of the property on West Street. Mr. Caracausa said he is still dealing with the rate of water flow. He said there are existing problems and he cannot fix them.

Ms. Montgomery said that the developer has expressed a willingness to look into tying into the storm sewer. Mr. Caracausa asked Council to agree to the waivers for the sidewalks and the 400 foot waiver. Solicitor Filice advised Council not to approve the waivers piece meal. Member Hart asked if the Safe Routes to School Project would impact the width of the sidewalks. This is something that needs to be investigated.

Member Hart suggested that the Borough reach out to the citizens and encourage them to send concerns electronically to Chief Levy who will forward them to Member McDonald and herself. Then they will inform Council about the concerns and make a decision in two weeks.

Consideration: Waivers for 715 E. Walnut Street

Jason T. Smeland, Lenape Valley Engineering, gave a brief overview of the four waivers requested for 715 E. Walnut Street. He said they do not have the problem with storm water as the previous presentation.

Member Cherry and Member Sando expressed concerns about the additional water from the development. Ms. Montgomery said methodology is the best way to do the calculations for this project.

Member Cherry asked about the trees that were already removed. Mr. Smeland said some were under 6 inches or diseased. Member Cherry replied some of the trees removed were shade trees and a permit should have been obtained. He asked if those trees were being taken into account for the number of replacement trees. Mr. Smeland replied no only the three shown on the plan that need to be removed. A discussion

ensued regarding the number of trees on the property, the number of trees that were on the property, the location of the new trees related to line of site, and the number of trees that would be donated to the Borough.

The developer will give the Borough a maximum of \$350.00 for eleven trees that the Borough will plant in other locations (for a total of \$3,850.00). The developer asked if Member Cherry could join the developer in buying the trees for a maximum of \$3,850.00. Member Hart made a motion to accept the agreement between the developer and the Borough to plant four new trees in the back, two in the front, which is seven less than the total number of trees that were originally proposed by the developer. Member Sando seconded the motion. Motion passed 8 yes, 0 no.

Member Hart made a motion to approve the following waivers: Section 184-15 I; Section 184-26 C; Section 184-33 C (1) (b), and Section 184-25 A (5), to include the above stated change. Member Scott seconded the motion. Motion passed 8 yes, 0 no.

Member O'Connell made a motion to approve the plan subject to the above listed waivers and subject to abiding by the letter dated August 11, 2015, from engineer Amy Montgomery. Member Hart seconded the motion. Motion passed 8 yes, 0 no.

Herbert Schlegel, 301 W. Montgomery Avenue, stated that he thought the plan was rejected. It was explained that the previous plan called for six units. This one is for two single family homes.

Consideration: Handicapped Parking at 209 S. Fifth Street

President McDonald said we have a letter requesting a handicapped parking space in front of 209 S. Fifth Street. He asked Chief Levy to notify the resident that it is not for their exclusive use. Member Hart made a motion to approve a handicapped space at 209 S. Fifth Street. Member Neiderhiser seconded the motion. Motion passed 8 yes, 0 no.

Approve Minutes: August 25, 2015

Member Redstreak made a motion to approve the minutes of August 25, 2015. Member Cherry seconded the motion. Motion passed 8 yes, 0 no.

Disbursement: \$49,449.32

President McDonald gave a brief overview of the bills to include: NWWA, repair of public works trucks; MRM Workers' Comp; 21st Century, ad for Borough manager; and SWIF for fire company's workers' comp.

Member Scott made a motion to approve payment of the disbursements in the amount of \$49,449.32. Member Neiderhiser seconded the motion. Motion passed 8 yes, 0 no.

Consideration: Certificate of Appropriateness for 115 W. Montgomery Avenue

Member Hart made a motion to approve the Certificate of Appropriateness for 115 W. Montgomery Avenue for a new roof. Member Hart also wanted it noted that the roof work had started today prior to approval. Member Scott seconded the motion. Motion passed 8 yes, 0 no.

Old Business/Committee Reports/Zoning Applications

There was no old business.

Personnel Committee - President McDonald reported that interviews, for the open manager position, are scheduled for next week.

Member Hart reminded everyone that there is a zoning hearing scheduled for October 6. This meeting is a continuance from the zoning hearing meeting in September regarding the house at 509 E. Montgomery Avenue. She said the chairs will be rearranged for the meeting.

Solicitor/Mayor/Council/Manager

Solicitor Filice said that there will be a brief executive session following the meeting with no action required.

Mayor D'Angelo talked about a study related to future waste water treatment requirements and that Upper Gwynedd and the Water Authority are involved in this study. He said that he and Chief Levy attended a meeting related to the Papal visit. Member Cherry asked if they were closing Church Road in Upper Gwynedd. Mayor D'Angelo responded yes because Pennbrook Station was one of the train stops.

Member Hart reminded everyone about Community Day and Octoberfest on October 3, 2015. The hours for Octoberfest are 12 PM to 6 PM and the hours for Community Day are 11 AM to 4 PM.

Member Cherry reported that there will be a movie night on October 30, 2015 and costumes are recommended.

Member Sando made a motion to adjourn. Member Cherry seconded the motion. Motion passed 8 yes, 0 no. Meeting adjourned at 9:30 PM.

Attest: _____

Alex H. Levy
Interim Borough Manager