

BOROUGH OF NORTH WALES  
 300 SCHOOL STREET  
 NORTH WALES, PENNSYLVANIA

MEETING: December 12, 2023, 7:00 P.M., EST

CALL TO ORDER made by President Amato.

ROLL CALL:	Salvatore Amato	Present
	Sherwin Collins	Present
	Anji Fazio	Present
	Alexander Groce	Present
	Brittany Kohler	Present
	Wendy McClure	Present
	Sally Neiderhiser	Present
	Mark Tarlecki	Present
	Sarah Whelan	Present
	Mayor Neil McDevitt	Absent

Also, in attendance were Alex Turock, Assistant Borough Manager and Gregory Gifford, Esq., Borough Solicitor.

President Amato led the Pledge of Allegiance.

### **Public Comment**

Andrew Berenson, 439 Washington Avenue wished everyone Happy Holidays and New Year.

### **Consideration: Preliminary/Final Subdivision Plan Approval - 515 E Prospect Avenue**

Manager Hart explained that the subdivision has been reviewed by Montgomery County Planning Commission, the Borough Engineer, and the Borough Planning Commission. Applicants Michael and Eileen George along with their family were present. Jason Smeland, Lenape Valley Engineering, presented on behalf of the applicants a summary of the two-lot subdivision commenting that it is being done so that a house can be built on the second lot and the Georges can age-in-place in the existing house while their daughter and son-in-law live next door at the newly constructed house. Jason Smeland reviewed the four waiver requests that were being sought. Jason stated the first request was to waive the tree type requirements to allow the planting of one canopy tree and six evergreen shrubs, the second request was to waive the requirement for showing existing structures within 400ft of the property and accept an aerial photo instead, the third request was to waive the sidewalk requirement and take the ultimate right-of-way instead, along with a fee-in-lieu of sidewalks, due to a lack of sidewalks on the rest of the properties on the street, the fourth request was a waiver of the underground utilities connection requirements.

Member Amato commented that the Borough is committed to having sidewalks throughout the Borough as is shown by the comp plan. He continued to note that the cost of construction will only increase with time.

Member Tarlecki stated support for Member Amato's comments emphasizing that installing sidewalks now will be less expensive than in the future and that the comp plan prioritizes adding sidewalks throughout the Borough so to be consistent with the plan he supports requiring sidewalks in this plan.

Member McClure stated support for the tree waiver. She also said she understands the family's concerns about the sidewalk not being continuous. She asked if there were sidewalks on the other side of the street. Jason Smeland confirmed that there were sidewalks on the other side of the street. Member McClure said due to the sidewalks not being continuous she would support a waiver of the sidewalk requirements.

Manager Hart suggested seeking a motion for each waiver to be able to discuss them individually and then summarize them in one vote with the waivers and conditions in place.

Member Amato clarified that one large canopy tree will be planted in the front yard and that evergreen shrubs will be planted in the back yard. Jason Smeland confirmed.

Member Amato asked if the new setback goes along with the new zoning guidelines. Jason Smeland confirmed that it does.

Manager Hart reviewed that the zoning hearing board has already granted relief for the setbacks.

Manager Hart stated that in speaking with the Borough Engineer it would be recommended not to accept the ultimate right-of-way.

Member Amato asked if the issue with the driveways has been resolved. Jason Smeland explained that he spoke to the Borough Engineer about how the moving up of the house reduced impervious surface coverage and that there will be a plan to utilize the space between the driveways for improved stormwater drainage. Member Amato asked if the plans leave enough room for future improvements due to the limits on impervious surface. Jason Smeland commented that the property will be close to the impervious surface coverage restrictions and thus future additions of impervious surface may be a challenge.

Manager Hart asked if there has been an agreement between Jason Smeland and the Borough Engineer that the evergreen shrubs would be considered in the stormwater management plan. Jason Smeland responded that there has not been an agreement, but in his experience, credit has been awarded for such trees.

Member McClure asked if the trees would be native options or not. Jason Smeland responded that the intention is to plant native varieties of trees. Member McClure asked what would be behind the backyard trees. Jason Smeland responded that the neighboring property would be behind those trees which would act as a barrier. Member McClure clarified that her concern was

that if they were shallow root trees like a White Pine her fear was that they would be uprooted and end up on the other side.

Member Tarlecki explained that a shallow root tree takes hold better than a tap root tree and is why Planning Commission had recommended something like an arborvitae which Planning Commission felt would better help manage stormwater along with other stormwater improvements that would be at the back of the property.

Member Amato asked for an explanation of the ultimate right-of-way. Manager Hart explained the right-of-way process and that if the Borough were to take the ultimate right-of-way, it would need to be deeded to the Borough and thus the Borough would be responsible for it if for some reason the project fell through. Manager Hart added that Council needs to choose tonight as part of this plan whether or not to take the ultimate right-of-way. Solicitor Gifford agreed with Manager Hart's explanation and said typically municipalities choose to take the ultimate right-of-way when there is a project plan in place and it is needed in a long stretch of properties, but this would be only one such property along that road.

Member Tarlecki read from the Montgomery County Planning Commission Memo regarding sidewalks, "It is thoroughly encouraged that the Borough require the applicant to provide five-foot sidewalk along the frontage of lots one and two as required by ordinance 184-9 of the subdivision and land development ordinance. The property immediately to the north of the subject provides a sidewalk along its entire frontage and constructing a new sidewalk along the frontage of the subject parcel would fill a critical gap in the sidewalk network. The Borough has shown a constant commitment to enhancing walkability within the community. In 2021 the Borough conducted a Borough-wide walkability study where every intersection of sidewalk was analyzed. The block in question was identified as an area with gaps in the sidewalk network that ought to be addressed particularly due to its proximity to North Wales Elementary School."

Member Kohler stated that she understands and sees the benefits of waiting to install sidewalks, however the Borough is currently working in other areas to install sidewalks and it would be beneficial to install them now due to rising costs. She also encouraged Council to consider the precedent and send a consistent message to residents regarding sidewalks.

Michael George, 515 E. Prospect Avenue, commented that his issue with the sidewalk is a safety concern because the sidewalk would be a sidewalk to nowhere and he worried what would happen if someone fell off the end of the sidewalk or had to cross through traffic from the new sidewalk to the other side of the street to get on sidewalk again.

Member McClure stated that she understood the point, but that to Brittany's point the Borough is working in other parts of town to install long stretches of sidewalks, but this is not such a stretch and would only be one property.

Member Whelan commented on the sidewalks to nowhere stating that she also has a sidewalk that leads to nowhere on Beaver Street which her child must use to get to the bus stop and she would like to see sidewalks down the rest of the street, but currently she feels people are glad when they get to her piece of sidewalk.

Al Tenney, 801 E. Walnut Street, commented that there is already a sidewalk to nowhere and this would not change that either way.

Manager Hart suggested that Council vote on each waiver and then Solicitor Gifford combine all of that into one motion to reflecting the appropriate waivers and conditions.

Member McClure made a motion to waive replacement trees consistent with Planning Commission's recommendations of planting one canopy tree and six evergreen shrubs. Member Fazio seconded the motion. Motion passed 9 yes, 0 no.

Member Kohler made a motion to waive section 184-33C (1)B(9) regarding existing features with 400 feet. Member Whelan seconded the motion. Motion passed 9 yes, 0 no.

Member Fazio made a motion to waive the requirement for electric and tel-com utility services to be run underground. Member McClure seconded the motion. Motion passed 9 yes, 0 no.

Member Groce commented to echo Member Kohler's point about Council considering the precedent and consistent messaging to residents about sidewalks prior to voting on the sidewalk waiver.

Jason Smeland commented that the Planning Commission did discuss an option for waiving the five-foot requirement for sidewalks and instead allowing four-foot sidewalks. Manager Hart explained that Council would have the power to require four-foot sidewalks instead of five-foot sidewalks. Jason Smeland amended the waiver request to seek a waiver to allow four-foot sidewalks instead of five-foot sidewalks.

Member Whelan asked if potential, future grant funding would require the sidewalks to be five feet wide. Manager Hart explained that those requirements are based on what funding source would be providing the grant. Member Whelan asked if someone in a wheelchair would be able to safely navigate a non-compliant sidewalk. Manager Hart clarified that five feet widths are typically for turnarounds which the driveway aprons could be used for if four feet sidewalks were installed.

Member Kohler explained that a vote for four feet wide sidewalks would be going against the ADA recommendations.

Member Collins made a motion to approve the waiver request to allow for sidewalks to be four feet wide instead of five feet wide. Member Welan Seconded. Member Amato called for a roll call vote. The motion failed 4 yes, 5 no from Member Kohler, Member Groce, Member McClure, Member Fazio, and Member Whelan.

Jason Smeland commented after the vote that the four feet sidewalks would still be ADA compliant and if noncompliance was what caused no votes he disagrees with that assessment.

Member Kohler made a motion to approve the application for subdivision with the conditions that the applicant must comply with the Borough Engineer's review letter dated December 3<sup>rd</sup>, 2023 including, but not limited to the additional or future discovered stormwater requirements

and with the following waiver conditions, one: waiver regarding the replacement trees, two: waiver regarding the existing features within 400ft, and three: waiver regarding the utilities being underground, and Council does not accept the ultimate right-of-way. Member Whelan seconded the motion. Motion passed 9 yes, 0 no.

Jason Smeland thanked the Council for listening to the applicant's concerns and seriously considering each part of the application.

Member Amato and Manager Hart thanked Jason Smeland for his professionalism throughout the process.

### **Consideration: Approval of the 2024 Tax Millage Ordinance**

Member McClure made a motion to approve the 2024 Tax Ordinance. Member Groce seconded the motion. Motion passed 9 yes, 0 no.

### **Consideration: Adoption of the 2024 Fee Schedule**

Manager Hart explained that the fee schedule has been reviewed and no changes are being presented.

Member Amato asked for clarification of lodging fees under the fees for services section. Manager Hart explained that is for other agencies to lodge on our behalf.

Member McClure made a motion to approve the 2024 Fee Schedule. Member Kohler seconded the motion. Motion passed 9 yes, 0 no.

### **Consideration: Approval and Advertisement of 2024 Meeting Schedules**

Manager Hart reviewed the conflicts between regular meetings and holidays which have been accounted for in these schedules.

Member Kohler made a motion to approve and advertise the 2024 Meeting Schedules. Member Whelan seconded the motion. Motion passed 9 yes, 0 no.

### **Consideration: Approval of 2024 Holiday Schedule**

Manager Hart reviewed that no holidays have been added for 2024 and that the Borough follows the federal holiday list.

Member Whelan asked that Columbus Day be changed to Indigenous People's Day.

Member Neiderhiser made a motion to approve the 2024 Holiday Schedule. Member McClure seconded the motion. Motion passed 9 yes, 0 no.

**Consideration: Acceptance of the Resignation of Greta Martin Washington from Planning Commission**

Member Fazio made a motion to accept the resignation of Greta Martin Washington from Planning Commission. Member Collins seconded the motion. Motion passed 9 yes, 0 no.

Greg D'Angelo, 915 E. Montgomery Avenue, expressed that the resignation of Greta Martin Washington will be missed on the Planning Commission due to her expertise, time, and dedication to Planning Commission. Member Amato added that she is a former council member as well, so she has served this community for a long time in multiple roles. Member Tarlecki acknowledged Greta's wealth of knowledge on the topic of planning and that knowledge will be missed on Planning Commission.

**Consideration: Acceptance of the Resignation of Gregory Lord from Zoning Hearing Board**

Member Amato commended Mr. Lord for his service to the community and stated that Greg leaves behind big shoes to fill on Zoning Hearing Board.

Member McClure made a motion to accept the resignation of Gregory Lord from Zoning Hearing Board. Member Whelan seconded the motion. Motion passed 9 yes, 0 no.

**Consideration: Appointment of Civil Service Commission Member, Term Expiring 12/31/2025**

Manager Hart reviewed what the Civil Service Commission's role is.

Member Kohler made a motion to appoint Jamie Sharkey to the Civil Service Commission, term expiring 12/31/2025. Member McClure seconded the motion. Motion passed 9 yes, 0 no.

**Discussion: 2024 Boards and Commissions Vacancies**

Manager Hart reviewed the vacancies and expiring terms for the Borough's boards and commissions.

Member Fazio asked if we could blast the vacancies and descriptions all over social media.

Member Whelan asked if term lengths were able to be changed. Manager Hart explained that term lengths are set by Borough Code and that they are staggered terms.

Member Collins asked how effective posting vacancies on the kiosks would be. Manager Hart explained that the kiosks have limited room, and it is difficult to fully explain the vacancy on the kiosks.

Member Amato asked to edit the list to see how large the board or commission is and so that the status of the board or commission could be easily seen.

**Consideration: Approval of Disbursements: \$48,684.20**

Member McClure made a motion to pay the bills. Member Neiderhiser seconded the motion. Motion passed 9 yes, 0 no.

**Consideration: Approval of Minutes: November 28, 2023**

Member Neiderhiser made a motion to approve the minutes of Borough Council meeting November 28, 2023. Member Fazio seconded the motion. Motion passed 9 yes, 0 no.

**Consideration: Cancellation of Borough Council Meeting – December 26, 2023**

Member McClure made a motion to cancel the Borough Council meeting December 26, 2023. Member Neiderhiser seconded the motion.

Manager Hart pointed out that the meeting was originally advertised for the 19<sup>th</sup> not the 26<sup>th</sup>.

Member McClure amended her motion to cancel the Borough Council meeting December 19<sup>th</sup>, 2023. Member Neiderhiser accepted the changes. Motion passed 9 yes, 0 no.

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

Manager Hart reviewed the PSABs guidelines and administration's memo about the mandatory reorganization process. Member Amato reminded council members to bring their certification of election to that meeting. Member Amato recommended to Council that there should be new guidance for setting up committees of Council and that this be discussed in January.

Andrew Berenson, 439 Washington Ave., asked what role the president pro tem has. Member Amato explained that the president pro tem is meant to run the meeting should the president and vice president be unable to do so.

Manager Hart reviewed the design of a Wall of History Museum sign to be added to the Borough Hall sign as requested at the previous meeting. Member Whelan stated that this was a great way to draw attention to the museum that people don't know about. Member Kohler stated that the museum will be quite busy once the sign is installed.

Manager Hart reviewed a local business owner's offer to place outside Borough Hall, a jaguar statue for the Elmwood Park Zoo 100<sup>th</sup> anniversary event.

Manager Hart reminded Council that Tuesday, January 16<sup>th</sup> Borough Hall will be a polling place for a special election on a school district referendum. Member Kohler commented that the first students that would be attending the renovated school are currently in second grade and that this is an important forward-thinking renovation.

Manager Hart stated that the Borough has received an application for a Zoning Hearing for 214 S. 8<sup>th</sup> Street seeking relief for an accessory structure to have an enclosed porch.

**Solicitor / Mayor / Council / Chief / Public Works / Manager**

Solicitor Gifford stated that there will be an executive session following the meeting on a matter of personnel and a legal matter.

Member Whelan encouraged people to research Indigenous People's Day which is an official city and state holiday in various locations and celebrates and honors indigenous American peoples and commemorates their histories and cultures.

Member Kohler wished every resident and everyone who serves the Borough a happy holiday season and encouraged everyone to hold in mind the armed services that serving the country.

Member Groce wished a Happy Hanukkah to all residents that celebrate it.

Member Neiderhiser supported Member Whelan's comments about Indigenous People's Day and wished everyone a Happy Holiday.

Member Fazio stated that the Borough's Tree Lighting was amazing, and that Austin did a great job reading and the Mayor did a great job signing 'T'was the Night Before Christmas. Member Fazio emphasized the importance of voting during the special election.

Manager Hart reviewed pictures from the Tree Lighting and thanked those who made the event possible.

Member McClure stated her gratitude for Council working well together and that it has not always been the case, so she is thankful for having such a great Council. She also wished everyone happy holidays.

Member Tarlecki wished everyone a safe holiday season. He updated Council on the 2024 goals of Planning Commission which includes reviewing the SALDO.

Member Amato echoed Member McClure's gratitude for Council working well together and stated he looks forward to continuing to work with this Council in the new year. He also expressed his thanks for Manager Hart and all that she does for the Borough. Member Amato also wished everyone happy holidays.

Andrew Berenson, 439 Washington Ave., stated that he has issues with the change from Columbus Day to Indigenous People's Day.

Manager Hart commented that the Library is hosting a family movie screening of The Grinch on December 13, and Santa is coming to the Library on December 15. She added that the NWCPA will judge the House Decorating Contest on December 17<sup>th</sup>. No entry is required. If the house is decorated it will be judged and the winning house will go in next year's newsletter. Manager Hart also stated that Skippack Pharmacy will be hosting a vaccination clinic at Borough Hall on December 19<sup>th</sup> from 4pm to 7pm. Manager Hart also thanked those that donated to the Soldier's

Christmas event and Martha Lottes who delivered the donations. Manager Hart concluded by wishing everyone a happy holiday.

Al Tenney, 801 E. Walnut Street, thanked public works for decorating the town so beautifully.

### **Adjournment**

Member McClure made a motion to adjourn. Member Fazio seconded the motion. Motion passed 9 yes, 0 no. Meeting adjourned at 8:53 P.M.

Attest: \_\_\_\_\_  
Christine A. Hart  
Borough Manager