

NARBERTH BOROUGH

BOROUGH COUNCIL

MONTGOMERY COUNTY, PENNSYLVANIA

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A public hearing was held before the Narberth Borough Council, in Narberth Borough, Montgomery County, Pennsylvania, at the Narberth Borough Municipal Building, 100 Conway Avenue, Narberth, Pennsylvania, on Monday, March 14, 2016, commencing at 8:00 p.m., for the Borough Council caucus meeting.

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BOARD MEMBERS PRESENT:

AARON MUDERICK, President
GIGI TEVLIN-MOFFAT, Vice-president
CHARLES SILIO
ROBERT WEGBREIT
ROBERT WEISBORD
MARLENE RICHMOND

- - -

COUNSEL APPEARED AS FOLLOWS:

JOHN WALKO, ESQUIRE
for the Borough

- - -

ALSO PRESENT:

THOMAS GRADY, Mayor
SEAN METRICK, Borough Manager

- - -

TIM KUREK
OFFICIAL COURT REPORTER
(610) 278-3237

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BOROUGH COUNCIL CAUCUS MEETING

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THE CHAIRMAN: Welcome,

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everybody. I will call to order the March 14,

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8:00 p.m. meeting of Narberth Borough Council.

5

Mr. Metrick, could you call

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the role, please?

7

MR. METRICK: Mr. Muderick.

8

THE CHAIRMAN: Present.

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MR. METRICK: Ms.

10

Tevlin-Moffat.

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MS. TEVLIN-MOFFAT: Present.

12

MR. METRICK: Mr. Diaz.

13

(No response.)

14

MR. METRICK: Ms. Richmond.

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MS. RICHMOND: Here.

16

MR. METRICK: Mr. Silio.

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MR. SILIO: Present.

18

MR. METRICK: Mr. Wegbreit.

19

MR. WEGBREIT: Here.

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MR. METRICK: Mr. Weisbord.

21

MR. WEISBORD: Here.

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MR. METRICK: Mayor Grady.

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THE MAYOR: Present.

24

MR. METRICK: And Mr. Walko.

25

MR. WALKO: Present.

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BOROUGH COUNCIL CAUCUS MEETING

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THE CHAIRMAN: Thank you. I'm going to defer any comments from myself at this time. I feel like we have a pretty meaty agenda ahead of us. I'm sure I'll have a lot to say.

6

Mr. Mayor, do you have a report?

8

THE MAYOR: Yes, I do, Council President.

10

My talk tonight is going to deal with the concern with issues regarding the Borough permit process.

13

Back on February 23rd of 2016, I sent an e-mail to our Borough manager directing him not to issue a permit until I had an opportunity to go over safety reasons.

17

I just learned this Friday that the permit was approved. I have not seen the approved permit before it was sent out. I have not been given documents with regard to that permit. I have not had an opportunity to review that permit for safety reasons.

23

I directed our Borough manager to withdrawal that permit immediately. He refused. I've been advised that he would not

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2 do it. And I would like to address that issue
3 with Council tonight and our residents tonight.

4 It is absolutely clear, and
5 you'll hear from Mr. Walko later tonight, that
6 the Mayor doesn't have a role in the permitting
7 process. There isn't section sub B or sub C that
8 says, hey, the Mayor gets a chance to decide what
9 to do with it. That doesn't exist. It's not in
10 the permitting code. It's not in the Zoning
11 Code. But what we do have is a Borough Code.
12 And under the Borough Code, the mayor is directed
13 to maintain order in the Borough and look after
14 public safety. I have issues with regard to
15 that.

16 We can fight over permitting
17 with regard to whether it's a right thing to do
18 and have the Mayor involved in the permitting
19 process, or we can fight over what is the mayor's
20 job, what is the mayor suppose to really do in
21 the Borough? A lot of people don't know.

22 But I do know that why would
23 you not err on the side of public safety. And
24 that should be concerning, because that becomes a
25 more of a common sense issue. Even if I was

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BOROUGH COUNCIL CAUCUS MEETING

2 wrong, why would you not give it to me for first
3 of reviewing it before it went out, and it wasn't
4 done.

5 So I'm advising the
6 residents, I'm advising Borough Council, but I
7 object to that type of procedure going through
8 Council at this point.

9 There are series of e-mails
10 I'll mark as M-1 and put them in the record.
11 These are e-mails between myself and Borough
12 manager directing him to withdrawal the permit
13 that has not been withdrawn.

14 With regard to the process,
15 we can argue all night long as far as who is
16 right. But I firmly believe that we should have
17 an opportunity, there should always be an
18 opportunity by the Mayor to review something
19 before it gets approved and sent out by the
20 Borough.

21 I'm not an engineer. I do
22 know whether there's a safety issue involved.
23 And on the face of this document, I'm not going
24 to impugn the contractor that's on the document,
25 but I will address how he describes his business

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2 to you. This is the person that is under the
3 demolition. This is new demolition.

4 Lantern Landscapes is a
5 small, fairly new organization in the landscape
6 firm located in Malvern, Pennsylvania. An
7 opening store in 2011 and now has an estimated
8 \$69,000 in yearly revenue and two employees. On
9 the face of that, that demolition application, I
10 have some issues. I have some real issues with
11 regard to it.

12 I'm disappointed that my
13 directive was not upheld by the Borough manager.
14 Because at the end of the day, the only person
15 that's going to be standing at the end of a
16 microphone, God forbid something happens with
17 regard to demolition, is me. It's not going to
18 be Mr. Yerkes. I don't know who Mr. Yerkes is.
19 And I don't know who else is going to take
20 responsibility. But part of the job and part of
21 the pact I have with this Borough is to take
22 responsibility and address matters.

23 No one was happy with the
24 left-hand turn, but it was necessary because it
25 was a public safety measure. I think I'm the

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BOROUGH COUNCIL CAUCUS MEETING

2 only person on the 4th of July who can't drink.

3 It's amazing. Why? Because in the event -- I

4 need to make sure that when there's an event that

5 happens and fireworks go off or it's pouring rain

6 or something is happening, I'm there to respond.

7 I'm responsible. I'm answerable. And part of my

8 pact with the residents of this Borough is to

9 ensure public safety and do my best to ensure

10 that public safety. In this situation, that has

11 not occurred. Thank you.

12 **THE CHAIRMAN:** Thank you.

13 As many of you know, we have

14 rearranged our business meeting agenda to move

15 public comment before much of the committee

16 reporting and discussions. And I would like to

17 say there's a number of motions here.

18 Public comment, the question

19 came to me via e-mail, you can comment on

20 anything you'd like. If you want to read poetry

21 in your allotted time, you are entitled to do it.

22 The goal of public comment, staying on items on

23 the agenda, is to help us focus and get business

24 done more effectively, not to exclude anybody

25 from speaking.

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BOROUGH COUNCIL CAUCUS MEETING

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I would also suggest that you be aware, you know, the Form-base Zoning Code, that draft ordinance, has been in discussion Wednesday night and may come up, although there is no agenda item at this point, you should feel free to address that.

And with that, I'll start in the back left and with a sign of hands and we'll have a three-minute limit.

When you come up, state your name and address. That will help the court reporter, who is taking the minutes for this meeting to be most effective.

MR. CANNON: My name is Kadir Cannon, 128 Woodside Avenue.

I have come late into this process. And as I look in, I don't think you know what you're doing. I mean, seriously. You're mixing apples and oranges. One side is an atrocity that happened on Dudley Street, which is setbacks or whatever. You should've been on that earlier anyway.

The other is expanding the footprint of the zoning. And this is crazy.

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2 Nobody can go and figure it out, even a person
3 who knows zoning. It's a mess. It's an absolute
4 mess. And it looks to me like you're going to be
5 expanding more development, more building, more
6 law suits. It's just a crazy thing. And you
7 don't know what you're doing.

8 You say don't throw the baby
9 out of the bath water, but you don't say what the
10 baby is or there isn't a baby. This has to be
11 done, trust us, we're experts. You don't get
12 anything.

13 **THE CHAIRMAN:** Thank you.

14 Coming down that back row,
15 Mrs. Fox, do you have anything to add?

16 **MRS. FOX:** No.

17 **THE CHAIRMAN:** I will go back
18 to the other side, coming down the second row, Mr.
19 Bruer. It looks like, sir, in the white ball cap,
20 coming down your row, same row.

21 Mr. Speers? Georgette?

22 Anyone?

23 (No response.)

24 **THE CHAIRMAN:** No, okay.

25 Ms. Bezak.

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BOROUGH COUNCIL CAUCUS MEETING

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MRS. BEZAK: My name is

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Kimberley Bezak. I'm at 237 Dudley.

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First, I would like to talk a

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bit about -- there's some people that are calling

6

into question a petition that I organized and are

7

declaring that it has a secret agenda. I want to

8

give you some background.

9

This is really low, by the

10

way.

11

THE CHAIRMAN: Go ahead. Take

12

your time.

13

MRS. BEZAK: Since I was

14

really young, I always had a fascination with old

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buildings. I just love them for their historic

16

value and what they bring to the community.

17

This is an example of some

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sketches I did when I was really little. I was

19

always fascinated with old buildings in

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Louisiana. This place is gone now. The sketch

21

is when I was 15.

22

Here is another one when I

23

was 13.

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And my daughter is following

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in my footsteps. This is her version of Elmwood

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BOROUGH COUNCIL CAUCUS MEETING

2 church at four years old.

3 I'm going to sit, because

4 this microphone is way too low.

5 **THE CHAIRMAN:** That is fair.

6 **MRS. BEZAK:** So with that

7 said, since last June, I have been fighting to

8 save homes in Narberth. I've been attending

9 meetings, I've been presenting information I

10 found, and urging Council to explore how to curb

11 demolitions.

12 In my opinion, no matter how

13 slim a possibility it is, in my eyes, the

14 Form-based Zoning Code is the last chance to save

15 the Elmwood church. And for anyone to suggest

16 that I have motives beyond saving the church, I'm

17 really heartbroken. So I wanted to address that.

18 Thank you.

19 With an addition to that, I

20 would just like to update Council on a petition

21 that each of you are recipient of as well as

22 Mr. Gorton. We now have 309 supporters. The

23 petition actually says we, the undersigned, urge

24 Narberth Borough Council to pass a version of

25 Form-based Zoning Code, that allows former civic

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BOROUGH COUNCIL CAUCUS MEETING

2 institutional buildings to be used for limited
3 commercial purposes by establishing a conditional
4 use process to ensure that such uses are
5 compatible with the surrounding area and that the
6 historic character of such buildings is
7 preserved. We ask Mr. Gorton to be patient while
8 Borough Council works collaboratively to pass the
9 Form-Based Code.

10 **THE CHAIRMAN:** Is that it?

11 **MRS. BEZAK:** Do I have more
12 time?

13 **THE CHAIRMAN:** Twenty seconds.

14 **MRS. BEZAK:** I guess that's it
15 then.

16 **THE CHAIRMAN:** Thank you.
17 Coming down this row, yes.

18 **MS. KURTIS:** I'm Katherine
19 Kurtis. I live 531 Dudley Avenue.

20 And I'm making two
21 assumptions and correct me if I'm wrong. My
22 assumption is that the Form-based Code would
23 prevent a garage from being doubled in size and
24 made into two stories. Is that accurate?

25 **THE CHAIRMAN:** The current

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2 draft limits a garage to 16 feet high, one story.

3 **MR. SILIO:** All accessory

4 buildings; right?

5 **THE CHAIRMAN:** All accessory

6 buildings.

7 **MS. KURTIS:** Okay. And my

8 other assumption is that the house on Dudley

9 Avenue, next to the Wittys (ph), under the new

10 code, would have been required to maintain an

11 eight-foot distance back from the property line

12 and would not be smack up against the Wittys

13 window. Is that so?

14 **MR. METRICK:** Side yard

15 setbacks in the proposed code are the same as they

16 are today.

17 **MS. KURTIS:** Which is what?18 **MR. METRICK:** I don't know in

19 that district. Seven or eight feet maybe. I'm

20 guessing.

21 **MS. KURTIS:** So that's out of

22 order with the existing code?

23 **MR. METRICK:** No.24 **MS. KURTIS:** Well, it is,

25 because it's closer to eight feet to the boundary

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BOROUGH COUNCIL CAUCUS MEETING

2 line.

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MR. METRICK: It's not.

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MS. KURTIS: Yeah. It's three

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feet.

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MR. METRICK: I can show you

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the site plan after the meeting.

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MS. KURTIS: Okay. I wish you

9

would. Thank you.

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THE CHAIRMAN: Thank you.

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Coming down here,

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Mr. McDonough, Ms. Allison, front row.

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All right. That will

14

conclude public comment.

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Let's move on to No. 6. We

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have a number of action items to consider as

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Council. Would someone like to make a motion to

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adopt the minutes of the February 3rd caucus and

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February 8th business meeting?

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MS. TEVLIN-MOFFAT: I'll make

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that motion.

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THE CHAIRMAN: Is there a

23

second?

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MR. WEISBORD: I actually

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would like to ask Chris to postpone that. They

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BOROUGH COUNCIL CAUCUS MEETING

2 were just presented to us a few days ago and --

3 **THE AUDIENCE:** Could you speak
4 up?5 **THE CHAIRMAN:** Let's bring
6 this mic up. This is why this is not my favorite
7 room. So I apologize. We are working on our
8 equipment in addition to the other things.9 **MR. WEISBORD:** I'm asking if
10 we can postpone that motion and review the
11 minutes. We just received them recently and I
12 would like to read them.13 **THE CHAIRMAN:** There's a
14 motion. Is there a second?15 **MR. WEISBORD:** I'll second it.16 **THE CHAIRMAN:** And we can move
17 to table.18 **MS. TEVLIN-MOFFAT:** Move to
19 table.20 **MR. SILIO:** I would suggest we
21 table.22 **THE CHAIRMAN:** Who's the
23 second? Bob is the second, Weisbord.24 **MS. TEVLIN-MOFFAT:** Bob is the
25 second, yes, Weisbord.

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BOROUGH COUNCIL CAUCUS MEETING

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THE CHAIRMAN: Thank you.

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MR. SILIO: I actually did

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have a chance to review all of them. I don't

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think they were -- when I reviewed it, no

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substantial changes, but at least the business

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meeting was a transcript, and there were some

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typos in the transcription error that could use

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cleanup just for clarity when they're published.

10

And it was a pretty lengthy list of all minor

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typos. I've sent those all back to Matt. I think

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other people had a couple small comments. I

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recommend we not approve them until we have a

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final draft that could be published to the

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website.

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THE CHAIRMAN: Okay. Is there

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a general consensus that that's what we do?

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MS. TEVLIN-MOFFAT: Yes.

19

THE CHAIRMAN: Does someone

20

want to make a motion to table?

21

MS. TEVLIN-MOFFAT: Motion to

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table.

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THE CHAIRMAN: Second.

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MR. WEISBORD: Second it.

25

THE CHAIRMAN: All in favor of

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2 tabling the motion to accept the minutes say aye.

3 **MR. WEISBORD:** Aye.4 **MR. SILIO:** Aye.5 **MR. WEGBREIT:** Aye.6 **MS. TEVLIN-MOFFAT:** Aye.7 **MS. RICHMOND:** Aye.8 **THE CHAIRMAN:** Aye.9 None opposed. The motion is
10 tabled until our next meeting.11 Can I get a motion to adopt
12 the February schedule of bills?13 **MR. SILIO:** We actually have a
14 written motion now. I move that Borough Council
15 adopt the February schedule of bills per the
16 attachment to the Finance and Administration
17 Committee report.18 **THE CHAIRMAN:** Is there a
19 second?20 **MS. TEVLIN-MOFFAT:** I second.21 **THE CHAIRMAN:** Any discussion
22 regarding the schedule of bills?23 **MS. TEVLIN-MOFFAT:** I have one
24 question.25 **THE CHAIRMAN:** Yes.

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BOROUGH COUNCIL CAUCUS MEETING

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MS. TEVLIN-MOFFAT: Reviewing

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January 12th to February 8th, which was the last

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time the bills were put in front of us, and then

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February 9th to March 14th, there is a jump in

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overtime hours for our highway department, a

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significant jump. And I brought this to

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Mr. Metrick's attention. And if you could just

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explain to me, it went from 44 hours of overtime

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in the January of '16. So that's January 12th to

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February 8th. And then looking at February 9th to

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March 14th, there's a significant increase of 145

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hours.

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MR. METRICK: Yes.

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THE CHAIRMAN: Could you speak

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to that?

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MR. METRICK: Yes, I can.

18

Even though the blizzard, our weekend blizzard

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this year happened late in January, the time

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accumulated, and the checks went out -- actually

21

went out in February. And that blizzard happened

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on a weekend. So every hour that our work crew

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put in was overtime, and the time they worked on

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Sunday, according to their contract, was double

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time. So that was the reason for the big jump.

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BOROUGH COUNCIL CAUCUS MEETING

MS. TEVLIN-MOFFAT: Thank you.

THE CHAIRMAN: Thank you. Any other questions on the schedule of bills?

(No response.)

THE CHAIRMAN: All in favor of passing the schedule of bills for the month of February say aye.

MR. WEISBORD: Aye.

MR. SILIO: Aye.

MR. WEGBREIT: Aye.

MS. TEVLIN-MOFFAT: Aye.

MS. RICHMOND: Aye.

THE CHAIRMAN: Any opposed?

(No response.)

THE CHAIRMAN: It's unanimous.

Would someone like to make a resolution regarding approval of an appointment to fill the vacancy of the Zoning Hearing Board alternate?

MR. SILIO: Well, it's coming out of our committee, so I will move on Resolution 2016-007, approval of an appointment to fill the vacancy of the Zoning Hearing Board alternate.

THE CHAIRMAN: Okay. Is there

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2 a second?

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MR. WEGBREIT: Second.

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MS. TEVLIN-MOFFAT: I'll

5 second.

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THE CHAIRMAN: Bob had it

7 first.

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MS. TEVLIN-MOFFAT: That's

9 right.

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THE CHAIRMAN: Twenty

11 milliseconds early.

12

All right. Let's have a

13 discussion. There were five candidates. Katie

14 Skeen, Jenn Prior, Joshua Willis, Deborah

15 Lonsdorf, and William Martin. I'll throw it to

16 the floor. What do you guys think, or how would

17 you like to --

18

MR. WEGBREIT: I think people

19 should nominate -- see how many people are

20 nominated, and then we can kind of vote on those

21 nominated. And if we don't have a clean majority,

22 then we'll figure a second plan out.

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THE CHAIRMAN: Okay.

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MR. WEGBREIT: So I'll start

25 and I'll nominate Katie Skeen.

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BOROUGH COUNCIL CAUCUS MEETING

MR. WEISBORD: I'll second that.

MS. TEVLIN-MOFFAT: My vote is for Katie Skeen.

MR. SILIO: Mine also. Though I would say, I would also be supportive of Ms. Prior, who I think is an attorney, would also be very well qualified for that position.

In any event, I would like to thank Mr. Martin for the support that he offered in supporting any of these, you know, newer members of -- in an alternate position of one of our appointed boards, as they take a role in the community.

THE CHAIRMAN: Anyone else have anything to add?

(No response.)

THE CHAIRMAN: Why don't we take a vote?

MR. SILIO: I actually have a text that we could then slot the potential appointee's name in to.

THE CHAIRMAN: Okay.

MR. SILIO: Could I move to

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2 amend Resolution 2016-007 to the following text to
3 appoint -- should it be Katie Skeen or do we have
4 a formal first name?

5 **THE CHAIRMAN:** It says "Katie
6 Skeen."

7 **MR. SILIO:** To appoint Katie
8 Skeen as an alternate to the Narberth Borough
9 Zoning Hearing Board for a term of three years
10 effective immediately.

11 **THE CHAIRMAN:** It's your own
12 amendment. So if you're seconder agrees?

13 **MR. WEGBREIT:** Second.

14 **THE CHAIRMAN:** All right. So
15 amended.

16 All in favor?

17 **MR. WEISBORD:** Aye.

18 **MR. SILIO:** Aye.

19 **MR. WEGBREIT:** Aye.

20 **MS. TEVLIN-MOFFAT:** Aye.

21 **MS. RICHMOND:** Aye.

22 **THE CHAIRMAN:** Aye.

23 Any opposed?

24 (No response.)

25 **THE CHAIRMAN:** Unanimous.

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BOROUGH COUNCIL CAUCUS MEETING

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Moving on to item D,

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Resolution 2016-008. Is there a motion for the

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Shade Tree? If you could just make that original

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motion to put it on the table and then we can do

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the same amendment?

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MR. SILIO: Yes. I move to

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put Resolution 2016-008 on the table to appoint

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two members to the Narberth Borough Shade Tree

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Commission for a term of five years effective

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immediately.

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THE CHAIRMAN: Is there a

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second?

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MR. WEGBREIT: Second.

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THE CHAIRMAN: All right.

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Some discussion.

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MS. TEVLIN-MOFFAT: Do we have

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the names?

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THE CHAIRMAN: I do. Robert

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McGreevey, Peter Grove, Rick Travis, Martin

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Harold, and Lorraine Harper.

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MR. WEISBORD: I prefer that

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we appoint Rob McGreevey and Rick Travis.

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THE CHAIRMAN: Okay.

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MR. WEGBREIT: I hate to agree

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2 with Bob, but I thought those two really seemed to
3 capture what I'm looking for and I'm sure what Bob
4 is looking for, because we agree on this, but I
5 was very impressed with Mr. Grove. Those of us
6 who know Mr. Grove, Peter Grove, know that he will
7 participate immensely. Charlie made great notes
8 of Ms. Harper. So hopefully she'll be -- is she
9 here tonight? But hopefully she'll get involved
10 also. And I don't have any comment on Mr. Harold.
11 So that's my thoughts.

12 **MS. TEVLIN-MOFFAT:** I agree
13 with the Bobs.

14 **MR. SILIO:** Can I just note
15 that we have an embarrassment of Richs here? I
16 don't know if anybody was here for last week's
17 meeting where we had people speak up about joining
18 the Shade Tree Commission, but it was almost a
19 setup to the joke about botany. Like with many
20 things in the Borough, we've got great and
21 committed volunteers and we are going to be okay.

22 I agree with the suggestion
23 of Mr. McGreevey and Mr. Travis for the specific
24 reason that they're skill sets around design and
25 setting up a program based on the work they have

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2 done with other organizations, I think would mesh
3 really nicely to helping us to push a little bit
4 of planning on the commission. And I think
5 hearing Mr. Grove and other people know him, his
6 commitment to be involved in any event is at a
7 practical level of planting. And Ms. Harper, who
8 said she would throw her name in the ring, but
9 would be involved regardless and can bring some
10 outside experience. I think appointing Rob
11 McGreevey and Rick Travis to the formal
12 positions, but, you know, I think they'll get a
13 lot of support from other volunteers, including
14 the other folks who threw their hat in the ring,
15 and I think the community is going to be
16 incredibly well served regardless. And I hope
17 over the coming years we see a lot more tree
18 cover.

19 **MS. TEVLIN-MOFFAT:** Well said.

20 **THE CHAIRMAN:** Ms. Richmond,
21 anything?

22 **MS. RICHMOND:** I agree.

23 **THE CHAIRMAN:** I would like to
24 add that this is a special time for the Shade Tree
25 Commission because the age of canopy trees in the

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2 Borough are reaching end of life for many of the
3 species and it's just a relation of when our town
4 began and where we are now. And I'll take that
5 embarrassment of Richs. I hope the Shade Tree
6 Commission can find a way to empower citizens who
7 may not be appointed members of the commission,
8 but kind of have equal rights and privileges in
9 the doing of preserving the canopy and preparing
10 it for the next generations that are to come. So
11 hopefully that will happen.

12 **MR. WEGBREIT:** I would ask
13 Mr. Metrick to contact the other members of the
14 Shade Tree Commission, see if you can get them to
15 convene a meeting that's convenient for you folks.
16 Then once that's convenient for you, please let
17 the rest of Council know and technically the
18 public, too. But we would like to see them get
19 started now with the discussion, because they have
20 a lot of ideas and they're going to wait for us to
21 say do something, and we're going to wait for them
22 to say what can you do.

23 **THE CHAIRMAN:** I think that's
24 a very good point.

25 Well, would you like to amend

1

BOROUGH COUNCIL CAUCUS MEETING

2 your resolution?

3

MR. SILIO: I would like to
4 move to amend Resolution 2016-008 to read,
5 resolution to appoint Rob McGreevey and Rick
6 Travis to the Narberth Borough Shade Tree
7 Commission for a term of five years effective
8 immediately.

9

MR. WEISBORD: Second.

10

THE CHAIRMAN: It's accepted.

11

All in favor?

12

MR. WEISBORD: Aye.

13

MR. SILIO: Aye.

14

MR. WEGBREIT: Aye.

15

MS. TEVLIN-MOFFAT: Aye.

16

MS. RICHMOND: Aye.

17

THE CHAIRMAN: Any opposed?

18

(No response.)

19

THE CHAIRMAN: None.

20 Unanimous.

21

Moving on, Resolution

22 2016-009.

23

MR. SILIO: Rights.

24

Resolution 2016-009. To release escrow funds for

25

the land development project located at 612 to 630

1

BOROUGH COUNCIL CAUCUS MEETING

2 Haverford Avenue in the amount of \$131,891.10, per
3 the recommendation of Pennoni Engineering in their
4 letter dated March 4, 2016.

5 **THE CHAIRMAN:** Is there a
6 second?

7 **MR. WEGBREIT:** Second.

8 **THE CHAIRMAN:** I would like to
9 note for the record the agenda says 603 through
10 609 Haverford, and that is a typo. It is 612
11 through 630 Haverford Avenue is the correct
12 address for these escrow funds.

13 Any discussion?

14 **MR. SILIO:** Yeah. Just by way
15 of clarification, what the heck is this? When a
16 property developer is building a development
17 project, they put some funds in escrow as kind of
18 a set aside guarantee they're actually going to
19 finish the work. And the Borough engineer goes in
20 and periodically checkpoints through the project
21 and inspects, have they hit milestones, and at
22 that point money gets released out of escrow.

23 So this project is the two
24 sets of twins by the back of the old tennis
25 courts on Haverford Avenue. And they've hit some

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BOROUGH COUNCIL CAUCUS MEETING

Any opposed?

(No response.)

THE CHAIRMAN: All right. It passes.

Last one, Councilor Silio.

MR. SILIO: I would like to move, make a motion to -- I'm sorry. I would like to propose Resolution 2016-010 to release escrow funds for the land development project located at old St. Margaret's school in the amount of \$32,923, per the recommendation of Pennoni Engineering in their letter dated March 1st, 2016.

THE CHAIRMAN: Is there a second?

MR. WEISBORD: Second.

THE CHAIRMAN: Seconded by Mr. Weisbord.

Any discussion on this?

MR. SILIO: Sorry. I meant to note this before. Pennoni does give the Borough a letter, which you might have noticed in the text of the resolution, which is public record. So if anybody wants to see they set forth the schedule of the escrow releases that have happened and the

1

BOROUGH COUNCIL CAUCUS MEETING

2 money that's left in escrow and those can be made
3 available upon request from the office.

4 **THE CHAIRMAN:** Fascinating
5 stuff.

6 **MR. SILIO:** Yeah. Really
7 lively reading.

8 **THE CHAIRMAN:** All right. All
9 in favor of Resolution 2016-010. Aye?

10 **MR. WEISBORD:** Aye.

11 **MR. SILIO:** Aye.

12 **MR. WEGBREIT:** Aye.

13 **MS. TEVLIN-MOFFAT:** Aye.

14 **MS. RICHMOND:** Aye.

15 **THE CHAIRMAN:** Aye.

16 Any opposed?

17 (No response.)

18 **THE CHAIRMAN:** None.

19 Resolution carries.

20 Public works.

21 **MR. WEGBREIT:** Resolution
22 2016-011. The members of the Public Works
23 Committee Borough Council propose the following
24 resolution for vote of approval. To approve a
25 time extension of the existing agreement with

1

BOROUGH COUNCIL CAUCUS MEETING

2 Pennoni Engineering for work on phase two final
3 design of the North Narberth Avenue bridge per the
4 recommendations of the Pennsylvania Department of
5 Transportation in their letter dated
6 February 18th, 2016.

7

Respectfully submitted,

8

The Public Works Committee.

9

THE CHAIRMAN: Is there a

10 second?

11

MR. WEGBREIT: I'll second

12 that.

13

THE CHAIRMAN: All right.

14 Seconded by Councilor Weisbord.

15

Is there any discussion? I

16 know the question on everybody's minds.

17

Bob?

18

MR. WEGBREIT: Yeah. It's

19 pretty straight forward. Pennoni has been hired

20 to do this. There was a time frame on the

21 contract. We've extended that. And the bigger

22 question is, when will the work start on the

23 Narberth Avenue bridge or North Narberth Avenue

24 bridge, and the answer continues to be, we do not

25 know. It could be in two months, it could be in

1

BOROUGH COUNCIL CAUCUS MEETING

2 eight months.

3

Do you have a specific? Do

4

you know?

5

MR. METRICK: I don't know for

6

sure, but I do have some more information.

7

MS. TEVLIN-MOFFAT: Tell us.

8

THE CHAIRMAN: Sure. We're

9

eager.

10

MR. METRICK: The reason for

11

the request for this time extension is that this

12

is a very lengthy project in time and monies

13

expended. This is a project, too, that involves

14

four governmental agencies. And when you do one

15

governmental agency, it goes slow.

16

They are in the process right

17

now of finalizing the right-of-way plans, and

18

that's causing a delay in their coordination with

19

SEPTA and Amtrak. So the signature of this

20

contract extension will enable right-of-way plans

21

to be completed in April. There's some more

22

information in this letter as to what exact steps

23

happen next. But I'll cut to the chase and tell

24

you that the project manager is anticipating that

25

the bid documents -- those are the documents that

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BOROUGH COUNCIL CAUCUS MEETING

2 would go out to the contractors, the world of
3 bridge builders sometime between the end of this
4 year and spring 2017. And the start of
5 construction will commence about eight to twelve
6 weeks post-issuance of bid documents. That's the
7 typical time frame of issuing your bid documents,
8 vetting your bidders, and then getting shovels in
9 the ground.

10 **MR. WEGBREIT:** What was the
11 date again?

12 **MR. METRICK:** Sometime between
13 the end of this year and spring of 2017, the
14 construction documents will be completed, the bid
15 will be let, and you can anticipate construction
16 beginning eight to twelve weeks after that, two to
17 three months after that point that we get the bid
18 out.

19 **MR. WEGBREIT:** So we have
20 plenty of time to put a round-about in.

21 **MS. TEVLIN-MOFFAT:** Sure.

22 **THE CHAIRMAN:** I'm ready when
23 you are, Bob.

24 **MR. SILIO:** I'm new to the
25 Public Works Committee so I got to review prior

1

BOROUGH COUNCIL CAUCUS MEETING

2 dialogue at a bit of arm's length. Is that
3 timeline dependent in any way on the passage of
4 State budget to ensure the availability of funds?

5 **MR. WEGBREIT:** Most of these
6 funds are federal funds.

7 **MR. SILIO:** Just pushed
8 through the State?

9 **MS. TEVLIN-MOFFAT:** Yeah.

10 **MR. WEGBREIT:** The only thing
11 that could possibly happen is reprioritizing, if
12 other funds are cut and federal transportation
13 funds are needed for something else. So that's
14 what we wait and see, and everybody can tip-toe
15 over the bridge for the next year.

16 **THE CHAIRMAN:** That's right.
17 For the information of the public, the bridge
18 receives thorough inspection every six months;
19 someone comes in, in the middle of the night,
20 under the tracks, on a special car, and they go up
21 there and they bang on things real hard with
22 hammers. The Borough made -- Council made a tough
23 choice to invest over \$300,000 in repairing that
24 structure with a little Spidey sense that the
25 imminent replacement might not be so imminent, and

1

BOROUGH COUNCIL CAUCUS MEETING

2 that was a couple years ago. So we will keep our
3 close eyes on it. It is part of our job in
4 government to keep public thoroughfares open for
5 business.

6 It's on the table. Any
7 further discussion?

8 (No response.)

9 **THE CHAIRMAN:** All right. All
10 in favor of approving Resolution 2016-011?

11 **MR. WEISBORD:** Aye.

12 **MR. SILIO:** Aye.

13 **MR. WEGBREIT:** Aye.

14 **MS. TEVLIN-MOFFAT:** Aye.

15 **MS. RICHMOND:** Aye.

16 **THE CHAIRMAN:** Aye.

17 Any opposed?

18 (No response.)

19 **THE CHAIRMAN:** All right. It
20 passes unanimously.

21 Public Safety, Ordinance 991.

22 **MS. TEVLIN-MOFFAT:** Here's

23 991. I move that Borough Council adopt the
24 attached Ordinance of 991 amending Chapter 57,
25 disorderly conduct, nuisances, of the Narberth

1

BOROUGH COUNCIL CAUCUS MEETING

2 Borough Code to provide for prohibitions of
3 conduct and activities during certain times and to
4 provide for civil enforcement of violations.

5 **THE CHAIRMAN:** Is there a
6 second?

7 **MR. SILIO:** I'll second.

8 **THE CHAIRMAN:** All right.
9 It's on the table. This Ordinance has come on the
10 table a couple of times. Is there any new
11 discussion? Anything anyone want to --

12 **MR. WEGBREIT:** I would've like
13 to have had the full Ordinance either printed
14 or --

15 **THE CHAIRMAN:** I think we have
16 it here.

17 **MS. TEVLIN-MOFFAT:** We have it
18 here.

19 **THE CHAIRMAN:** Pass it over.

20 **MS. TEVLIN-MOFFAT:** Absolutely.

21 **MR. WEGBREIT:** I think we're
22 good with it.

23 **MR. SILIO:** This is the
24 popularly-described noise ordinance?

25 **MS. TEVLIN-MOFFAT:** Right.

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BOROUGH COUNCIL CAUCUS MEETING

THE CHAIRMAN: Currently in the Borough, you can disturb the peace at any time. We've heard from the public that maybe a more well-defined regulations as regards to quiet hours in the Borough and activities and when they can occur, especially in terms of construction projects, might be appreciated.

And Councilor Tevlin-Moffat has put something together and went through a few rounds of revisions amongst Council members, a few corrections based on the model document that our solicitor, Mr. Walko, provided, and here it is.

MR. WEGBREIT: This is great.

MS. TEVLIN-MOFFAT: Thank you.

THE CHAIRMAN: No further discussion. All in favor of adopting Ordinance 991, an ordinance amending Chapter 57, disorderly conduct, nuisances of the Narberth Borough Code to provide for prohibitions of conduct and activities during certain times and to provide for civil enforcement of violations say aye.

MR. WEISBORD: Aye.

MR. SILIO: Aye.

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BOROUGH COUNCIL CAUCUS MEETING

MR. WEGBREIT: Aye.

MS. TEVLIN-MOFFAT: Aye.

MS. RICHMOND: Aye.

THE CHAIRMAN: Aye.

Any opposed?

(No response.)

THE CHAIRMAN: It passes
unanimous.

Public safety again.

MS. TEVLIN-MOFFAT: I move
that Borough Council adopt attached Ordinance 994,
which amends Ordinance 673, approved in April of
1977, as amended, to establish privileged parking
by creating a two-hour parking time zone on the
two hundred block of Merion Avenue.

MR. WEISBORD: I'll second
that.

THE CHAIRMAN: All right.
It's on the table. Any discussion?

MR. WEGBREIT: I just wanted
to thank Ms. Berenholz -- I don't know if she's
here tonight -- for bringing this to Council's
attention, speaking to every single adult on her
block that agreed with her and I'm glad that

1

BOROUGH COUNCIL CAUCUS MEETING

2 Council can respond to their request. So
3 hopefully we're doing the right thing.

4 **THE CHAIRMAN:** Okay. All in
5 favor of passing Ordinance 994, an ordinance to
6 amend Ordinance No. 963, approved April 1st, 1977,
7 as amended, which established privileged parking
8 by creating a two-hour parking time zone on the
9 two hundred block of Merion Avenue say aye.

10 **MR. WEISBORD:** Aye.

11 **MR. SILIO:** Aye.

12 **MR. WEGBREIT:** Aye.

13 **MS. TEVLIN-MOFFAT:** Aye.

14 **MS. RICHMOND:** Aye.

15 **THE CHAIRMAN:** Aye.

16 Any opposed?

17 (No response.)

18 **THE CHAIRMAN:** None. It is
19 unanimous.

20 All right. If Council has
21 other business that it would like to discuss at
22 this meeting, now would be the time. And we have
23 a procedure, which is to first move to add
24 something to the agenda and then once it's added,
25 we can put a motion on the table to discuss it.

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BOROUGH COUNCIL CAUCUS MEETING

I have two items that have been relayed to me: One is accepting the resignation of Councilman Diaz, and the other is a discussion of the Form-Based Zoning Code draft.

Maybe if we do the first one first, we can get that out of the way.

MR. SILIO: Are you still under action items?

THE CHAIRMAN: Yes.

MS. TEVLIN-MOFFAT: I'll move to add to the agenda Mr. Diaz's resignation.

THE CHAIRMAN: To accept.

MS. TEVLIN-MOFFAT: To accept Mr. Diaz's resignation letter to this Council.

THE CHAIRMAN: Would someone like to second a motion to add that to the agenda this evening?

MR. WEGBREIT: Second.

THE CHAIRMAN: Okay. Now, if you could -- if you would like to make the motion?

MS. TEVLIN-MOFFAT: So I would like to make the motion to accept Mr. Richard Diaz's letter of resignation to Borough Council.

THE CHAIRMAN: Is there a

1

BOROUGH COUNCIL CAUCUS MEETING

2 second?

3

MR. WEGBREIT: Second.

4

THE CHAIRMAN: Councilor

5 Wegbreit.

6

Okay. Public discussion.

7

MS. TEVLIN-MOFFAT: I would

8

like to say that working with Mr. Diaz has been an

9

honor and a pleasure. Mr. Diaz is a -- still is a

10

thoughtful and conscientious member of our

11

community. He regrets -- I know he regrets not

12

being able to continue his term. It was my

13

pleasure and my honor to work with him.

14

THE CHAIRMAN: Anyone else?

15

MR. WEISBORD: Well said.

16

THE CHAIRMAN: I think

17

everyone seems to concur.

18

MR. SILIO: Well said. We

19

will all miss him.

20

THE CHAIRMAN: We will all

21

miss him very much. I know this was a decision

22

that was very difficult for him, but three little

23

peepers with crazy sleep schedules, you know.

24

All right. All in favor of

25

accepting the resignation of Councilor Diaz say

1

BOROUGH COUNCIL CAUCUS MEETING

2 aye.

3

MR. WEISBORD: Aye.

4

MR. SILIO: Aye.

5

MR. WEGBREIT: Aye.

6

MS. TEVLIN-MOFFAT: Aye.

7

MS. RICHMOND: Aye.

8

THE CHAIRMAN: Aye.

9

Any opposed?

10

(No response.)

11

THE CHAIRMAN: None. This

12

leaves an open seat on Borough Council. The

13

procedure will be from this point, we could accept

14

applications, if any of you members of public here

15

would like to apply or any registered voters of

16

the Borough would like to apply for this position.

17

It is Council's obligation to fill this seat

18

within thirty days from today.

19

I know some of us have

20

discussed the potential for setting up some dates

21

for interviews. And since we're all here in the

22

room, I don't think it's premature to block out

23

the evenings of March 29, 30th, and 31st, and

24

we'll see how many applicants we get, how much

25

time we feel each applicant might need for

1

BOROUGH COUNCIL CAUCUS MEETING

2 Council to deliberate and discuss the merits of
3 each candidate. And I would hope that our next
4 Council meeting or caucus meeting in April, is on
5 April 6th, that although we do not usually do
6 business at that caucus meeting, I think it's
7 important to fill this seat as quickly as
8 possible. And that would be a goal that I would
9 have, although, you know, it would take a motion
10 from one of you to make it happen.

11 How does that sound?

12 **MS. TEVLIN-MOFFAT:** To make
13 April 6th happen?

14 **THE CHAIRMAN:** To make
15 April 6th a date for us to vote, otherwise, we
16 would have the 11th. If we didn't make a decision
17 by April 11th, we would have to schedule a special
18 meeting in the next three days after that. And if
19 we didn't, I believe it goes to the Court of
20 Common Pleas.

21 **MR. WALKO:** No. It would go
22 to Vacancy Board.

23 **THE CHAIRMAN:** It would go to
24 the Vacancy Board. I continue to forget the role
25 that Ms. Fortner has in our process, and I

1

BOROUGH COUNCIL CAUCUS MEETING

2 apologize. I'm just focused on the Court far away
3 to make a decision. So that's where we are.

4 So if you're interested,
5 apply. If you have questions, each Council
6 member has a different perspective that they can
7 offer in terms of the hours, the interests, the
8 tasks, the tools, all of that.

9 **MR. WEGBREIT:** When do they
10 need to have their applications in by?

11 **THE CHAIRMAN:** What are you
12 thinking?

13 **MR. WEGBREIT:** I think the end
14 of day Friday, the 25th.

15 **THE CHAIRMAN:** I think that
16 would work.

17 **MR. WEGBREIT:** Then we could
18 send notes out for interview times.

19 **THE CHAIRMAN:** We will
20 advertise.

21 **MR. WEGBREIT:** Either two
22 people or ten people.

23 **THE CHAIRMAN:** Applications
24 end of business 5:00 p.m. on Friday, March 25th.

25 **MR. SILIO:** Sent to?

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BOROUGH COUNCIL CAUCUS MEETING

THE CHAIRMAN: Sent to the
Borough Hall attention.

MR. METRICK: We'll work all
that out. Don't send it to my inbox.

THE CHAIRMAN: All right.
Thank you. Would anyone like to amend the agenda
to discuss anything else this evening?

MR. WEGBREIT: On the agenda
to discuss form-based zoning.

THE CHAIRMAN: Is there a
second?

MS. TEVLIN-MOFFAT: I'll
second.

THE CHAIRMAN: All in favor of
amending the agenda?

MR. WEISBORD: Aye.

MR. SILIO: Aye.

MR. WEGBREIT: Aye.

MS. TEVLIN-MOFFAT: Aye.

MS. RICHMOND: Aye.

THE CHAIRMAN: Aye.

Accepted. Would someone like
to make a motion to put the current draft of the
Form-based Zoning Code on the table?

1

BOROUGH COUNCIL CAUCUS MEETING

2

Go ahead, Bob.

3

MR. WEGBREIT: I'll put it on the table to discuss in the table at this point.

5

THE CHAIRMAN: I'm going to call this 4.1 for the official record. Is that acceptable?

8

MR. METRICK: Yes.

9

THE CHAIRMAN: We had a 4.0, which was published a few weeks ago. Who seconded it?

12

MR. SILIO: Me. When we say put on the table, does that mean --

14

THE CHAIRMAN: For discussion.

15

MR. SILIO: Just for discussion.

17

THE CHAIRMAN: Just for discussion right now.

19

MR. WEGBREIT: Someone second my --

21

MS. TEVLIN-MOFFAT: I'll second.

23

THE CHAIRMAN: Second, okay. It's on the table.

25

We had a 4.0 that was

1

BOROUGH COUNCIL CAUCUS MEETING

2 published early in the month. We had three busy
3 meetings last week. We heard from the public.
4 We heard from Council members, who had a pretty
5 healthy debate last Wednesday night. And I want
6 to give some kudos to our Borough manager who
7 spent a considerable amount of time over the
8 weekend and today pretty much focused on trying
9 to get us a draft document that incorporated as
10 many of those changes that Council saw fit to
11 include so that we could have a discussion today
12 regarding them and see if we could have a
13 productive conversation to see where this is
14 going to take us.

15 **MR. WEISBORD:** I would like to
16 begin.

17 **THE CHAIRMAN:** Go ahead.

18 **MR. WEISBORD:** I would like to
19 begin Council members with -- I had a glance to
20 review Page 12.

21 **THE AUDIENCE:** Can't hear.

22 **MR. WEISBORD:** I would like to
23 pass this around the table. It's a suggestion for
24 some minor changes to the chart of conditional
25 uses on Page 12.

1

BOROUGH COUNCIL CAUCUS MEETING

2

THE CHAIRMAN: Minor changes to the chart of conditional uses on Page 12.

3

MR. WEISBORD: And basically, just to summarize what it does, Council members, it limits the uses that would be allowed within the civic institutional buildings to professional office, multi-family dwelling, professional office, bed and breakfast, child care, group child care, museum or gallery, community service, and religious. It eliminates medical office, funeral home, store, personal service, temporary markets, studio, and small restaurant. Actually, I don't think it eliminates studio. It keeps studio.

4

THE CHAIRMAN: This is your suggestion to the document which we all received late this afternoon from Mr. Metrick.

5

MR. WEISBORD: Yes. It maintains studio and maintains temporary market.

6

THE CHAIRMAN: I want to give the public a little background on what the changes are in that document.

7

MR. WEISBORD: The intent of this is to align -- so that the Council recommendation is aligned with what I believe was

8

9

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BOROUGH COUNCIL CAUCUS MEETING

2 the original intent of the Planning Commission,
3 which was expressed in the Ordinance 984 draft,
4 that allowed for multiple family dwelling and
5 professional office use, as well as the additional
6 institutional uses that the property -- the
7 churches are already zoned for.

8 I think the only -- and I
9 think those are all reasonable. The uses that
10 remain for civic institutional use are
11 reasonable. I agree with the basic Planning
12 Commission intent and recommendation.

13 **THE CHAIRMAN:** Just to give a
14 brief summary to the public, who I can see is
15 completely lost by what's going on here, a couple
16 of, I would say significant changes to the draft
17 that you last saw published is now what we are
18 discussing.

19 Number one is the elimination
20 of the yellow zone on South Narberth Avenue.
21 That would change that yellow area to orange,
22 amber.

23 **MR. WEGBREIT:** Essentially
24 what that does is removes the possibility of the
25 apartment-style building.

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BOROUGH COUNCIL CAUCUS MEETING

MR. WEISBORD: On South Narberth Avenue.

THE CHAIRMAN: On South Narberth Avenue, that's correct.

The other is limitation for civic institutional buildings from what was in the document, which was published in March, that said one hundred percent commercial use was permitted to bring that down to 50 percent commercial use. And what Mr. Weisbord was just discussing was further limiting the number of uses that were permitted in that 50 percent.

Is that correct, Councilor Weisbord?

MR. WEISBORD: That's correct. Basically reducing the number of uses that are allowed by conditional use in civic institutional buildings.

THE CHAIRMAN: There were a number of changes that came from our solicitor. I think every time you read this document, any document of 104 pages, you find little things here and there, and we were able to -- do you want to speak to any of them in particular?

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BOROUGH COUNCIL CAUCUS MEETING

MR. WALKO: Besides this particular issue?

THE CHAIRMAN: Yeah.

MR. WALKO: There's been a number of recommendations and questions that I made. I mean, just pertinent to today's meeting we -- I think we took out the noise issues, because that's in the Ordinance that we just passed. One of the things that was done this last month, which would have been in my solicitor's report, we were successful in --

THE AUDIENCE: Can't hear.

MR. WALKO: We were successful earlier last month in defending the zoning officer's interpretation, because there's a gray area between what's a driveway and what's a parking space. That's a correction that was made. Certain definitions were cleaned up. Certain language was clarified. So a number of the recommendations and questions that I made, and I know there was a laundry list of them, had been addressed in this new code.

THE CHAIRMAN: Thank you.

The other change that I think

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BOROUGH COUNCIL CAUCUS MEETING

2 is significant -- just a moment. Does anyone
3 else have anything to say?

4 **MR. SILIO:** There are some
5 additions and maybe, John, you can elaborate on
6 these 124.3 or 1C -- it just keeps going -- there
7 are four paragraphs giving the Borough Council
8 greater authority to monitor and enforce any
9 guarantees of permanent protection that are made
10 through a conditional use application for an
11 eligible civic institutional building. So already
12 in the last draft of the Code that came out last
13 month, we took some of the conditionality that can
14 be recommended by the Planning Commission and
15 opposed by Council above and beyond what's in our
16 current Conditional Use Ordinance. We got that
17 into the draft -- even though that law didn't
18 pass, we got the teeth, most of them, into the
19 draft of the Form-based Code, and we've added four
20 more paragraphs that I think might have just
21 gotten missed before.

22 But the additional safeguard
23 standards that could be imposed on a conditional
24 use plan, for any subsequent modifications or
25 amendments to the planning document shall require

1

BOROUGH COUNCIL CAUCUS MEETING

2 Borough Planning Commission review and Borough
3 Council written approval. All expressed
4 conditions that are established by Borough
5 Council for conditional use approval shall be
6 followed. So it gives us additional enforcement.

7 These are ones that were in
8 984 as well. Borough Council shall have the
9 right to enforce the document that establishes
10 the guarantees and be permitted access to the
11 premises of reasonable times of the purpose of
12 inspecting material and elements of the facades
13 for determining compliance with the document.

14 I don't know if you need to
15 type that. I think it's, like, in here.

16 The document that establishes
17 the guarantee. So this is if a conditional use
18 plan is approved, you know, after an application
19 is made and it goes through Planning Commission
20 and it goes through Council and it's approved,
21 the person who applied for conditional use has to
22 put a guarantee on the building that they'll
23 protect in perpetuity any of the major structures
24 on the property. And so this is just clarifying
25 that that document with the guarantees has to be

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2 binding on the applicant, its successors,
3 assigns, transferees, and all persons thereafter
4 claiming by or through the applicant, and the
5 document shall run with the land.

6 So what it means is if
7 someone comes up with a conditional use for a
8 property and they apply for that conditional use
9 and that gets through the Planning Commission and
10 they recommend that to Council and Council goes
11 and tax whatever conditions they see fit on it,
12 when it gets signed off on one, one of the
13 conditions that plan gets signed off on is that
14 property is bound in perpetuity to protect the
15 building that's there subject to the conditions
16 that Council sets. So we got a lot more teeth
17 into that conditional use. And I think the whole
18 Ordinance 984 drafting was actually a learning
19 process to help to form some of these changes
20 that I think are going to be pretty positive.

21 By the way, that conditional
22 use, that's not just for the civic institutional
23 buildings, is it?

24 **MR. WALKO:** That particular
25 one would apply to those. But, no, any

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2 conditional use, for example, under 4A District,
3 you can still have by -- and this chart is all the
4 conditional uses, for example, a community service
5 institution can be approved by conditional use.
6 So there may be an issue and the definition is
7 somewhat broader to what is a community service.
8 And then it would be up to Council to determine,
9 through the conditional use process, whether
10 something actually is a community use service or
11 not that would make the use applicable to 4A area.

12 **MR. SILIO:** Yes. So somebody
13 comes with a potential conditional use, not just
14 for the big properties, but you'll note that in
15 this Code there are conditional uses for, you
16 know, a lot of other smaller properties in the
17 Borough, and that let's the discussion be for each
18 potential conditional use, all right, what's your
19 plan for this property and open it up to public
20 comment and input at both the Planning Commission
21 and the Council so that when there's a plan to
22 discuss for a particular property, it can get that
23 full public input to ensure it's appropriate for
24 use of an existing property. So I think that's
25 actually a pretty big deal to have that.

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2

THE CHAIRMAN: Thank you.

3

Also to add, in addition to bringing down the

4

amount of commercial use that a civic

5

institutional building can have from a hundred

6

percent down to 50 percent, there is also language

7

of definition of a professional office, and I'll

8

read it. It states that a professional office,

9

which would be the conditional use that would

10

allow for that 50 percent or one of them, an

11

office use that is limited to business office uses

12

including uses that involve administrative,

13

clerical, real estate, financial, governmental,

14

certain professional operations or operations of a

15

similar character that are not reasonably expected

16

to result in regular frequent client-customer

17

visits to the office space with a limit of one

18

employee per 150 square feet.

19

With that, does anyone know

20

the square footage of the Elmwood -- I hate to

21

focus on a specific property.

22

MR. WEISBORD: Works out to

23

about 33 employees per 5,000 square feet of

24

office.

25

THE CHAIRMAN: And do you know

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BOROUGH COUNCIL CAUCUS MEETING

2 the size of the Elmwood Avenue building in terms
3 of its internal square footage?

4 **MR. WEGBREIT:** Depends what
5 you call a basketball court. We don't have a
6 definition of basketball court.

7 **MR. SILIO:** We can figure out
8 based on the build-out, the parking rules. It can
9 be, like, less than 4,000 square feet of office
10 space in the broader building.

11 **MR. METRICK:** I don't know
12 what question I'm being asked.

13 **MR. SILIO:** I don't want to
14 say bad numbers, because there's a guy sitting
15 over here probably typing me saying, "I don't want
16 to say bad numbers."

17 **THE CHAIRMAN:** In terms of the
18 build-out that you did for us over the weekend,
19 what was the maximum number -- what did a
20 commercial use of that Elmwood Avenue property
21 look like in that scenario with these
22 restrictions?

23 **MR. METRICK:** A proposal of up
24 to 5,400 square feet of office space is about the
25 limit that you could fit in there and provide

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2 eleven parking spaces on site. Council would have
3 to agree to spaces being placed in the front yard
4 setback area as well. But that's sort of the
5 maximum you could do. You could do anything less
6 than that.

7 **MR. SILIO:** Yeah. And I think
8 if you figured that the underlying Zoning Codes --
9 this is all entirely hypothetical, by the way,
10 because there's no plan. But if you limit the
11 parking, because there are limited parking
12 requirements placed on office use, I think it
13 would take it down to, like, eight spaces and
14 under 4,000 square feet of office in about an
15 11,000 square-foot building, which take 4,000 to
16 round up and divide by Bob's number.

17 **THE CHAIRMAN:** Bob, did you
18 have a sense of the --

19 **MR. WEISBORD:** Twenty-six.

20 **THE CHAIRMAN:** Yeah.

21 **MR. WEGBREIT:** It seems to me
22 it brings it down between 26 and 35.

23 **THE CHAIRMAN:** And the goal
24 was to address kind of a worst-case scenario that
25 was on the public's mind that there would be a

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BOROUGH COUNCIL CAUCUS MEETING

2 way. And I think that in looking at it and how it
3 applies to the other professional offices that
4 would come under the same provision offer some
5 nice constraints around the Borough as well.

6 **MR. SILIO:** So in light of
7 what I just said about there being a lot more
8 controls around the plan, I'll say again what I
9 kind of said before, and I also tried to write
10 this up to get my thoughts together, really, in an
11 ideal world, you're trying to preserve buildings,
12 whether they're the civic institutional buildings
13 or houses that can be conditionally used. Your
14 odds of success of getting someone to come up with
15 a plan to reuse the building instead of tearing it
16 down and rebuilding are if you can maximize the
17 chances that there's some reuse plan that's worth
18 more than a teardown.

19 And so, in the abstract, if
20 you can open up possible plans that someone could
21 bring for a property as wide as you can to sort
22 of maximize the chances of someone comes up with
23 an economic viable idea you might not have
24 thought of and then have that funnel be real
25 tight after someone -- bring us a plan, bring us

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2 a plan for reuse that will work, but then give as
3 many points of control for the reviewing body as
4 you can so that the public can come in and say,
5 you know, we don't think that's consistent with
6 historic character of the property or what can
7 feel the outside of the property or, you know,
8 other conditions. There's pretty wide latitude
9 for conditions to be imposed. Then, you know, as
10 long as there are enough of those hooks for the
11 Planning Commission and Council to validly impose
12 conditions based on public input on those plans,
13 you have got a nice big funnel on the front end,
14 so you're maximizing the chances that there's a
15 plan you might not have thought of that will
16 result in reuse, if it's approved, and then you
17 have as many chances as you can to take public
18 input, tailor that plan or even project it to
19 keep anything but, like, a good plan from getting
20 through.

21 With that said, I think we've
22 talked a lot about, like -- there's been a lot of
23 public feedback by limiting the reuse of some of
24 these properties, and that's good for some of
25 them. For others of them that are on our civic

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2 and institutional list, like the St. Margaret's
3 school, I mean, this is a case in point, it's a
4 different kind of building. It's one that I
5 think it's on the list; right?

6 **THE CHAIRMAN:** Yes, it is.

7 **MR. SILIO:** It's got a lot of
8 parking, it's kind of an institutional building
9 that looks a lot like an office building already.
10 My concern is, because we're kind of tightening
11 the screws on that, the front end of that
12 funnel -- I'm using my hands a lot, which doesn't
13 transcribe well -- that, you know, we might be
14 losing out on potential opportunities for some of
15 these other properties like that. And maybe
16 that's something we want to address down the road
17 with yet more public input and more thought and,
18 you know, have a lot of time to think about how
19 open that funnel should be.

20 My thought is there are a
21 couple points as I look at other properties that
22 are on the list that say should we be open to all
23 office use if we know that, like, public feedback
24 on a particular plan is going to be heavily
25 focused around that. It may be. It might open

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2 up possibilities for some of the other properties
3 on the list.

4 Single family and -- it's not
5 the right term, but, you know, multi-unit
6 building is a conditional use for these
7 properties. But one and two household isn't.
8 There's like, you know, yeah, it seems
9 reasonable. But who's to say that someone
10 wouldn't want to turn, thirty years from now,
11 when the, you know -- if let's say one of the
12 smaller of the remaining church properties comes
13 up into, like, a downtown mansion that one would
14 pay a crazy amount of money for it and it's going
15 to look really nice.

16 Do we want to have single and
17 two-family houses on the list? I don't know if
18 we need to do that now, if we can open these uses
19 up later. But philosophically, I think it's good
20 to have as wide a funnel as you can on the front
21 end, as much control as we can on the back end.
22 We've done a really good job of tightening up the
23 control on the back end. I think possibly based
24 on our experiences with the recent ordinance
25 amendment we're keeping the screws pretty tight

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2 on the front end. I think that's good for being
3 super conservative as we are in a lot of other
4 ways with the planning. But I worry that in the
5 long run, it might cause us to lose some
6 properties we otherwise might not. And I'm not
7 just talking about the big ones. There's a lot
8 of conditional use on houses and apartment
9 buildings and twins kind of baked into the other
10 zoning districts. And I just worry that if we're
11 too closed on the front end of that funnel, we
12 won't see it, but over time, you'll start to
13 lose, like, the potential for some reuse that
14 might have at least have a chance to look at
15 plans for.

16 **MR. WEISBORD:** While you're on
17 that note, could you suggest what you would add
18 when you would add in? Because it's my
19 understanding, in the zoning, is that if you say
20 multi-family, that also allows -- it automatically
21 allows two-family/single-family.

22 **MR. SILIO:** Does it? In that
23 case, yeah.

24 **MR. WEISBORD:** In other words,
25 a three-family home doesn't automatically have to

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2 be for three families, it could be for one family.

3 It isn't required to be for three families. So
4 that would include your idea of a church becoming
5 a single-family home at some point in the future.

6 Already in the conditional
7 use, at least in the 4A conditional uses, are
8 professional office, medical office, funeral
9 homes, store, personal service, temporary
10 markets, studio, small restaurant, bed and
11 breakfast, child care, group care, family care,
12 museum gallery, community service, religious --
13 or community service, not religious. So what
14 else would you add?

15 **MR. SILIO:** I mean, I would
16 add restaurant, for example. We have small
17 restaurant. I don't know what the distinction
18 there is.

19 We have the weird situation
20 where entertainment venue, which, again, it's
21 kind of nice to have slightly oddly, you know,
22 openly-defined things on the front end. Is an
23 allowed conditional use in the 3B and the 3C, but
24 not in 4A: Why not?

25 **THE CHAIRMAN:** I'll tell you

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2 my sense, which is, with a 104-page document, we
3 can fiddle with it for a long time.

4 I guess I want to get a sense
5 from the Council members if we have addressed the
6 showstoppers that many of you had on Wednesday
7 night and how you feel about moving this document
8 forward to a hearing.

9 Anyone want to address that?

10 **MR. WEGBREIT:** There's a
11 couple more questions on this. But to answer your
12 question, the guts of what we have -- what has
13 been done to this document addresses some
14 controls. I mean, the neighbors that live near
15 the Elmwood church, some want to save the
16 building, some are very, very concerned about the
17 additional cars. And I think this tempers that.
18 I mean, it doesn't presolve it. It's still not
19 going to be residential. It'll be half
20 residential; so that's somewhat positive. But
21 there's that first bit of office use, and it does
22 not fit with what a lot of neighbors want.

23 At the same time, I think
24 this Council, you know, is very concerned about
25 old buildings and historic civic institution

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2 buildings like this. And, you know, this is a
3 way that accomplishes both.

4 In a limited use, that would
5 be fun, that would be most practical to get
6 anybody in there, but you didn't finish the
7 sentence: at what cost? And of course, we would
8 control that cost. But at this stage, I don't
9 think the community is ready to say, okay, go
10 ahead, control that cost.

11 So I think this is a good
12 compromise. And I think knowing what we have on
13 the table right now, this fits everything
14 described by the potential developer and other
15 thoughts. And if that doesn't come through, then
16 we'll figure it out. But it responds something
17 in the near term and also recognize that those
18 other four buildings are out there and they're
19 under a little bit of a limitation and control
20 that should be, this does that.

21 And same with South Narberth
22 Avenue. I understand the Planning Commission's
23 reasons why they thought it was appropriate, but
24 the reality was, it was a nominal chance of that
25 actually happening, and there was a significant

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2 concern that it didn't add and it would cause
3 other issues with different types of buildings
4 coming down. So I appreciate that we were able
5 to respect the Planning Commission but come off
6 their thoughts.

7 So, for me, it's got us
8 there. Obviously, we need to work with our
9 solicitor to know what can be done. And the
10 other thing is, if we move forward on this today,
11 we still have a month before we vote. And if we
12 find something within a month or if there's
13 something we're not realizing, then, yeah, we
14 have to go back to the drawing board. That
15 wouldn't be my intent, but it's not a done deal
16 as of today, but it lets us make it a done deal
17 next month. So that gives the public thirty days
18 to vet this out and respond and send notes. And
19 if's there's something big we missed, then, you
20 know, that will come through and unfortunately it
21 will be a delay to readvertise. So I'm good.

22 **MR. SILIO:** Bob, just to
23 clarify, because I'm looking at the graph that was
24 sent around today on the map. In the revision,
25 we've got orange, so that's not 3C, but 3B for

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2 both sides of South Narberth Avenue.

3 **MR. WEGBREIT:** Except for
4 green.5 **MR. SILIO:** It just extends
6 right across to the existing apartment building on
7 the other side of South Narberth?8 **MR. WEGBREIT:** No, it does
9 not.10 **MS. TEVLIN-MOFFAT:** No.11 **MR. SILIO:** It does not.12 **MR. WEISBORD:** It stops at
13 South Narberth Avenue.14 **MR. SILIO:** So stops at South
15 Narberth. So you have two nonconforming apartment
16 buildings; right?17 **MR. WEGBREIT:** Exactly. Which
18 are noted in the planning code, that they're
19 grandfathered in.20 **MR. SILIO:** They're
21 grandfathered in. So you're just taking what's
22 probably a really small risk that if those were
23 ever razed or redeveloped, you redevelop them
24 consistent with the --25 **MR. WEGBREIT:** The size they

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2 currently are of the scale.

3

MR. SILIO: Yeah. You
4 couldn't replace it with another multi-family,
5 could you, or is the use grandfathered, even that
6 you'd have to abide by the new footprint?

7

MR. METRICK: I'll let the
8 solicitor answer that one.

9

MR. SILIO: The multi-family
10 use on the north and south end of South Narberth
11 Avenue, would that be grandfathered for any
12 redevelopment of that project as multi-family, of
13 that parcel as multi-family?

14

MR. WALKO: If it's
15 multi-family now.

16

MR. SILIO: Now.

17

MR. WALKO: I mean, I could go
18 to the Code, but generally would stay
19 multi-family. I think there are provisions in
20 there if it's not abandoned for a year, then they
21 can stay with that same use.

22

MR. SILIO: So then all you
23 have on that block are two nonconformances.

24

MR. WALKO: Let me look.

25

THE CHAIRMAN: We're going to

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2 do a double-check. We're going to do a repeat.

3 Just a moment.

4

MR. WALKO: A nonconforming building that is destroyed by accidental cause may be rebuilt and used for the same nonconforming use provided certain conditions are met. But that says by accidental cause.

9

MR. SILIO: By accidental cause. So if someone wanted to redevelop those two apartment buildings as multi-family, they couldn't, like, voluntarily?

13

THE CHAIRMAN: That's correct.

14

MR. SILIO: Put an apartment building back up?

16

THE CHAIRMAN: That's right.

17

MR. SILIO: So that's weird, but okay.

19

MR. WEGBREIT: It's one more saved building.

21

MR. SILIO: It's a lot fewer nonconformances that we have under the current Code by a long shot.

24

MR. WALKO: Generally, this is done that we see it a lot with nonconforming

25

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2 garages where you can't tear down an entire garage
3 and build it up again. So what they do is they
4 build it from the inside out to keep it as a
5 remodel to get around that. So it would be a
6 massive scale of that, I imagine, if they want to
7 keep that use. And ultimately, you would have a
8 new, hopefully well-constructed building at that
9 time. But obviously, it would still have to go
10 through all the permitting requirements for any
11 reconstruction for remodels.

12 **MR. SILIO:** I know that was a
13 showstopper for you, Bob. And changing it only
14 results in two nonconforming properties.

15 **MR. WEGBREIT:** Yeah. That's
16 why I thought it seemed silly to not do that.

17 **THE CHAIRMAN:** Bob, would you
18 consider making an amendment to the motion that's
19 on the table to move for a hearing on this Code?

20 **MR. WEGBREIT:** In a couple
21 minutes. I had a couple other small items and
22 others may have other items.

23 **THE CHAIRMAN:** Take your time.
24 We are well ahead of schedule.

25 **MR. WEGBREIT:** I did want to

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2 just get clarity.

3 Sean, you sent around -- and
4 thank you for doing so much this weekend. You
5 sent around a note on what the potential parking
6 allotments would be on the four. Can you kind of
7 recant the highlights of that and obviously,
8 especially Elmwood?

9 **MR. METRICK:** You can fit zero
10 parking spaces on the Lutheran church. You can
11 fit 103 on the St. Margaret's school. Therefore,
12 you could reuse that building for really anything
13 in the Code. You could even reuse it a hundred
14 percent -- if you're going to allow a hundred
15 percent non-residential reuse, you could use it a
16 hundred percent as an office building and it would
17 still have more parking than it needs. You could
18 build a 20-space parking lot next to the catholic
19 church rectory, which would support a small mixed
20 residential office use in the sanctuary and
21 rectory buildings.

22 The Presbyterian church has
23 an exactly same-sized lot of about 20 spaces. So
24 the same build-out potential there in the
25 Presbyterian church would exist at the one I just

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2 mentioned. The Presbyterian church is presently
3 very intensely used. It has multi-use office.
4 It's a large church, and it has a daycare in it.
5 I found that interesting.

6 And on the Elmwood Avenue
7 church, you can fit eight parking spaces outside
8 the front yard setback area or eleven if you were
9 to allow by conditional use an applicant to put
10 spaces in the front yard.

11 **MR. WEGBREIT:** And assuming
12 this went through, how many parking permits would
13 the office -- I guess the residential, same as
14 anybody else, they could get five, eight, ten,
15 depending how many residents and cars they had.
16 How many would the office be entitled to under the
17 current?

18 **MR. METRICK:** Well, there is a
19 provision if the owner-applicant proposes a
20 non-residential use that Council has discretion to
21 meet out the number of employee parking permits
22 and not only the amount, but the geography of the
23 distribution, it also caps the number of on-street
24 permits to one per residential unit as a possible
25 condition Council could impose.

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MR. WEGBREIT: Great. So that covers a lot of the -- I think the people who are going to be potentially slammed by this are the people who live right on Elmwood where it's really tight parked. And if they have to share their district even further or dilute it, we'll say, but this pretty much covers that. So that's a positive.

10

MR. SILIO: To further note, I think if somebody came with a plan for, to pick an example, one of those churches where you could put 20 spaces on site, if they're not currently on that site, like St. Margaret's church, for example, do we have, with this new conditionality language, some ability to control that? Like, if you're paving over what was historically, you know, a grass open area next to a historical building that is part of the --

20

MR. METRICK: There are impervious cover limits.

22

MR. SILIO: There are impervious cover limits, but there are also some softer language around the conditions that the Planning Commission and Council can impose --

25

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2

MR. METRICK: Right.

3

MR. SILIO: -- around this.

4

Look and feel isn't the exact language, but the

5

historical character and property.

6

MR. WALKO: Well, the

7

historical character of the property is more to

8

the building exterior itself.

9

As far as the parking area

10

goes, that will be tied in more to the general

11

health, safety, welfare, how well it fits into

12

the surrounding community.

13

MR. SILIO: That's where I was

14

getting at.

15

MR. WALKO: So, for example,

16

the parking in the front yard setback, that would

17

be something that, at a conditional use hearing,

18

if that was to pass, they would have to present

19

Council with a plan. Council would have to look

20

at that plan and say, I don't like the way that

21

looks, that's too close to the road. If that's

22

the case, they would have to go back and change

23

it.

24

Now, if you're okay with it,

25

you would be able to grant that front parking.

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2 And normally, you would be able to base your
3 denial, if you tried to push that issue, with the
4 fact that it doesn't fit in with the surrounding
5 community, if it doesn't, in fact, look right and
6 fit right.

7

MR. WEGBREIT: I had two
8 other -- well, are we all done with that topic?

9

THE CHAIRMAN: Yeah.

10

MR. WEGBREIT: Two other
11 points that I saw in the changes that, one is
12 really minor, but I spoke to Sean real briefly
13 about it, is limiting the fence height where a
14 rear yard abuts a street. And I noted that almost
15 all the rear yards that abut Rockland, since it's
16 all Merion frontage, have fences that are six or
17 eight feet high currently, because it's not
18 abutting a sidewalk. So I thought we could change
19 that to abut a sidewalk as opposed to a street.
20 Though, I think, just because if you look at that,
21 otherwise, you would get no protection from the
22 street. It's very minor, you know, with the cars
23 and you're in your rear yard. Though, I will say
24 I think along Conway --

25

MR. SILIO: Yeah. Like, the

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2 back of Narberth Park?

3

MR. WEGBREIT: Yeah. I think that has a sidewalk. It has higher fences. So I can't really -- I haven't given that as much thought, but I am concerned about that you don't have that backyard privacy for even -- and I think that's something that we could either -- I don't know, I just didn't like the lack of backyard privacy. It's shown by the consistency across all of or most of Rockland that people have that and they obviously want it.

13

MR. SILIO: Can I ask a procedural question actually?

15

THE CHAIRMAN: I wanted to make a point of order, which is the solicitor has informed me that if we were to move this Form-based Code forward at the same time, we would also need a second ordinance updating that FEMA floodplain, and it would offer us an opportunity to have a little bit of time to have some of these smaller items where there's really no disagreement, but rather taking a complex document and making it more complex here at the table, hash out some of those things and append it on. They

25

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2 would be both enacted the -- they should be
3 enacted at the same time.

4 **MR. WALKO:** As background,
5 FEMA is requiring all the municipalities to pass a
6 revised floodplain map ordinance that's in line
7 with their revised flood maps. Every municipality
8 must do it, and it should be in the zoning code.
9 It isn't something that we want to put into our
10 current Zoning Code and then have a new code.

11 So I believe it would be best
12 procedurally to add that onto the Form Zoning
13 Code at some point. At the time we do that, we
14 could also make additional amendments to the
15 Code.

16 **THE CHAIRMAN:** I agree with
17 you about the fencing. And I could see where we
18 wouldn't have the expense for the Borough to
19 advertise for a hearing to make that change per
20 se, all by itself. But if we already know kind of
21 right on the heels if we're going to do that, then
22 it's a thought.

23 **MR. WEGBREIT:** I understand.
24 But if we're going to think about moving forward
25 to advertise tonight, we have to advertise the

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2 other elements tonight, too, or do we have a
3 couple weeks?

4

MR. WALKO: What elements?

5

6 fence.

7

MR. WALKO: If Council wants
8 to add things to the Ordinance, we could amend it
9 tonight and make sure it's clear on the record as
10 to what we're amending. Everything would have to
11 go back to the Planning Commission, and that's
12 going to have to happen regardless of what happens
13 tonight.

14

THE CHAIRMAN: As it does with
15 any zoning ordinance.

16

MR. WALKO: And they can say
17 we don't like that fence issue. We don't have to
18 listen to the Planning Commission, but it has to
19 go to them for their recommendations prior to
20 Council enacting them.

21

So any additions, for
22 example, Mr. Weisbord's additions, as long as
23 it's clear as to what those changes would be, we
24 would make that on the record tonight, it would
25 have to be marked up, and then that would be the

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BOROUGH COUNCIL CAUCUS MEETING

2 revised ordinance that would go back.

3 **MR. WEGBREIT:** Let's see how
4 many other things other people have. I just have
5 two things. I have that and we'll hold that for a
6 second, and then the other thing I saw that the
7 term "family unit" went from five -- Sean, could
8 you recite what it went?

9 **MR. METRICK:** No more than
10 five persons unrelated by marriage, birth, or
11 adoption back down to two where it is today.

12 **MR. WEGBREIT:** And I guess
13 that the concept and probably -- I'm not quite
14 sure what that intent was. I guess on one hand
15 you don't want the group house mindset next door
16 to you. So I understand that from the community
17 concerns. When you start talking the words
18 "family unit," and I know it's a zoning term, I'm
19 not sure how that impacts things or not.

20 One thing I recognize, in the
21 term, there is also a note about temporary
22 housing, which is kind of starting to touch the
23 air being a mindset. So if you reduce your
24 family unit there, you don't have me, Charlie,
25 and our frat mates all coming together over there

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2 being next to you for a weekend. Neither of us
3 were in frats, so don't worry about it. So I'm a
4 little bit confused about what the, you know, has
5 that value, but I don't know if it has any
6 negative values.

7

THE CHAIRMAN: Any other
8 Councilors have an opinion?

9

MS. RICHMOND: Why was it
10 changed?

11

MR. METRICK: I listened to
12 feedback about how it would allow large groups of
13 people who weren't related to each other to live
14 under one roof, and that was objectionable. I got
15 that feedback through, maybe, the second or third
16 reissuance of the ordinance.

17

MR. SILIO: I saw a fair
18 amount of that feedback also.

19

MS. TEVLIN-MOFFAT: Do you
20 agree with it?

21

(No response.)

22

MS. TEVLIN-MOFFAT: So I don't
23 disagree with it. And I understand and I agree
24 with your point. We certainly don't want you boys
25 in a fraternity house next to me. Point well

1

BOROUGH COUNCIL CAUCUS MEETING

2 taken.

3

4 But I think of some folks
5 that volunteer in the other part of my life that
6 I do, and some of those folks want to be together
7 and pull their resources and live in one property
8 in the Borough, and that certainly is about four
9 of them being unrelated in the age bracket of 65
10 and above. They have been friends for 60-plus
11 years and are prepared to take care of one
12 another. So I think that's the touch point for
13 me.

13

14 So I object to it. I would
15 like it to go back, but not a deal-breaker. We
16 can fix it later if we have to.

16

17 **MR. WEGBREIT:** Well, I guess
18 to err on the conservative side would be to go to
19 it too and look at it, but I don't have a clear
20 opinion on this because of both sides of the coin.
21 I wanted to point that out because I didn't hear
22 it. I thought that was significant.

22

23 **MR. SILIO:** You do have more
24 complicated family situations and living
25 situations that that limit definition might not
26 cover. It's pretty narrow. At the same time, it

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BOROUGH COUNCIL CAUCUS MEETING

2 is what is in the current Code and it may be --

3 **MR. WEGBREIT:** So currently
4 there's two?5 **MR. SILIO:** Yeah. And it's
6 kind of old language. I just noted when I read it
7 today it said you can't have two or more people
8 who are, I think, unrelated by marriage living and
9 cooking together.10 **MR. WEISBORD:** Sharing a
11 kitchen.12 **MS. TEVLIN-MOFFAT:** Sharing a
13 kitchen, right.14 **MR. SILIO:** No. It wasn't
15 sharing a kitchen. It was cooking. I mean, what
16 if they just get takeout. It's one of those
17 things that merits another look.18 **MR. WEISBORD:** I would be more
19 comfortable with us looking at it, leaving it the
20 way it was originally recommended with four.21 **THE AUDIENCE:** Speak up.22 **THE CHAIRMAN:** Bob is
23 suggesting to leave it the way it was originally
24 recommended at four unrelated individuals living
25 under the same roof.

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MR. WEISBORD: And then looking to see if there's -- in conversations with the Planning Commission, looking to see if there's really cause to reduce it to two, for this very reason, that they're unrelated, responsible adults who want to live in group settings, in group houses, unless that's, like, an issue of protected class, that there's some kind of protection for people that are 65 and older that allows them to live together, even despite our Zoning Code.

MR. WALKO: And it's not just age. It's all sorts of disabilities.

Group home litigation is one of the most common litigated matters in all municipalities. And you have to make provisions in order to comply with fair housing for what's considered a group home. We've done it with children, but we don't have it with adults.

The way that it's addressed is either creating a separate group home provision that addresses, you know, age-based or care-based families and allowing reasonable accommodations for nurses, aides, and such or you just have a larger family unit number and then

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2 also allow reasonable accommodations if that was
3 to happen.

4 So one of the other, I think
5 we would be fine by not having separate
6 provisions for adult group homes and reducing the
7 number to family where it would be unable to have
8 that sort of a home. I think if we were
9 challenged, we would be in trouble. We would
10 have to come up with something to address their
11 federal rights under the Fair Housing American
12 Disabilities Act.

13 **MS. RICHMOND:** I want to say
14 also -- can everyone hear me? It can back up to
15 four and five. The idea is you could have two
16 unmarried adults who have stepchildren and a
17 fiance or whatever. You could end up very quickly
18 getting to -- you could quickly get to four or
19 five, which is essentially an alternative family
20 or a non-traditional family from a certain point
21 of view. And it seems the least invasive
22 privacy-wise to just raise the number rather than
23 to create themselves as -- fashion themselves as a
24 group home, which is ridiculous. So why we would
25 not want to just let people mind their own

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BOROUGH COUNCIL CAUCUS MEETING

2 business...

3

THE CHAIRMAN: Is there a
4 consensus at the table to put the number back to
5 where it was? I'm asking that specifically. It
6 may be somewhere in between in this discussion.

7

But just to move us forward,
8 you would like to put it back at five, Charlie?

9

MS. RICHMOND: Four or five is
10 fine.

11

MR. SILIO: I would. I want
12 to confirm that you're still governed by fire
13 code.

14

THE CHAIRMAN: Always.

15

MR. SILIO: And the building
16 code. So you can't stuff five people into a
17 mother-in-law apartment or walk-in closet unless
18 the fire code let's you do it.

19

THE CHAIRMAN: That's right.

20

MS. TEVLIN-MOFFAT: Four or
21 five. I'm good.

22

MR. WEISBORD: I'm good with
23 four.

24

THE CHAIRMAN: Bob.

25

MR. WEGBREIT: Four sounds

1

BOROUGH COUNCIL CAUCUS MEETING

2 like a good number for now and we'll go from
3 there.

4 **THE CHAIRMAN:** Sounds like we
5 agree to four.

6 **MR. SILIO:** Okay.

7 **MR. WEGBREIT:** Do others have
8 other things that they saw in the Code?

9 **MR. SILIO:** The one other --
10 the one thing I want to point out in the draft and
11 particularly -- I've seen a lot of comments in
12 letters and otherwise about multi-family units,
13 multi-family houses I guess is a particular type
14 of housing in the Code. You've got your single
15 family, single dwelling unit. You got your twins.
16 You got your apartment buildings that slot in
17 between the multi-family homes. There's a whole
18 page on it. It's got pitched rooves, but it got
19 totally separated by interior walls, households in
20 it with separate exterior doors. There's a bunch
21 of those that exist in the Borough, including one
22 on the corner of South Narberth Avenue that people
23 have seen and discussed.

24 And I just want to point out
25 that there are -- there's a table in the document

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2 that's worth everybody reading, and all of us at
3 the table have read it a lot, that talks about
4 required lot space and lot coverage and
5 impervious surfaces.

6 As you look at the zoning map
7 and you look at what's allowed in a particular
8 area, you can't stop with the color on the map.
9 You also got to look at the restrictions around
10 lot size, and not just setback, but, you know,
11 how many square feet of lot you need in order to
12 put a particular kind of building on it. And
13 multi-family is one that's worth calling out in
14 particular, because I've seen a lot of
15 misunderstanding about it. Now I'm doing this by
16 memory, so somebody slap me if I get it wrong.

17 It's 3,000 square feet per --
18 I believe you have to have 3,000 square feet of
19 lot space per unit, per household; right?

20 So if you have -- if you
21 wanted to take a lot and convert it to a
22 three-unit multi-family house, that lot would
23 need to be at least 9,000 square feet, right,
24 which is a pretty good lot. I mean, in my
25 neighborhood, there aren't that many that are

1

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2 that big. If you wanted to do a four-unit lot,
3 you'd have to be 12,000 square feet. If you
4 wanted to be a five-unit house, you'd have to be
5 15,000 square feet.

6 And then, in addition, the
7 other thing to look at is the fact that as the
8 lot gets bigger, your ability to put a bigger
9 footprint building on it gets real inefficient
10 real quickly, because you can put on the first
11 4,000 square foot of a lot, you can cover with a
12 building 55 percent of that first 4,000 square
13 feet. But up through the 3C District, any lot
14 square footage above that, you can only cover
15 five percent with more building. And in the
16 fours, in the 4A District, for example, you can
17 only cover eight percent of any lot above 4,000
18 square feet with building.

19 So as you read the Code and I
20 believe everybody here -- I've been pulling out
21 my calculator. And you're saying, well, what if
22 you had, you know, in this area, can I put a
23 three-, four-, five-unit multi-family house on my
24 lot, almost, you know, the great majority of lots
25 in some of these neighborhoods actually know,

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BOROUGH COUNCIL CAUCUS MEETING

2 because you're just limited by the size of the
3 lot.

4 And then if you run the math
5 on, well, what if somebody were to come and
6 combine lots to get more lot space? And if you
7 think about the math, you got two -- let's say
8 you want to get to a five-unit, you get to 15,000
9 square feet. For a single-family home, you got
10 to have a 6,000 square-foot lot. So let's say
11 you're going to take three 6,000 square-foot lots
12 and combine them into an 18,000 square-foot lot
13 to put a multi-family house on it, you go from
14 having, I want to say it's a 2,300 square-foot
15 building footprint that you can put on a
16 single-family lot, plus another 2,300, plus
17 another 2,300, and you can stack that up to a
18 multi-story single-family home or a twin, if
19 those lots are big enough. But when you combine
20 it, you get kind of the full benefit of the first
21 4,000 square foot of that big lot, but you get,
22 like, five percent of the additional square
23 footage of those other two lots.

24 So you can't really increase
25 your multi-family house square footage in terms

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2 of ground footprint much beyond the single-family
3 home that could've gone in one of those three
4 lots. So I just want to make sure, as guidance
5 for all of us and for everyone else reading the
6 Code, like, dig deeper than the math and
7 especially look at the lot usage table that's in
8 there. I think it's a very useful guide in
9 understanding what the real restrictions are when
10 you see a color.

11 **THE CHAIRMAN:** One of the
12 things we discussed at the President's Chat on
13 Thursday night was how if someone -- let's say
14 money was no object.

15 **MR. SILIO:** Sure.

16 **THE CHAIRMAN:** And combining
17 multiple lots to build a house, yes, you could
18 combine, say, three lots to build a house that is
19 bigger than what you could've built on that first
20 lot, but you also wouldn't take that area of the
21 neighborhood where that happened and really
22 dramatically increased the amount of green space.

23 **MR. SILIO:** Yeah.

24 **MS. TEVLIN-MOFFAT:** Right.

25 **THE CHAIRMAN:** Because you

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BOROUGH COUNCIL CAUCUS MEETING

2 would have a house that while large is, you know,
3 has a lot of yard. And if someone wanted to do
4 that because it didn't matter to them whether it
5 was profitable or not, they could do it, and in
6 which case, it really wouldn't be a terrible
7 result. We have to allow them to do something
8 with their property, and that kind of comes from
9 Pennsylvania law and the limits that we can
10 operate under the Zoning Code. We don't need to
11 get into this whole thing again.

12 **MR. SILIO:** No.

13 **THE CHAIRMAN:** It's very well
14 stated. Thank you.

15 Anybody have anything else?

16 **MS. RICHMOND:** We took out the
17 noise control part, that's out, because of our own
18 ordinance or not?

19 **MS. TEVLIN-MOFFAT:** No. It's
20 in.

21 **MR. METRICK:** It's in.

22 **THE CHAIRMAN:** No. It's in.
23 Our solicitor is looking at the noise control
24 ordinance language in the draft to see if we need
25 to make a further correction given our recent

1

BOROUGH COUNCIL CAUCUS MEETING

2 passage of Ordinance 991 tonight.

3

MR. WALKO: I'm just looking
4 under noise control, which is 304 performance
5 standards for specific uses. I thought there was
6 more in that previously regarding time.

7

THE CHAIRMAN: Here is what's
8 in the current draft that is in front of us.
9 124-304.E(4)(b) refers to the table found below
10 the text. The table shows the permitted noise
11 level in designated octave bands along lot
12 boundaries. The restricted zone noted in the
13 table --

14

MR. WALKO: They are in the
15 table.

16

THE CHAIRMAN: -- were changed
17 from 7:00 a.m. to 10:00 p.m. -- from 7:00 a.m. to
18 10:00 p.m. to 8:00 a.m. to 9:00 p.m., that is more
19 restrictive. And in the adjacent header box for
20 the times were changed from 10:00 p.m. to 7:00
21 a.m. to 9:00 p.m. to 8:00 a.m.

22

So quiet hours, you know,
23 using a generic term would be 9:00 p.m. to 8:00
24 a.m. These times were expanded in an effort to
25 more accurately reflect resident schedules and a

1

BOROUGH COUNCIL CAUCUS MEETING

2 desire for a more restrictive noise ordinance.

3

MR. WALKO: The only comment
4 that I would have then to that is I believe one of
5 the last changes that we made in this new
6 ordinance was dealing with the change when
7 daylight savings time came along, to add that as
8 an extra hour.

9

THE CHAIRMAN: To reflect the
10 difference between the time of day and the hours
11 that the sun is on.

12

MR. WALKO: Correct. So that
13 would need to be reflected as well.

14

THE CHAIRMAN: Is that
15 something you think we could do tonight?

16

MR. WALKO: I believe it would
17 be something we could just say that it be
18 reflected to --

19

THE CHAIRMAN: Ordinance 991.

20

MR. WALKO: Exactly.

21

THE CHAIRMAN: So kind of
22 cross out these two headers and say times where
23 these apply are defined by Ordinance 991.

24

MR. WALKO: Or to say that the
25 Ordinance will be amended to comply with the

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BOROUGH COUNCIL CAUCUS MEETING

2 provisions of 991, and then we would then know
3 what we'd be going into and that would be enough
4 consistency to move forward.

5 **THE CHAIRMAN:** Okay.

6 **MR. WALKO:** I would prefer not
7 to cite to other ordinances. It's good to have it
8 there so you can see what it is. But the change
9 distinctly would be to add an additional hour
10 during daylight savings time to what is indicated
11 under noise control.

12 **THE CHAIRMAN:** So what I have
13 recorded so far, and make sure I'm not missing
14 anything, Bob suggested additional restrictions on
15 uses, on his uses chart that he passed around for
16 conditional use for civic institutions. We
17 decided that we would let the family unit to be
18 defined as four unrelated individuals and to
19 reference -- to remove the times explicitly in
20 that section regarding noise and reference the
21 rules put forward in Ordinance 991.

22 **MR. WALKO:** Or to have the
23 Ordinance reflect the times in 991.

24 **THE CHAIRMAN:** Okay. Was
25 there something else that was on the table?

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BOROUGH COUNCIL CAUCUS MEETING

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MR. WEGBREIT: Last little

3

thing was the rear yard fence.

4

THE CHAIRMAN: Thank you.

5

MR. WEISBORD: I think it says

6

what you're intending.

7

MR. WEGBREIT: You think so?

8

MR. WEISBORD: I just read

9

that. I think it actually says what Bob was

10

asking for it to say. That you are allowed a

11

six-foot fence in your rear yard if you're rear

12

yard abuts a sidewalk. If it abuts a road, you're

13

only allowed a three-foot high fence. And I think

14

it's for visibility and safety at corners. If the

15

property goes all the way to the road and there's

16

a corner, there's no way for an automobile to see.

17

It's a blind spot.

18

Is that correct, Sean?

19

MR. METRICK: I'm sorry. I

20

don't recall.

21

MR. WEISBORD: I'm sorry. I'm

22

going to find it and read it to you.

23

THE CHAIRMAN: Let's take our

24

time.

25

MR. WEISBORD: It's

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BOROUGH COUNCIL CAUCUS MEETING

2 actually -- I think this is right out of our
3 current fencing ordinance.

4

THE CHAIRMAN: Councilor
5 Richmond, while he's looking for the fences, you
6 had a suggestion?

7

MS. RICHMOND: I have a
8 suggestion that we actually put in the current
9 Narberth Borough Council and Planning Commission
10 members. That would be my suggestion.

11

THE CHAIRMAN: Could you write
12 up a modification and pass that? Cross out and
13 overwrite and I'll make it part of the record.

14

MR. WEISBORD: On your way
15 over, can I see it?

16

MS. RICHMOND: Yeah. This is
17 my hope. I mean, I can verbally say it. It's
18 easier.

19

THE CHAIRMAN: Go ahead. In
20 no small pleasure, we're adding, Councilor
21 Richmond.

22

MS. RICHMOND: Also, I guess
23 if we're dating this March 2016, and I'm not sure
24 why we put in previous Council members, but not
25 all of them, and why we left out some.

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BOROUGH COUNCIL CAUCUS MEETING

2

MR. METRICK: We should just

3

do current.

4

MS. RICHMOND: Yes. Why don't

5

we do current Borough Council members?

6

THE CHAIRMAN: So there would

7

be six of us?

8

MS. RICHMOND: There would be

9

six.

10

THE CHAIRMAN: Okay. Just

11

making sure.

12

MR. WEISBORD: Fences and

13

walls, 124-606.C.3.A was expanded and now reads

14

side and rear yard fences or walls may be up to

15

six feet in height. Except where they abut a

16

street, the height shall not exceed three feet.

17

The new text was added

18

because the provision originally enacted the

19

maximum height for side or rear yard fences or

20

walls when they abut a street. And I believe the

21

concern is one for vehicular visibility at a

22

street.

23

THE CHAIRMAN: Right. I think

24

Councilor Wegbreit was actually advocating the

25

opposite, which was a higher fence abutting the

1

BOROUGH COUNCIL CAUCUS MEETING

2 street for more privacy.

3

Is that what you were saying?

4

MR. WEGBREIT: Exactly.

5

MR. WEISBORD: Even when

6 there's not a sidewalk?

7

MR. WEGBREIT: Yeah. If you

8 go down Rockland, you'll see almost every house,

9 as I said before, has a high backyard fence for

10 privacy factor. And if they don't, there's no

11 sidewalk there.

12

THE CHAIRMAN: Maybe you could

13 amend that where you would only have that

14 restriction, you know, within a corner. It's a

15 corner.

16

MR. WEGBREIT: Or where it

17 obstructs, because we have a sight line.

18

MR. WEISBORD: I think we

19 should talk to the person who made the amendment,

20 find out why they did that.

21

MR. WEGBREIT: Sean.

22

THE CHAIRMAN: He's reading.

23

MR. METRICK: I don't

24 remember. Just decide what you want and we'll put

25 it in the document.

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BOROUGH COUNCIL CAUCUS MEETING

2

MR. WEISBORD: I mean, I'm
3 fine with it the way it is.

4

5

MR. WEGBREIT: I don't even
6 know if we have to put -- maybe we put except
7 where it affects the sight line of a vehicle.

7

8

THE CHAIRMAN: Which would be
8 that the traffic engineer could make the
9 determination.

10

11

MR. WEGBREIT: At the
11 discretion of Borough engineer, yeah.

12

13

THE CHAIRMAN: What do you
13 think about that?

14

15

MR. WALKO: I think that would
15 be sufficient.

16

17

18

19

20

THE CHAIRMAN: Okay. So to
17 amend rather than saying three feet for property
18 lines that abut a street directly with no
19 sidewalk, it would be what height are you looking
20 for, Bob?

21

22

23

24

25

MR. WEGBREIT: I think it
22 would be side or rear fences or walls may be up to
23 six feet in height. Just leave it at that. And
24 then except where the traffic -- where the Borough
25 engineer feels it will affect a traffic sight

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BOROUGH COUNCIL CAUCUS MEETING

2 line.

3

THE CHAIRMAN: Okay. Is there
4 a consensus on that?

5

MS. TEVLIN-MOFFAT: That's
6 fine.

7

MR. WEGBREIT: Just trying to
8 keep people from being nonconforming.

9

THE CHAIRMAN: No. I agree
10 with you.

11

MR. SILIO: There was another
12 item like that. It wasn't a showstopper for
13 anybody when we talked about it last week, but
14 there's been a fair amount of public comment on
15 it. I think it was also one of those, like, 51/49
16 kind of Planning Commission discussions, and that
17 was the porch enclosures provided that there was
18 still visibility into the porch. How do we want
19 to handle that?

20

It's a similar kind of
21 change, I think, in that, it's not going to
22 really mess with the guts of the Code. I don't
23 think there's a lot of controversy about it, but
24 probably could use a little more feedback and
25 definition than what you guys just talked about.

1

BOROUGH COUNCIL CAUCUS MEETING

2

MR. WEISBORD: You need the whole package of standards for that.

4

MR. SILIO: Right.

5

MR. WEISBORD: I think it's a future amendment.

7

MS. TEVLIN-MOFFAT: Right. I think we talked about that the other night, it's a future amendment.

10

MR. WEGBREIT: They're fresh with the topic. They could probably do it in the next three months or something, because they discussed it ad nauseam.

14

MR. SILIO: It's sort of short-term focus future amendment.

16

THE CHAIRMAN: And I think it gives Council the opportunity in its instructions to the Planning Commission to issue kind of where we are feeling it should go, and then to create standards based around that, not necessarily kind of a blind tell us what you think.

22

MR. WEISBORD: And that gives us another chance say two or three months out to have a package, if there are other minor things that we see, we can go with the front porch

25

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BOROUGH COUNCIL CAUCUS MEETING

2 standards.

3

THE CHAIRMAN: Does everyone

4 agree?

5

MS. TEVLIN-MOFFAT: Yes.

6

THE CHAIRMAN: Councilor

7 Richmond would like to do something about it now.

8

MS. RICHMOND: I guess what

9 I'm hearing is nobody wants to make any major

10 changes to this plan. Not only now to pass it,

11 but really what you're saying is ever.

12

And I guess my biggest

13 problem with this is just the overall concept

14 that one of the things people like about Narberth

15 is that it has a defined downtown Main Street-ish

16 kind of thing, by expanding commercial and mixed

17 uses beyond that, where you're going to change

18 that. So that's a big change. That's not a

19 little change. That's pretty much the opposite

20 of whatever you would think form-base means.

21

The other thing that just --

22 when I also think about aging and place and you

23 think about concepts like --

24

THE AUDIENCE: Can't hear.

25

THE CHAIRMAN: I can hear you,

1

BOROUGH COUNCIL CAUCUS MEETING

2 but if you could look at the audience.

3 **MS. RICHMOND:** I don't know if
4 this is going to work. I hope this helps. Does
5 it?

6 **THE AUDIENCE:** No.

7 **THE CHAIRMAN:** Take it.

8 **MS. RICHMOND:** Does this help
9 at all now?

10 **THE AUDIENCE:** Yes.

11 **THE CHAIRMAN:** Yes.

12 **MS. RICHMOND:** So a couple of
13 my big major problems with this, which aren't
14 minor changes at all, have to do with defining
15 density from the train track and then getting
16 lighter as it goes out. Because by definition,
17 Montgomery Avenue is a major thoroughfare, and it,
18 at the very least, should have density, a
19 dual-density from that place as well.

20 And on top of that, why
21 Wynnedale is not considered a place where you
22 would have density. I mean, I don't live long
23 enough to suggest it, but it's a question of
24 looking at this from a conceptual point of view.

25 I started off saying we talk

1

BOROUGH COUNCIL CAUCUS MEETING

2 strictly residential units. You've now placed
3 that out of the market by opening it up for
4 commercial development. People are going to pay
5 more, and I think in some cases that you've seen
6 that, where somebody might think a property can
7 be zoned eventually for partial use so they pay
8 more, they bid other people out of the market,
9 and that's now the new setback. So you're not
10 going to have -- you can't walk that back.
11 Essentially you're saying none of our civic
12 institutions are going to be eligible for just
13 residential use going forward. If you want to
14 change that, then you're going back to what was
15 objected to before, it was just spot zoning,
16 because now we're taking each case in particular
17 as it comes up.

18 So I think just overall there
19 are some things that I don't think are minor
20 tweaks. I think they're major problems.

21 I also object to the initial
22 language which just throws the word "urban"
23 around every other word -- urban this, urban
24 that, the intent, the authority, and the
25 applicability. The intent is to maintain the

1

BOROUGH COUNCIL CAUCUS MEETING

2 urban form present and mostly intact in the
3 Borough. And I think that that's just
4 disingenuous.

5 People didn't move here
6 because they wanted to live in Center City or
7 Brooklyn. They moved here because it's not that.
8 They wanted to live somewhat that was different.

9 And if you think about -- so
10 this is where I'm coming from. I'm not so sure
11 this is ever going to be good for Narberth. I
12 think the biggest problem I have at this point is
13 that we actually never asked Montgomery County
14 Planning Commission to break this down for us in
15 pieces, that we could actually go through it with
16 the community and doing a mass community change
17 with their zoning hearing. And I think it would
18 have been very nice if we had that at least as an
19 option in front of us, what can we pass that we
20 agree on, do it in pieces. It is a 140-page
21 document. Maybe it should be 204 pages. Maybe
22 it deserves to have that kind of attention in
23 each of those changes and parts, and maybe the
24 community would've appreciated the time to go
25 through that. I know I would've. And I think

1

BOROUGH COUNCIL CAUCUS MEETING

2 that, you know, because the church took up so
3 much time, we spent all that time on an ordinance
4 we didn't pass that could have been spent on
5 this. It could've even given us an extra two
6 months just to preserve the properties we do want
7 to save from teardowns.

8 So I feel like there's just
9 some kind of -- we're just missing what's
10 important, and it concerns me greatly. So I feel
11 like I don't have the tools before me to vote
12 what needs to be done to preserve the buildings
13 we say we want to preserve. All of them.

14 **THE CHAIRMAN:** I think
15 everyone has had a chance to speak.

16 Councilor Wegbreit, you had
17 indicated you might make an amendment to the
18 motion to discuss?

19 **MR. WEGBREIT:** Yeah. I'll
20 address your comments when we get to the
21 discussion part of this, but I'm going to make a
22 motion that we put forward this draft of a
23 Form-based Code, to advertise it towards approval.

24 **THE CHAIRMAN:** Who seconded
25 that motion to discuss it originally?

1

BOROUGH COUNCIL CAUCUS MEETING

2

MR. SILIO: I think it might

3

have been me.

4

THE CHAIRMAN: All right.

5

Let's have the amended motion on the table, which

6

I will read back to move the Form-based Zoning

7

Code, draft version 4.1, which was sent out to

8

Councilors this afternoon, to a hearing with the

9

following amendments to that draft. One is the

10

uses chart, which will be entered into the record,

11

and it's being handed down to me.

12

MR. WEISBORD: Label it

13

something?

14

THE CHAIRMAN: Yes. Amendment

15

1.

16

The second is to redefine the

17

number of unrelated individuals that can live

18

under a single roof to four.

19

MR. WALKO: Definition of

20

family.

21

THE CHAIRMAN: Definition of

22

family to four.

23

To take the references to

24

times of day that are in the noise ordinance

25

component of the Form-based Zoning Code draft --

1

BOROUGH COUNCIL CAUCUS MEETING

2 and use your language -- reference them to
3 Ordinance 991.

4

MR. WALKO: I believe it's
5 better to use the language that's in the Ordinance
6 that we just passed to put into the Form-based
7 Code.

8

THE CHAIRMAN: That we will
9 make that change before it's reprinted as a
10 document.

11

Regarding a fence. That a
12 fence abutting a sidewalk or a street can be as
13 high as six feet unless determined by the Borough
14 traffic engineer to impair vehicular sight lines;
15 to make an update to the list of Council members
16 and Planning Commission members to reflect those
17 who are in those positions as of this day. And
18 that's it. That's what's on the table.

19

We have had a discussion. We
20 can have more now that we made an amendment.

21

You would like to say
22 something?

23

MR. WEGBREIT: I don't
24 disagree with anything you're saying, Marlene.
25 It's gone through four-, six-, eight-year process.

1

BOROUGH COUNCIL CAUCUS MEETING

2 So I think a lot of these concerns and thoughts
3 have been addressed by the Planning Commission and
4 the community. I also think that the speed of
5 these changes is relatively minor, what will
6 happen.

7 But you're absolutely right,
8 this is not to keep Narberth Narberth. This is
9 to change Narberth. And I don't think it's -- I
10 feel the changes are minor and soft enough that
11 they will ultimately result in a fairly good
12 thing recognizing it's a different world.

13 I agree about Montgomery
14 Avenue. I mean, why would you not want -- if
15 you're going to put apartments anywhere, you've
16 got a bus that goes right by Montgomery Avenue,
17 you've got easy outlets for vehicle traffic
18 that's already going there. Same with the
19 Wynnedale Court or anywhere should get, you know
20 a house converted to four units versus two.
21 There's plenty of parking up there. Is it in the
22 character of what's there now, no. But is
23 changing my next door neighbor to two units in
24 the character there, not necessarily. I think
25 we're really assessing a lot of, you know, trying

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BOROUGH COUNCIL CAUCUS MEETING

2 to decide what is character for the town. But I
3 still think the bottom line, the output is really
4 not going to be that bad, and it does on the
5 form, it absolutely addresses things in a very
6 good way.

7 On the density allowance, I
8 don't think it's going to be -- I think these
9 minor tweaks and the reality of what market is, I
10 don't think it's going to harm this town
11 immediately. But I think in ten years, we're
12 going to look back and say wow.

13 We can look ten years ago,
14 you know, I remember in 2001, which I guess is 15
15 years ago when I got asked to run for mayor, and
16 the town, the make up of the people, the type of
17 people, the economics of who could live here, the
18 thought processes of people was 80/20, 70/30
19 opposite exactly what it is now. And I think the
20 community that's here now wants a lot of these
21 things that are changing. And I think, you know,
22 we've got to be careful because, that 30 percent
23 that don't want these things and how do we make
24 sure they don't get quashed, that they're not
25 disrupted. So that weighs heavily in my mind and

1

BOROUGH COUNCIL CAUCUS MEETING

2 heart of, you know, what is the impact of these
3 changes. And I feel like we've got to represent
4 the majority. I think there's enough protections
5 for the minority of what people want.

6 So that's, you know, but I
7 don't disagree with you. I think you've pegged
8 it right on the nose. It's just, you know, what
9 will happen as a result of this. And I don't
10 feel that the actual impact on usage and density
11 will be all that much with some of these controls
12 in there. And if I'm wrong, I'm wrong. But if
13 we leave it as is, I mean somebody -- somebody
14 contacted us today, we got a ton of e-mails, and
15 I responded to a lot of them.

16 But, you know, that the right
17 thing is to do nothing. Well, to do nothing is
18 to do something. And I don't know if this will
19 end up preventing the so-called -- I don't want
20 to call it rare, but the new home constructions
21 we've been seeing that people are concerned
22 about. Hopefully it will, because, you know,
23 people don't want it. But I've looked at some of
24 those new homes, and as much as I disagree with
25 them, they're not horrific. They're just houses

1

BOROUGH COUNCIL CAUCUS MEETING

2 that I don't want for myself that I hate to see
3 next to myself.

4 But I mean, I walked up and
5 down Dudley and different neighborhoods on
6 Sunday, and, you know, it didn't -- I wasn't
7 horrified. I saw a lot of houses that will fit
8 this Code that I thought were just as abysmal in
9 certain ways where their cars were parked in
10 front the house on the side of the driveway.

11 So I don't know what we can
12 do. But I feel like this is a community decision
13 that a strong majority of the community wants
14 most of what's in here. And I think at this
15 point I don't think it's going to harm us to pass
16 it forward, and I think we need to move onward.
17 So hopefully I'm right.

18 **THE CHAIRMAN:** Councilor
19 Silio.

20 **MR. SILIO:** Can I respectfully
21 disagree with both of you on one point, and that's
22 about -- I mean, I do think this -- I got three
23 points I want to make. The first of which is that
24 I think that this actually is a deeply
25 conservative document and very preservationist in

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BOROUGH COUNCIL CAUCUS MEETING

2 nature. And I actually think that's as a result
3 of the fact that this was arrived at through a
4 very lengthy and very public process that took a
5 lot of community input in. And a lot of that
6 community input was in favor of limiting density
7 in the long term and ensuring that the town fabric
8 stays the town fabric. And, you know, everywhere
9 you look in the Code, that is really baked in.

10 I think if you had something
11 that was a more transformational document, you
12 would have something maybe that looks like a pure
13 Form-based Code where you'd have mixed use
14 everywhere to do some of the things I said
15 earlier about maximizing the reuse of the
16 building and ensuring the kind of mixed uses that
17 maybe historically pertained in the town back in
18 the teens, twenties, thirties, forties before
19 there were these kind of suburban zoning codes
20 that came in sort the early middle part of the
21 century, which, by the way, because our town grew
22 up before that, are horribly unsuited to the way
23 our town was actually built in the first place.

24 And so, the longer you leave
25 that in place, the more you're going to have new

1

BOROUGH COUNCIL CAUCUS MEETING

2

And then, in the northeast part of town, along Montgomery Avenue and in Iona, where all the row houses are kind of up there is a second hot spot. And so the zoning map was developed very much to overlay with what's there today. And also, you'll notice that by-right uses are actually very limited compared to what you'd have if you had just a wide-open code. And it's a lot of what's inherited into this Code, both in terms of use restrictions around the Borough on a by-right basis, and even to some extent on a conditional use basis and special exemption basis are very similar to what we have today.

16

Residential remains by and large residential. Commercial remains by and large commercial or mixed use in the sense of in the downtown area. You've got business on the first floor, apartments above.

21

So I think what you wound up with through all this comment is a fairly conservative document that actually -- to get to a second point here, I and a lot of constituents that I talk to, not everybody, moved to Narberth

25

1

BOROUGH COUNCIL CAUCUS MEETING

2 because it is urban to some degree, right? It's,
3 you know, there are a lot of folks who moved out
4 of the city to get to a city in a good school
5 district, right? Not to move to, like, Valley
6 Forge, right? Not to pick on our neighbors, but,
7 you know, there are plenty of places to move that
8 are not urban, like, small new urban, right?

9 We're not Barcelona, but we
10 got our downtown area with amenities and movie
11 theaters you can walk to, you don't have to drive
12 your car on the weekends, you know, you're not
13 living in a cul de sac and having to hop in your
14 car every time you want to go to the store.
15 That's part of the definition of urban. I think
16 one of the reasons we're attractive and we're
17 becoming more attractive as a community is that
18 we are that, right?

19 So you've got some part of
20 the town, and sometimes it overlaps. These
21 groups are not, like, two groups of people. It's
22 lots of people with different opinions. There's
23 a lot of overlapping, who want to see more mixed
24 use and maybe more density because that's kind of
25 the mindset they come from. You've got folks who

1

BOROUGH COUNCIL CAUCUS MEETING

2 want to see limits to density and things that
3 stay roughly the same. If I look at where the
4 Code ended up, I feel like it ended up very much
5 lined with, like, finding a way to keep things to
6 stay the same as they can.

7 So as a set point for going
8 forward, I think it limits the amount of change
9 you're going to see. And that actually means
10 it's a pretty decent set of compromises to build
11 from in the future and then determine as things
12 go how much further change you want.

13 The last thing I want to
14 point, specifically to Montgomery Avenue area,
15 that was actually one of the biggest changes in
16 this Code. Like most of it involves really
17 preserves the built environment.

18 Montgomery Avenue is the one
19 part of the Code, you know -- other folks have
20 spent a lot of time with the document maybe can
21 elaborate on this more than I can. But, you
22 know, right now, that's the part of town built in
23 a period where we had high minimum parking
24 requirements and really wide setbacks and you got
25 a pretty busy road; so people built quasi-strip

1

BOROUGH COUNCIL CAUCUS MEETING

2 mall and stuff there. Of all the parts of town
3 that I can see changing, based on what's in the
4 Code here, Montgomery Avenue is probably the
5 biggest, like, not immediately, it's not that
6 it's going to happen immediate, it takes time for
7 people to turn over the buildings and things to
8 change. It's like boiling a frog, you know. You
9 see a little bit of change here and there, and
10 you look up after twenty years and all of a
11 sudden, it's different.

12 I think most of the town,
13 because we're supplanting the old Code with the
14 new code, if we pass it and it stays like it is,
15 what you see is not a ton of change over time.
16 But Montgomery Avenue, I think you will see a
17 change over time as things get redeveloped. And
18 Montgomery Avenue does permit -- that's 5B;
19 right? I'm not screwing this up -- apartment
20 buildings and multi-use; right?

21 **MS. TEVLIN-MOFFAT:** No.

22 **MR. SILIO:** No. By-right uses
23 in 5B. What am I imagining? Did that change?

24 **MS. TEVLIN-MOFFAT:** Yes.

25 **THE CHAIRMAN:** Yeah, it

1

BOROUGH COUNCIL CAUCUS MEETING

2 changed.

3

MS. TEVLIN-MOFFAT: A long

4

time ago.

5

MR. SILIO: What am I looking

6

at? The setbacks are a lot different.

7

THE CHAIRMAN: Yes.

8

MS. TEVLIN-MOFFAT: Yes. And

9

the parking is different.

10

MR. SILIO: Setbacks and

11

parking are different. So at a minimum, you're

12

going to see buildings that are a lot closer to

13

the street with entrances off sidewalk and parking

14

times, kind of like what you see in the Downtown

15

Overlay District right now.

16

MS. TEVLIN-MOFFAT: Right.

17

MR. SILIO: So I'd say if

18

you're looking for kind of transformation in the

19

built environment in the town, you're most likely

20

to see it there because of the fact that it makes

21

that part of town look more like what's in the

22

Downtown Overlay District.

23

MS. TEVLIN-MOFFAT: Meant to

24

reflect our downtown.

25

MR. SILIO: It's meant to

1

BOROUGH COUNCIL CAUCUS MEETING

2 reflect that that is a multi-use, multi-service,
3 more dense area of town that's on bus transit. I
4 think that's how that should have that right now.

5 I'm a little surprised I'm
6 looking at the wrong chart.

7 **THE CHAIRMAN:** That's okay.
8 It's getting late.

9 Does anyone else have
10 anything to add or can we move to a vote?

11 **MR. WEGBREIT:** Yes.

12 **THE CHAIRMAN:** Okay. All in
13 favor of moving the Form-based Code Zoning Code,
14 draft 4.1, with the five changes that I outlined
15 previously to a hearing, please say aye.

16 **MR. WEISBORD:** Aye.

17 **MR. WEGBREIT:** Aye.

18 **THE CHAIRMAN:** Aye.

19 Any opposed?

20 **MS. TEVLIN-MOFFAT:** We have
21 one change.

22 **THE CHAIRMAN:** What is your
23 change?

24 **MS. TEVLIN-MOFFAT:** We have an
25 objection in this version.

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BOROUGH COUNCIL CAUCUS MEETING

2

THE CHAIRMAN: I'm

3

procedurally -- what is your change?

4

MS. TEVLIN-MOFFAT: If you

5

look at the chart, because we moved in one

6

version, it's now back in this version and two

7

earlier versions it did not appear.

8

THE CHAIRMAN: Is that the

9

apartment building in 5B?

10

MS. TEVLIN-MOFFAT: Yeah.

11

THE CHAIRMAN: Just to remove

12

it from 5B?

13

MS. TEVLIN-MOFFAT: It was not

14

in the Code we discussed.

15

THE CHAIRMAN: The vote was

16

not completed, because I think not everybody was

17

listening. So let me step back.

18

MR. WEISBORD: It was in the

19

4.0 version.

20

MS. TEVLIN-MOFFAT: Right.

21

THE CHAIRMAN: And what is

22

this?

23

MR. SILIO: It's 4.1. It's

24

still there.

25

MS. TEVLIN-MOFFAT: No, it

1

BOROUGH COUNCIL CAUCUS MEETING

2 wasn't. It was not in 4.0.

3

THE CHAIRMAN: Just a moment.

4

MS. TEVLIN-MOFFAT: And it

5 wasn't in the previous, the one before then.

6

THE CHAIRMAN: Let's make sure

7 this is right.

8

- - -

9

(Discussion off the Record.)

10

- - -

11

THE CHAIRMAN: Councilor

12 Wegbreit, could you move to amend your motion that

13 in addition to the five stated amendments that we

14 would -- I don't think I'm getting any

15 disagreement.

16

MS. RICHMOND: No, no. We did

17 disagree.

18

THE CHAIRMAN: Okay.

19

MR. WEGBREIT: So we're taking

20 apartment buildings out of the opportunities on

21 pure apartment buildings.

22

THE CHAIRMAN: Let's go back

23 to the discussion. So in the 5B District, which

24 is on Montgomery Avenue, apartment buildings were

25 permitted. And then at some point, in the 4.0,

1

BOROUGH COUNCIL CAUCUS MEETING

2 which was published in March, they were removed,
3 and they, probably just due to an oversight, have
4 reappeared, but now I'm hearing some debate some
5 Councilors would like it to stay.

6 **MS. RICHMOND:** Are these the
7 apartment buildings where the first floor had some
8 sort of office or retail?

9 **MR. SILIO:** No. AB is pure
10 apartment building; right?

11 **MR. METRICK:** AB is apartment
12 building type and MU is mixed use type. They're
13 two different building types.

14 **MR. WEISBORD:** Keep mixed use,
15 not allow pure apartment building.

16 **MS. TEVLIN-MOFFAT:** But now
17 pure apartment building.

18 **MR. SILIO:** I'm sorry. I
19 misunderstood. I thought you were taking both of
20 them out.

21 **MR. METRICK:** No, no. Leaving
22 MU in.

23 **THE CHAIRMAN:** So we're
24 removing pure apartment buildings from the 5B
25 District and permitting mixed use, that would be

1

BOROUGH COUNCIL CAUCUS MEETING

2 commercial use on the first floor and living units
3 above.

4 **MR. WEGBREIT:** The goal is
5 just not to have --

6 **THE CHAIRMAN:** Right. That's
7 the goal, to have a vibrant retail, you know,
8 along Montgomery Avenue.

9 **MR. WEGBREIT:** And it can be
10 upstairs, too.

11 **THE CHAIRMAN:** That's right.
12 We get to use the air. So would you like to make
13 that amendment?

14 **MR. WEGBREIT:** Yeah. I'll
15 make that amendment to 4.1 --

16 **THE CHAIRMAN:** With the five
17 previously mentioned changes.

18 **MR. WEGBREIT:** -- with the
19 five previously mentioned changes --

20 **THE CHAIRMAN:** And a sixth.

21 **MR. WEGBREIT:** -- to include,
22 excluding apartment buildings from the 5B
23 District.

24 **THE CHAIRMAN:** All right.
25 That is what is on the table. And I am going to

1

BOROUGH COUNCIL CAUCUS MEETING

2 ask for a vote. All in favor of the motion that
3 is on the table, please say aye.

4

MR. WEISBORD: Aye.

5

MR. SILIO: Aye.

6

MS. TEVLIN-MOFFAT: Aye.

7

THE CHAIRMAN: Aye.

8

Any opposed?

9

MS. RICHMOND: Nay.

10

THE CHAIRMAN: It is five in

11 favor, one opposed to move this Form-based Zoning
12 Code to a hearing.

13

Mr. Solicitor, could you give

14

us some background on potential dates for that

15

hearing?

16

MR. WALKO: Well, today is

17

March 14th. There needs to be thirty days for

18

both Planning Commissions' review, the county and

19

Narberth. And that's whence these changes are

20

actually made to the document and submitted to

21

them. It has to be thirty days from that date.

22

From my calculations, the next meeting, regular

23

meeting of Council is the 11th. We're already

24

outside that thirty-day requirement that needs to

25

be procedurally enacted. So it would have to be

1

BOROUGH COUNCIL CAUCUS MEETING

2 after our next regularly scheduled Council
3 meeting.

4 The only other requirements
5 that would be needed would be two consecutive
6 advertisements at least a week before the
7 meeting, and we would need to post throughout the
8 Borough the notices of the zoning map changes
9 that affect those areas. And that needs to be
10 done also a week before the hearing, at least a
11 week before the hearing. So because my
12 understanding the advertisements usually go on
13 Saturdays, those would have to be two consecutive
14 Saturdays advertising a hearing that's, again,
15 more than seven days past that Saturday, which
16 would take us into the other week.

17 **THE CHAIRMAN:** So what are we
18 looking at?

19 **MR. WALKO:** So based upon
20 that, what day would you like to have?

21 Now, we can also advertise
22 for both a special meeting to also do the vote
23 that same night, and I would recommend that being
24 done.

25 **THE CHAIRMAN:** I think that we

1

BOROUGH COUNCIL CAUCUS MEETING

2 should do it, whether Council chooses to take
3 advantage of that. The advertising cost would
4 basically be the same. So we should give
5 ourselves the option either way.

6 **MR. WALKO:** Correct. It would
7 be more lines. If this was advertised, it really
8 is based upon whether we can get it to the
9 Planning Commissions. When do we believe we would
10 be able to make these changes and formally submit
11 them to the Planning Commissions for their review?

12 **THE CHAIRMAN:** Sean.

13 **MR. METRICK:** Just tell me
14 when.

15 **THE CHAIRMAN:** Let's aim for
16 this Wednesday, end of business.

17 **MR. WALKO:** So if it was
18 submitted to the Planning Commissions on the 16th,
19 April 15th is a Friday, that would be at least
20 thirty days. So if this was advertised on
21 April 2nd and April 9th, we would be able to have
22 the hearing the week of the 18th of April. And it
23 really does not matter what day of that week.

24 **THE CHAIRMAN:** Okay. I know
25 there's a holiday that week for some people. So I

1

BOROUGH COUNCIL CAUCUS MEETING

2 would aim maybe for the beginning of Monday or
3 Tuesday evening, the 18th or 19th. If everybody
4 could take a look at their schedules and their
5 calendars?

6 **MR. WALKO:** It could also be
7 the following week as well. It has to be within
8 sixty days of the advertisements.

9 **THE CHAIRMAN:** Right. I'll
10 throw out April 18th. All who are available raise
11 your hand?

12 **MR. WEISBORD:** 8:00 p.m.?

13 **THE CHAIRMAN:** 8:00 p.m.

14 **MR. WEISBORD:** That's fine.

15 **MR. SILIO:** No.

16 **THE CHAIRMAN:** Charlie is no
17 good in person or no good at all?

18 **MR. SILIO:** No good in person.
19 Likely no good at all. That third week of the
20 month is my --

21 **THE CHAIRMAN:** How about if we
22 were to move it to Monday, April 25th?

23 **MR. SILIO:** Fine.

24 **MS. RICHMOND:** Monday, April
25 25th?

1

BOROUGH COUNCIL CAUCUS MEETING

2

THE CHAIRMAN: Yes.

3

MR. SILIO: The night before

4

the election.

5

MS. RICHMOND: No.

6

MR. WEGBREIT: I'm out of town

7

that day.

8

THE CHAIRMAN: Tuesday, April

9

26th is Election Day.

10

MS. TEVLIN-MOFFAT: 27th,

11

28th?

12

THE CHAIRMAN: 27th. How

13

about the 28th? Thursday the 28th?

14

MR. WEGBREIT: Sure.

15

MS. TEVLIN-MOFFAT: Uh-huh.

16

THE CHAIRMAN: Thumbs up?

17

Thumbs up?

18

All right. Let's schedule

19

our hearing for Thursday, April 28th.

20

And, Mr. Solicitor, could you

21

speak a little bit towards the rules involved

22

with advertising an ordinance like this and when

23

its rules might go into effect with people

24

submitting for land use?

25

MR. WALKO: There's no slam

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2 dunk under the law. There is something called the
3 Pending Ordinance Doctrine, which has really only
4 been going through the courts for use-based
5 changes to a code. And clearly a lot of these
6 changes are not use based. They're dimensionally
7 based. It seems that the same logic would apply.
8 That once it's been expressed by the Council that
9 this Ordinance is going to be going into effect,
10 as long as it does actually go into effect when
11 planned at that hearing, that you can't then
12 quickly file those permits to get around that.

13 I personally know of judges
14 in Montgomery County who have said I'm not going
15 to listen to the Pending Ordinance Doctrine, and
16 then there are issues as to whether that doctrine
17 would start from the advertisement date or from
18 what would be today. So there are lots of gray
19 areas.

20 But needless to say, having
21 it done earlier is a benefit, is an argument to
22 make, if there was an issue that was to arise to
23 have it enacted today would provide us with a
24 stronger support that those regulations that
25 we're passing would be followed. But, again, it

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2 really would depend upon what the permit is
3 stating or the land plan is stating and how it
4 conflicts or if it conflicts with the provisions
5 of our Ordinance.

6 **THE CHAIRMAN:** Okay, thank
7 you.

8 All right. Let's move on to
9 our next item of business. Are there any other
10 action items that Council members would like to
11 add to the agenda?

12 (No response.)

13 **THE CHAIRMAN:** All right.
14 Let's move on to No. 7, informational.

15 Mr. Manager, do you have a
16 report?

17 **MR. METRICK:** I do. But I'll
18 just submit the written report to your monthly
19 reports.

20 **THE CHAIRMAN:** Okay, thank
21 you.

22 Mr. Solicitor, do you have a
23 report?

24 **MR. WALKO:** No additional
25 report at this time. I did mention again that the

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2 Zoning Hearing Board did uphold our zoning
3 officer's interpretation based upon the driveway
4 parking space and they did deny the Hampden Avenue
5 permit for application.

6 **THE CHAIRMAN:** Thank you. And
7 I am going to submit the monthly reports of the
8 library, the fire chief, building permit activity,
9 the police chief.

10 Tom, I did not see a police
11 report. Do you have it?

12 **THE MAYOR:** It's here.

13 **THE CHAIRMAN:** Treasurer's
14 report, and the tax collector report, as well as
15 I'm putting in this folder, our Borough manager's
16 written report. And all of those will be
17 available to the public if they wish to see them.

18 Come to our new favorite
19 agenda item: Comments for the good of Council.
20 Does anyone have any positive community news to
21 report or anything else?

22 **MS. TEVLIN-MOFFAT:** The
23 Leprechaun Hunt was a huge success.

24 **THE CHAIRMAN:** It was a nice
25 day.

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MS. TEVLIN-MOFFAT: It was a nice day, a huge success. Kudos to the business association and Ed Ridgeway, as always, for making that a terrific day. A lot of fun.

MR. SILIO: I think he said we had over six hundred kids participate in the hunt this year.

MS. TEVLIN-MOFFAT: Yeah.

THE CHAIRMAN: I mean, the weather was good, but it wasn't amazing. So that's very positive.

MS. TEVLIN-MOFFAT: Yeah. That's good.

THE CHAIRMAN: Anything else, anyone?

MS. RICHMOND: I don't know whether it's new business or I guess it's new business.

THE CHAIRMAN: Okay. Any old business?

(No response.)

THE CHAIRMAN: New business. Councilor Richmond.

MS. RICHMOND: So I wanted to

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2 just clarify with our solicitor that, I seem to
3 recall back -- I recall, I can't remember whether
4 this was late fall or whatever, sometime last
5 year, the idea of a delayed demolition ordinance
6 was discussed. And we could not figure out a way
7 to do that, but we were told when an application
8 is put in, we can give X number of days and then
9 we should wait until the last minute. So the
10 question that I have is, because we're trying to
11 prevent teardowns and we're trying to maximize the
12 opportunity that we have, where anyone would have
13 before any demolitions are approved, I just want
14 to clarify, it's fifteen days for residential,
15 it's thirty days for commercial or mix?

16 **MR. WALKO:** Nonresidential.

17 **MS. RICHMOND:** Nonresidential.

18 And when there's a reapplication, the timeline
19 then starts over.

20 **MR. WALKO:** The UCC, which,
21 again, is what we have adopted, says that the
22 Borough or municipality, in general, has thirty
23 days from the date of an application to make a
24 decision. Once that decision is then made, if it
25 was denied, the applicant would then have to

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2 reapply.

3 So my interpretation, and I
4 think it's pretty widely held, is that it would
5 be another thirty days from that reapplication at
6 that time. Because, again, the idea is that the
7 Borough would need to look at the additional
8 information provided and have the time to make a
9 decision, otherwise, you know, if you got a
10 decision denying someone on the 29th, you would
11 have one day to get back. So that would be
12 correct, that it would be -- whatever the time,
13 it would be from the resubmission of that plan.

14 **MS. RICHMOND:** Does anyone
15 know -- so the ordinance on Friday that was
16 approved, not approved, the demolition permit that
17 was approved, how -- what I don't understand is,
18 did we use maximum allotted time to hold on to it,
19 even with the reapplication? And are we now not
20 doing that anymore? Have we decided to just
21 approve them whenever we want?

22 **MR. WALKO:** I don't believe I
23 made a recommendation that we wait until the last
24 day. I think that the Borough would be able to do
25 that under the UCC, you have thirty days to do it.

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2 I'm unaware of when the reapplication was made. I
3 wasn't even aware that a reapplication was made
4 until --

5 **THE MAYOR:** It was March 4.

6 **MS. RICHMOND:** March 4th. So
7 we would've had until April 4th.

8 The reason I'm asking is
9 because we had lots of discussion last fall about
10 this delayed demolition, and to give ourselves
11 the maximize amount of time before we approve
12 them. And I'm asking if we're changing our minds
13 on that now or are we trying to stick to keeping
14 all those days in our favor so we can look at
15 every last detail?

16 **THE CHAIRMAN:** I think that
17 the important thing for us to do is to treat all
18 applicants the same. It is the discretion of
19 Council to tell the office, get them out as
20 quickly as possible, you know, permits in general,
21 or not, you know, use the maximize amount of time.

22 **MS. RICHMOND:** I thought we
23 did that.

24 **THE CHAIRMAN:** I think that
25 for a residential -- there's a little bit of a

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2 difference between a residential and a commercial,
3 not only the time difference, but that a
4 residential demolition is often less technically
5 complex.

6 I know that the permit, you
7 know, the Borough said that it issued a
8 demolition permit, and the first line of the
9 permit is to set up a fence and call the engineer
10 to schedule an appointment. So unlike a
11 demolition permit where it's kind of like here
12 you go, go ahead and get started, I think we all
13 knew that nothing is going to happen to that
14 building until there was a process that's going
15 to play itself out, because it is complex.

16 Take a look at this. This is
17 actions prior to demolition that are required.

18 **MS. RICHMOND:** I don't know
19 that it was a resolution. I thought it was more
20 of an agreement.

21 **THE CHAIRMAN:** I don't think
22 it was a resolution.

23 **MS. TEVLIN-MOFFAT:** It was not
24 a resolution.

25 **MR. WEISBORD:** The Building

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2 and Zoning Committee made a request that the
3 office send notifications to the neighbors of any
4 buildings that were -- that had -- where they made
5 application for construction demolition.

6 **THE CHAIRMAN:** Within a
7 distance?

8 **MS. TEVLIN-MOFFAT:** Yes.
9 Within a certain distance.

10 **MR. WEISBORD:** Yeah. The
11 neighbors of the building listed for demolition.

12 **THE CHAIRMAN:** And was a
13 notification sent out?

14 **MR. WEISBORD:** There were
15 conversations about the time. That's what I
16 recall. There were conversations at the time. I
17 don't know that there was any kind of motion or
18 agreement.

19 **MS. RICHMOND:** We had a very
20 detailed discussion.

21 **MR. WEISBORD:** There might
22 be -- any kind of permit, whether it's for
23 construction or demolition, is considered a
24 construction permit. And I think all of us would
25 want to be treated the same. I mean --

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MS. RICHMOND: I think we agreed to that.

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MR. WEISBORD: If I were to file an application for construction or demolition of my home, I would want to be treated the same as everyone else. My understanding is that it's about fairness.

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MS. RICHMOND: My understanding is within the framework of the public asking Borough Council last fall to do something about the teardowns, that there was a detailed conversation about what we can do, what tools do we have. And the only thing that came up was we should direct the office to use the maximum amount of time within its -- and that would be for everybody, not just one person or this or that person randomly. It would be for all people.

And I remember Sean saying that it would be the Friday before, you know, it's due. So say it's due next Wednesday, there would still be little time for there to be a reaction, it wouldn't literally be on the Wednesday. I remember that level of detail in the conversation. So I'm asking whether we're

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2 changing that and if we are, why?

3

THE CHAIRMAN: Why don't we
4 take this as an opportunity to clarify on policy
5 to the office as to what we would like them to do?

6

MS. RICHMOND: Okay.

7

MR. WEGBREIT: To me, I think
8 that's exactly what we talked about a few months
9 ago. We should just reiterate that any type of
10 construction permit -- be it a fence, be it a
11 construction, be it a demolition -- that the
12 Borough was going to post it on the website that
13 there's a permit request, and that we were going
14 to not issue it until near the end of the time
15 period.

16

And that would give -- it
17 wouldn't give neighbors any right to speak up,
18 but it would give neighbors the right to know
19 that something is happening near them in case
20 they have to or want to do any type of action.
21 And we really -- when we go back to the minutes
22 later, we'll find that we very clearly discussed
23 this in that format that Marlene described.

24

THE MAYOR: We did. It was
25 because it was a moratorium discussion.

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MR. WEGBREIT: We couldn't do that, but this is what we could do.

4

THE MAYOR: And it was to maximize time.

6

MR. SILIO: I have a question for the solicitor on this. The office is governed by the UCC; right? And that's the law, that's what they're going by as a guide book when they do their job.

11

MR. WALKO: The permitting process.

13

MR. SILIO: When they're doing the permitting process.

15

So the UCC basically says, and this is like -- this gets to how we, as a body, manage the office as the executive in town; right?

19

We've got a written set of rules that they work by. And that written set of rules says the only reviewer of these permit applications is the building inspector. Very clear about that.

24

In the UCC, one of the things that the building inspector inspects, that that's

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2 their call. And it says you got up to whatever
3 the different ranges of days are, up to that, to
4 do it. And usually, within that, you're trying
5 to provide, you know, a good level of service for
6 permit applicants.

7 If, in addition, what's in
8 the UCC, we want to give specific guidance to the
9 office to, you know, add rules on or stick to a
10 consistently applicable rule for how to process
11 an application, I don't know that having that in,
12 like, the Borough meeting minutes cuts it. Don't
13 we need a resolution or something?

14 **MR. WALKO:** It would need be
15 actually an ordinance.

16 **MR. SILIO:** It would need to
17 be an ordinance.

18 **MR. WALKO:** If Council wanted
19 to pass an ordinance saying that we want every
20 demolition permit to go through the Mayor, you
21 could pass that ordinance. And then that system
22 would set up, and if it didn't go through the
23 Mayor, that would then be issued in error and that
24 would be a reason to revoke it. My understanding
25 it that doesn't exist now.

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THE CHAIRMAN: It doesn't in terms of timing.

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MR. WALKO: In terms of timing, whatever system Council wants to set up has to result in that permit, to use the word "exactly." The building official shall grant or deny a permit application in whole or in part within thirty business days. So it's business days, too. So that's actually extended of the filing date.

So as long as you're within that thirty business days, the system within that could be left up to Council, as long as it doesn't conflict with any of these changes.

MR. SILIO: Right. But that system is set up by ordinance resolution or just like open discussion?

MR. WALKO: No. It would be an ordinance.

MR. SILIO: It would need to be an ordinance.

MR. WEGBREIT: We all agreed that that was the exact case several months ago, but we felt that as a policy -- and our concern

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2 was not for the developers. Our concern was for
3 the residents. That the residents when their
4 neighbors were doing something had an opportunity
5 to understand what was going on and not just have
6 construction vehicles show up at their door the
7 next day. So we talked about this at length at a
8 meeting, and we all agreed that it's a very simple
9 policy-style decision. It doesn't need to be an
10 ordinance that we hold on to this.

11 Now, I don't know if Sean
12 didn't recognize it or if he was pressured
13 because there was so much going on, but, you
14 know, there's a lot of concern about this
15 demolition permit, and, you know, is Yerkes
16 qualified to talk about this. And I think if we
17 had more time to let others review it, maybe
18 something that may have come up that said, whoa,
19 this is a dangerous thing for our community, and
20 this could be not just this one, it could be, you
21 know, when somebody posts to do something with
22 their house. There's a lot of different things
23 that go on. And it's all originated, I think, a
24 lot out of, you know, when Eli put his large
25 garage up there and the neighbor didn't have a

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2 chance to see that.

3

MS. RICHMOND: And the Dudley

4 Avenue property.

5

MR. WEGBREIT: All those

6 things.

7

MS. RICHMOND: It was a

8 concern.

9

THE CHAIRMAN: Mr. Solicitor,

10 is it possible if Council wanted to do this, to
11 move to an ordinance, specifically restricted to
12 demolition permits, or would it have to apply to
13 all permits in the construction realm equally?
14 How would that --

15

MR. WALKO: I would not pass

16 an ordinance regarding any permit days. I mean,
17 obviously, if there wants to be a policy, you're
18 well within your rights to set up a formal policy
19 as long as it's within these requirements. But it
20 shouldn't be something where a law is enacted.

21

THE CHAIRMAN: Would it be

22 appropriate to mark out a certain type of permit
23 versus all permits?

24

MR. WALKO: I believe so. As

25 long as everyone that's applying for that

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2 particular permit is treated equally. So you're
3 not giving some people five days and some people
4 on the 25th day.

5

MR. SILIO: And that's my
6 concern is that, we've written it down everywhere
7 and said this is applicable to everybody.

8

MR. WEGBREIT: We did.

9

MS. TEVLIN-MOFFAT: I don't
10 know that we did.

11

MS. RICHMOND: We're saying
12 it's applicable to everybody because you never
13 know when the next one will be.

14

MR. SILIO: What I'm looking
15 out for is I don't want to see us sued. I don't
16 want somebody to say you denied my application,
17 all the other ones have been processed in five
18 days and mine is thirty.

19

MS. RICHMOND: I think we
20 actually have that problem right now, because we
21 approved a demolition on a Friday when weekends
22 don't even count. So if weekends don't even count
23 towards business days, anything done on a Friday
24 makes no sense whatsoever. You would at least
25 give yourself till Monday, because those two days

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2 don't count against you. So you have an extra two
3 days.

4 So the point would be, why do
5 something on a Friday, because you don't know
6 what's going to come up. A building could fall
7 on his home or something. You don't know. You
8 have the thirty days by law or fifteen days by
9 law. You have an additional fifteen or thirty
10 days when there's a reapplication. It's in our
11 interest as a Borough to use that time. How we
12 use it, the law already says we have that time.
13 The question is directing the office, because
14 there's such a concern about these teardowns, to
15 use their maximum allowed allotted time under the
16 law for everybody.

17 **THE CHAIRMAN:** So does Council
18 want to set that policy? Do we want to look back?
19 Do we want to look forward? I'm hearing different
20 things.

21 **MR. WEISBORD:** If I apply for
22 a building permit, I want the building permit as
23 quickly as possible. I think if my HVAC
24 contractor comes in and applies for a building
25 permit, I think it's a waste of their time if they

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2 can't just obtain a permit as quickly as possible.
3 So if we were to become a town that has a policy
4 that all permit applications will be either
5 approved on the last day possible, it makes it
6 very --

7 **MS. RICHMOND:** This was about
8 the demolitions, more in particular.

9 **MR. WEISBORD:** Well, permits
10 for demolition are the same as permits for
11 construction. It's the same permit.

12 **MR. WALKO:** It's under the
13 UCC, but, again -- first off, I recommend that
14 Council not pass any policy saying we're going to
15 just sit on any permit for a certain amount of
16 time for no reason.

17 Now, obviously, if there are
18 reasons that Council wants to give more attention
19 to certain permits, they can be as specific as
20 demolition permits for entire structures, because
21 those are related -- those need a more thorough
22 investigation. They want the inspector to really
23 take the time to look at it. So the expectation
24 is that those permits will -- what will take
25 longer and will likely be towards the end, I

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2 think that's a better direction to the Borough
3 office is to allow more consideration, more time
4 to make those decisions.

5

THE MAYOR: And even if

6 there's a transitional time, like I've heard time
7 and time since the transition occurred have
8 reduced office hours or do organizational work,
9 there's phone calls that have to be returned,
10 there's e-mails that have to be returned, maybe it
11 is best to use as a policy to wait thirty days,
12 because someone may try to reach someone in the
13 office and they can't reach them. You never know.

14

MR. WEGBREIT: I thought we

15 talked about this and the idea was to make it as
16 public as possible.

17

THE CHAIRMAN: So I'd like to

18 make it a suggestion, which is that we go back and
19 we look at the record and we see what we did, and
20 then we see if this sitting Council agrees with
21 what was discussed, and maybe that can give us
22 some framework, because it seemed pretty clear at
23 the time how Council felt, and we kind of go from
24 there. Can we do that for next month?

25

MR. WEISBORD: Just to address

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2 the concern that the Mayor had, if he has concerns
3 about a demolition project, couldn't he offer
4 those to the office or to Yerkes on his own? So
5 if he has a particular concern, he could say to
6 the engineer I have a concern about X.

7

THE CHAIRMAN: Councilor

8 Richmond specifically discussed the policy that
9 Council brought up. And I think Councilors should
10 talk about Council. So let's take a look at the
11 minutes. Let's take a look at the recording and
12 we'll see where we were, and we can put this on
13 the agenda for next month.

14

MS. RICHMOND: Thanks.

15

MR. WEGBREIT: I have another

16 question. Continuing on the demolition permit,
17 I'm not confident at this point that that permit
18 was vetted as tightly as I would suspect based
19 primarily on the price associated with it and
20 everything I've heard about that type of
21 demolition. So the question is, is there anything
22 we can do to have a second body review the permit?

23

MR. WALKO: Well, the permit

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25

isn't a, here, you can go at this building and
knock it down. This is really just a permit

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2 demolition plan, and that the plan was approved.
3 And the plan has, I mean, ten actions that need to
4 be done prior to the demolition. Just
5 paraphrasing, disconnecting sewer laterals,
6 disconnecting electric and gas, disconnecting all
7 utilities, pedestrians shall be protected from
8 demolition at all times during demolition through
9 temporary construction fencing, which, according
10 to the permit, has to be reviewed and approved
11 prior to the start of demolition. If asbestos is
12 found, you have to call in the hazard material
13 expert. The applicant will salvage and remove
14 from the site certain interior doors and fixtures,
15 which I like to hear. Fire extinguisher would be
16 --

17 **MR. WEGBREIT:** I understand
18 all that, John. I guess what I'm -- I have not
19 seen the detail of what they're doing. We all
20 know that these old buildings have lead from lead
21 paint in them. Is there anything in this that
22 addresses that abatement?

23 **THE CHAIRMAN:** Yes. It
24 requires that there be hoses on site to keep
25 everything wetted so that it will be removed and

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2 not dusty to the environment.

3 **MR. WEGBREIT:** I trust you.

4 **THE CHAIRMAN:** It is just a
5 plan, that the issue now is to ensure that our
6 inspectors and make sure that the applicant follow
7 the plan and make sure that the plan is being
8 followed, if they decide to start this action.
9 But, again, they're not able to start any action
10 until they put up that fence, and they have that
11 fence actually physically inspected by our
12 building inspector. That would be the first step.

13 **MR. WEGBREIT:** I mean, the
14 fence is really just a ploy --

15 **MR. WALKO:** Construction
16 fence.

17 **MR. WEGBREIT:** -- to scare the
18 neighbors further. It is what it is. It's a
19 reality.

20 **MR. WALKO:** Maybe that's what
21 it is. But if the people are actually concerned
22 that there's going to be a wrecking ball swinging
23 there tomorrow, that can only happen after all
24 these actions were done and is checked by our
25 committee.

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MR. WEGBREIT: Thank you.

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THE MAYOR: Should we be

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concerned it's a wrecking ball or taken apart by

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block? I mean, is that one of the concerns? Is

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one of the concerns the applicant who, by public

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record, has two employees and does not have any

8

experience in demolition? Is that a concern? I'm

9

not saying it's available.

10

THE CHAIRMAN: That's where

11

the building engineer comes in, because when they

12

do that site visit, it's not this page, but it's

13

this one. I'll read it to you.

14

THE MAYOR: I understand what

15

you're saying, Aaron. I mean, items such as cost,

16

should the cost setup on --

17

THE CHAIRMAN: Well, that's a

18

question for the solicitor. I mean, I could tell

19

you we receive permit applications all the time in

20

the Borough where the cost seems fairly low and

21

part of the fee that someone pays is based on the

22

cost. I can't speak to it in this situation, but

23

I think that, you know, Mr. Solicitor.

24

MR. WALKO: I don't have the

25

information as to how a building would actually be

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BOROUGH COUNCIL CAUCUS MEETING

2 taken down. I would trust --

3

THE MAYOR: We hope no
4 wrecking ball.

5

MR. WALKO: If there's a
6 wrecking ball, our building inspector said it's
7 safe to use a wrecking ball, go ahead and use that
8 wrecking ball.

9

Now, whether that's safe or
10 not, I don't have that expertise. Obviously, we
11 should have that conversation if there's a
12 concern, to make sure that he's doing his job
13 correctly. And any resident is well within their
14 rights to have those questions or express those
15 concerns.

16

THE CHAIRMAN: If there's a
17 consensus of Council, we can ask our building
18 engineer to come to our next meeting and discuss
19 it with us. We have access to this individual.
20 He works for us. There's no reason that he needs
21 to be in a box that we can't talk to him.

22

MR. WEGBREIT: That would be
23 good to have him in sooner than later.

24

THE CHAIRMAN: Let's request
25 it at our next meeting.

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Can we do that?

3

MR. METRICK: Yes.

4

THE CHAIRMAN: That would be

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great.

6

MR. METRICK: Caucus or --

7

THE CHAIRMAN: Let's have him

8

at the next caucus meeting, yeah. That's our next

9

meeting.

10

Anything else?

11

(No response.)

12

THE CHAIRMAN: Okay. I'll

13

take a motion for adjustment?

14

MR. WEISBORD: I move that we

15

adjourn.

16

MS. TEVLIN-MOFFAT: I second.

17

THE CHAIRMAN: All in favor?

18

MR. WEISBORD: Aye.

19

MR. SILIO: Aye.

20

MR. WEGBREIT: Aye.

21

MS. TEVLIN-MOFFAT: Aye.

22

MS. RICHMOND: Aye.

23

THE CHAIRMAN: Aye.

24

Thank you. Good night,

25

everybody.

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BOROUGH COUNCIL CAUCUS MEETING

(At 10:41 p.m., proceedings
were concluded.)

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C E R T I F I C A T E

I hereby certify that the proceedings are contained fully and accurately to the best of my ability in the notes taken by me in the above cause and that this is a correct transcript of the same.

Tim Kurek

Official Court Reporter

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