

BOROUGH OF CONSHOHOCKEN BOROUGH COUNCIL
MINUTES OF THE PUBLIC MEETING

Wednesday, January 6, 2016

PUBLIC MEETING

PRESENT: James Griffin, Council President
Karen Tutino, Council Vice-President
Robert Stokley, Senior Council Member
Anita Barton, Council Member
Tina Sokolowski, Council Member
Colleen Leonard, Council Member
Robert Frost, Mayor

ALSO PRESENT: Richard J. Manfredi, Borough Manager
Michael J. Savona, Borough Solicitor

CALL TO ORDER

The Public Meeting of the Conshohocken Borough Council duly advertised, was held at Conshohocken Borough Hall, 400 Fayette Street, Conshohocken, Pa. Mr. James Griffin, Council President, called the meeting to order at 7:03 PM.

COUNCIL PRESIDENT ANNOUNCEMENTS

Mr. Griffin began the meeting by introducing the re-elected and newly elected members of Council. Mr. Griffin announced that he would move item a.) of Unfinished Business on the agenda up to become the first presentation of the evening.

PRESENTATIONS

a.) Consider Three Tower Bridge Open Space Waiver Request

Mr. Jim Ettelson, was present and requested that Council move on to another matter of business as his client, Esther Pulver, was not yet present but would be there shortly.

Mr. Griffin then introduced the second item of Unfinished Business on the agenda that evening and Mr. Manfredi explained the item.

UNFINISHED BUSINESS

b.) Consider the November 2015 Draft Leeland Mansion Market Assessment performed by Urban Partners.

Mr. Manfredi reminded Council that, at the last meeting, it was decided to move the Leeland Mansion Market Assessment to the January agenda for consideration when the new Council members were seated. The full Council has the analysis and, upon discussing the matter with Ms. Barton, Mr. Manfredi explained that it is clear that the subject will require much more thought and information so Mr. Manfredi has asked KSK Architects Planners Historians, Inc. and Urban Partners, LLC to attend the February work session to review their assessment in greater detail, explain how they came to the conclusions that were presented therein, and to answer any questions that Council might

have so that a decision can be made. Mr. Griffin asked Council if they were in agreement with Mr. Manfredi's and all were. Mr. Griffin was made aware that Ms. Pulver was now present so he permitted Ms. Pulver to share her presentation on the Three Tower Bridge Waiver Request.

Consider the Three Tower Bridge Waiver Request

Mr. Jim Ettelson began by stating that he is the attorney representing the owners of the property. He introduced Ms. Esther Pulver, property owner and member of Conshohocken Beer Garden, LLC, Mr. Kevin Tierney, event planner and member, and Mr. Paul DiBona, owner of Pepperoncini Restaurant, who would be the caterer for the proposed events. Mr. Ettelson reminded Council that he and this group were present in December to discuss plans for the proposed event and that they were returning to answer Council's questions and to seek approval of their request for a waiver of a condition of approval on the final land development plan and introduced Ms. Pulver.

Ms. Pulver summarized that the site is 5 acres in total and that her tenants would like to see more amenities. She plans to create a connection for the tenants and members of the Borough community to access the open space at the waterfront and enhance the natural setting. Ms. Pulver then introduced Mr. Tierney. Mr. Tierney stated that he had reviewed the Revitalization Plan to ensure they were meeting the plan's goals and cited portions of it to support his argument for the pop-up beer garden. He also used a pop-up garden idea as an example of the importance of food and beverage to a successful pop-up event.

Mr. Griffin asked Council if they had questions on the presentation. Ms. Sokolowski asked Mr. Tierney if the operational plan that had been requested by Mr. McConnell previously was available for Council's review that evening; she added that they would be looking for hours of operation, a waste management plan, and a public safety plan as examples of items it should include. The Council and Mayor Frost asked additional questions about parking, capacity, event layout, and how the event would impact other businesses in the Borough. Mr. Griffin stated that he would like to talk to businesses as far as Fayette Street, Ms. Chris Stetler, Community Development and Zoning Officer, regarding green space, and the Police Chief regarding safety to get their thoughts.

Mr. Savona provided the history of the land development plan approval for Three Tower Bridge and stated that, nineteen years ago, the mechanisms that are used now were not in place and, today, we would require certain restrictive covenants to be recorded to prevent this type of issue. In this instance, the developer is asking if Council would consider permitting them to move forward to the Zoning Hearing Board to get approval for this kind of commercial, restaurant-type use that will require zoning permission. Mr. Savona stated that it made sense for them to come to Council first to have the condition lifted but, if Council is not inclined to waive the condition, then the proposed event discussion would end at that point. Mr. Savona added that Council's determination to waive the open space requirement could include conditions set by the Council.

Mr. Griffin called for public comment and, a resident, Ms. Rosemary Northcutt, shared that she is not in favor of this use because it is direct opposition to the Borough's goals of preserving public open space and the restoration of the natural habitat; she requested that the Borough Council deny this request. Another resident, Mr. Jim Davie, commented that he is in favor of the beer garden and had visited the Sky Garden event and enjoyed it. Another resident, Mr. John Napoleon, commented that he is in favor and this is an activity that will appeal to the growing, younger demographic.

Mr. Manfredi suggested that Council should share their wishes for the business plan with him and he will forward the information to Ms. Pulver; additionally, a staff meeting could be scheduled to discuss this further. Mr. Griffin then introduced Mr. Manfredi to share his Manager Matters.

MANAGER MATTERS

Mr. Manfredi shared that the Borough is in the process of trying to finalize the new Borough Hall project and that Paul Hughes, Borough Engineer, and he are working to create a final punchlist of items that are included in the contract and those that are not included. When the list is prepared, he hopes to present one comprehensive final change order at the February work session; Mr. Manfredi added that, if everything can be prepared sooner, it may be before Council at the January 20th meeting. Council asked additional questions about the completion timeline for the project and other aspects of the building that are not yet completed.

Mr. Manfredi mentioned that the December minutes and Treasurer's Report would be on the next agenda and that the Borough is working on year-end financials presently. He stated that all audits should be completed by January 20, pension issues are being worked out, and that the Borough has finalized the changeover to a new pension investment advisor and that he would have them come before Council in March. Mr. Manfredi shared that, in February, Council would be addressing year-end cleanups such as the A-Field project and that they would be asked to make a supplemental appropriation to use unexpended funds so that they can be properly accounted for in 2016; the Mary Wood Park House water damage project is another example of something that will be before Council in 2016. Mr. Manfredi shared that discussions with SEPTA are occurring and they are moving to get the project at Washington started. He then introduced Mr. Savona to share his Legal Matters.

LEGAL MATTERS

Mr. Savona shared that new floodplain maps have been issued by FEMA and that municipalities are required to update their floodplain regulations to accommodate the new maps and current FEMA guidelines. Mr. Savona stated that, because Montgomery County's updates are due in March of 2016, he has prepared a draft floodplain ordinance consistent with FEMA that will become an amendment to the Borough's Zoning Ordinance. He will require authorization to start the adoption process of the ordinance, which will include advertisement of the ordinance so that a public hearing can be scheduled and the ordinance can be adopted in February before the March deadline.

The second legal matter was that a tax assessment appeal was filed by MC Roseland Washington Street, LP, the owner of 51 Washington, to appeal the fair market value assessment of the property. Colonial School District and MC Roseland, LP have agreed to settle the appeal for a stipulated value and other conditions in an agreement that Mr. Savona recommends that Council authorize the Borough to sign; the agreement would be on the January 20th agenda.

The final legal matter was that because Mr. Kevin McMonagle, the elected Council official representing Ward 5, did not take his Oath of Office and his seat, he has forfeit the seat and there is now a vacancy that needs to be filled with an appointment by Council within thirty days or the matter would go to the Vacancy Board. He stated that the process fill the vacancy needs to be determined by Council this evening so they can be prepared to make the appointment before the deadline. Council determined that the vacancy should be advertised the following day and that letters of interest and resumes would be accepted at the Borough office until noon on Friday,

January 15, 2016; interviews would be conducted on January 20 in a special meeting before the regular public meeting.

Mr. Stokley asked who the Vacancy Board Chair was and Mr. Manfredi replied that it was Mr. Joe Collins. Mr. Stokley asked how the decision to appoint him was made and Mr. Manfredi replied that it was voted upon at the December 16, 2015 meeting. Mr. Stokley expressed that he would have preferred that an interview be conducted for the vacancy filled by Mr. Collins so that new Council members could be introduced to him and others had an opportunity to fill the vacancy. Mr. Manfredi replied that since he had been Borough Manager, he had issued letters to incumbents to determine their interest and, if they were interested, they would be re-appointed. **After some discussion, Council came to a consensus and established a policy that Council would advertise all vacancies on boards and commissions and would not make any appointment for a vacancy unless there is an interview even in cases where the individual is an incumbent.** Mr. Savona added that these interviews would have to take place during the budget season because certain appointments must be made during an organizational meeting.

COUNCIL MEMBER AND MAYOR MATTERS

Mr. Griffin asked Council if they had any matters. Ms. Tutino shared that discussions regarding the comfort station at the Grande are still taking place and that other sites to relocate it have been identified but there is no concrete decision at this time; Mr. Savona added that the developer has been involved and that Council would have to agree to amend the plan if a decision were made.

Mayor Frost asked Fire Chief Leo Costello if he had had a chance to review the Pulver beer garden proposal to see if there are any issues and Mr. Costello replied that he did not. Ms. Barton said it is a parking lot so there should not be any issues.

PUBLIC COMMENT

Mr. Dennis Beaver expressed concerns about the beer garden and children being at that type of event around alcohol. He also thinks that there are safety issues in that area that need to be addressed.

Mr. Joe Venezia, a resident at 3 West First Avenue, commented that diagonal lines need to be painted in the lot off of Maple Street and stated that he has made this request many times. Mr. Manfredi asked Mr. Buek if there is a reason why the lines cannot be painted and Mr. Buek stated that he would look at the lot but that it is not blacktop so the paint may not stick. Mr. Venezia stated that he would return if the lines were not painted in July or August of this year.

ADJOURNMENT

The meeting was adjourned at 8:45 PM.

Respectfully submitted,

Richard J. Manfredi,
Borough Secretary