

BOROUGH OF CONSHOHOCKEN BOROUGH COUNCIL
MINUTES OF THE PUBLIC MEETING

Wednesday, October 19, 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
Jane Flanagan, 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 7:02 PM.

PRAYER FOR COUNCIL

Ms. Anita Barton read a Prayer for Council.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

COUNCIL PRESIDENT ANNOUNCEMENTS

Mr. Manfredi announced that there was an Executive Session held prior to the meeting on a matter of litigation.

PRESENTATIONS

a.) Proclamation of Appreciation for Janene Reilly's assistance with the 2016 Fun Fest: Mr. Manfredi and Mr. Griffin.

Mr. Manfredi introduced the presentation by sharing that the time that Ms. Reilly spent assisting in the planning of this year's Fun Fest greatly contributed to making the event a success. He also mentioned Ms. Kate Kosmin, Recreation Services Manager, and acknowledged her dedicated efforts in planning as well. Mayor Frost then read the proclamation aloud and presented it to Ms. Reilly. Council applauded Ms. Reilly in appreciation for her hard work.

b.) Audit Report: Ms. Julie Davis, Dunlap & Associates, P.C.

Mr. Manfredi then introduced Ms. Davis, the Borough's finance compliance audit specialist to discuss the Borough's FY year ended December 31, 2015 Audit Report that Bee, Bergvall & Company, P.C had completed. Ms. Davis summarized the four findings which included that the Borough does not present government-wide financial statements, the Borough has not obtained the required OPEB (Other Post-Employment Benefits) Valuation for 2015, the Borough does not provide bills to Council for approval, and that the Borough needs to establish written accounting policies and procedures to ensure adequate internal controls.

Ms. Davis also explained the Borough's response to each finding sharing that management is currently working towards presenting government-wide financial statements to be presented in the 2017 audit report and is beginning that process by compiling a list of Borough capital assets. Additionally, Ms. Davis shared that the Borough has engaged its actuary to complete the required OPEB valuation to satisfy the second finding. Mr. Manfredi commented that the Borough has also already planned funding for the OPEB Trust. Ms. Davis also shared that the Borough has already implemented the recommendation to present the bills to Council for approval. Finally, Ms. Davis commented that the Borough currently has written procedures but has been implementing changes in its accounting policies and procedures that will be established in a final document by January of 2017. She concluded her presentation by stating that the Borough should be able to correct all four findings for the next audit.

Mr. Manfredi commented that Council would have a draft capitalization policy before them for approval in December and he and Ms. Davis shared the details of what the policy would entail and answered Council's questions on the matter before moving on to the next item.

c.) 737 Spring Mill Avenue Land Development Waiver Request: Mr. John Di Pietro, Solicitor for Applicant, DJB Properties, LLC

Mr. Manfredi introduced the matter and shared that Mr. John Di Pietro was present that evening before inviting Mr. Savona to provide additional background. Mr. Savona shared that the item is a request for a waiver of the land development requirements because it is predominately located in Whitemarsh; the developer is proposing to construct seven single-family homes and only one would be located in the Borough. Mr. Savona also explained that the project had received zoning approvals from both municipalities and has been approved for final land development approval by Whitemarsh. Mr. Savona added that if the waiver were approved, Council would then approve the project for construction, delegate Whitemarsh to perform inspections, and the applicant would only be required to apply for a Borough building permit and to have inspections performed by the Borough for the home that is located in the Borough. Mr. Di Pietro commented briefly and stated that he was in agreement with Mr. Savona's remarks.

Ms. Tutino made a motion to approve resolution 2016-14 to grant the 737 Spring Mill Avenue land development waiver request subject to the conditions Mr. Savona stated and that the applicant would pay a fee in lieu of the provision of recreation space for the single house which would be \$4,000.00 paid at the time of the building permit. Ms. Barton seconded the motion and the motion carried 7-0.

CONSENT AGENDA

Mr. Manfredi announced that Ms. Karen MacNair, of Gilmore & Associates, Inc., was present to share information about the firm that was included as item f.). Mr. Manfredi also explained that the firm has confirmed that they would not charge the Borough portal-to-portal fees for their services. Ms. MacNair then shared her background briefly and answered the Mayor's and Council's questions. Mr. Manfredi then read and explained the items included on the consent agenda.

- a.) **Approve and adopt the Borough Council September 21st Regular Meeting Minutes.**
- b.) **Accept the September-ending Treasurer's Report and payables.**
- c.) **Deny Bryant Park Capital, LLC's petition for abatement of its 2015 Business Privilege Tax penalties.**
- d.) **Deny Scott Shalom and Andrew Rothenberger's petition for abatement of their 2007 through 2015 Business Privilege Tax penalties and interest.**
- e.) **Adopt Resolution 2016-15, a revised version of Resolution 2016-12, as requested by DCED upon the filing of the Borough's 2016 Community Development Block Grant Application.**
- f.) **Approve engaging Gilmore & Associates, Inc. to serve as a consultant to the Borough.**

Mr. Stokley made a motion to approve the consent agenda items a.) through f.), seconded by Ms. Tutino. The motion carried 7-0.

UNFINISHED BUSINESS

a.) Continue the goals and objectives discussion: Capital Budget Presentations.

Mr. Manfredi explained that Mr. Paul Hughes, Director of Engineering, Licenses and Inspections, would be sharing information on newly established potential major capital projects and also on projects that were discussed last year for direction. Mr. Hughes then shared a breakdown of the unfinished projects from 2015 and 2016. Ms. Sokolowski inquired whether the funds remaining from this breakdown as of December 31st would roll into 2017 and Mr. Manfredi replied that they would not necessarily; he would share his recommendations for this and other projects in great detail on November 2nd. For clarification, Ms. Sokolowski also asked Mr. Manfredi for confirmation that, although they prioritized a list of goals moving forward, Council may now have to reprioritize goals that did not occur in 2016 and will carry over into 2017 which could then push 2017 goals out further; Mr. Manfredi confirmed that Ms. Sokolowski was correct and explained that he would present these decisions to Council for their consideration and their choices would be used to finalize the budget as it will be advertised.

Mr. Hughes then shared that 2017 capital projects were separated into one of three categories to be included in the Infrastructure Program, the Liquid Fuels Program, or the Facilities Capital Improvements Program. Mr. Hughes explained that the 2017 Infrastructure Program included the unfinished Harry Street storm sewer and curb ramp improvements, Harry Street resurfacing project, and a new Stoddard Avenue storm sewer project and he has budgeted \$2,152,762.50 for this program. The 2017 Liquid Fuels Program would address a West 5th Avenue resurfacing project and \$189,225.00 is budgeted for its completion. Mr. Manfredi provided an example to Council of a policy decision they would make by explaining what liquid fuels funds can be used for and sharing that they could determine to use these funds for paving and overlay or on capital infrastructure improvements such as the West 5th Avenue project. Mr. Manfredi added that the development of a pavement management plan would occur throughout the proposed 2017 planning year and that Council would need to determine how much they would like to accomplish during 2017 and in the next few years as well as part of their discussions.

Mr. Hughes then addressed the 2017 Facilities Capital Improvements Program that would include the Community Center at the Fellowship House air conditioning project budgeted for \$346,100.00, an "A" Field fencing and screening project proposed as an alternative to the "A" Field wall project budgeted at \$376,500.00, as well as projects that were reviewed at the October work session. He shared the scope of work and project schedules for each and Council inquired about the proposals.

In summary, Mr. Hughes revisited the overview depicting the price of all proposed 2017 capital projects and Mr. Manfredi pointed out that the total would be far greater than \$2.1 million. Ms. Sokolowski asked questions on where the funds would come from for the 2017 proposed projects and Mr. Manfredi explained that they would come from capital. He further explained that, once \$500,000.00 is moved from the general fund to the capital fund, it would bring the balance to approximately \$661,000.00 and, although there are projects that are outstanding as well as those that are awaiting decision on next steps, and depending on where the Borough is with these projects, the Borough could carry forward \$422,000.00 into 2017. He estimated that the capital reserve fund would have approximately \$3 million dollars but several factors could affect that balance going forward which is why the Borough is in the process of finalizing all numbers. Mr. Manfredi also reiterated that the Borough has to be very cautious of the fund balance policy because there are several unknowns that make it imperative that capital reserves and fund balances are maintained over the next few years as the Borough awaits development to occur, begins work on its Comprehensive Plan, Riverfront, and Park Master Plan, and also undergoes survey work for other projects Council has considered, all of which would reduce the total amount of capital.

Mr. Manfredi explained that on November 16th, Council will have a realistic projection of what the balances will be January 1, 2017 and he explained that there are numerous funds such as the operating reserve that have been established so that Council does not need to raise taxes; the practice since he has been Borough Manager has been to use excess revenues to seed reserves and the revenues that come from sources such as permits, licenses and taxes, fund the operating revenues to ensure that operating expenses meet operating revenues. He explained his

recommendation that Council would need to make determinations on whether to set a policies such as to maintain the operating reserve or capital reserve at certain percentages so that they would be able to make other determinations on the budget for how much to allocate for infrastructure and other improvements. With no further comment or questions, Council moved on to the next matter of business.

NEW BUSINESS

Mr. Manfredi shared that there is one additional item to follow item a.) that he would like to seek consent from Council on.

a.) Consider taking a position on the 100-102 Forrest Street zoning application (Ms. Leonard)

Mr. Manfredi introduced the matter and invited Ms. Leonard to elaborate. Ms. Leonard explained that she would like Council to consider her request because she is concerned about the construction of additional homes in an area with limited parking availability already due to the number of off-street parking waivers granted in the immediate area. Mr. Ed Hughes, the attorney for the project's developer, Mr. Tom Jones, then introduced himself and Mr. Jones who was also present. Mr. Savona asked Mr. Hughes to explain the variances that were requested as well as details of the project and both Mr. Hughes and Mr. Jones shared that information with Council.

Mr. Manfredi further explained Ms. Leonard's concern noting that the property owner has already applied for a waiver of off-street parking for a different property as well as a waiver of the requirements for the study that is necessary to receive a waiver of off-street parking; because of that, Council is considering if they would like to intervene by entering an appearance for this application before the Zoning Hearing Board. In response, Mr. Hughes stated that his client was not requesting a waiver of off-street parking at 100-102 Forrest Street and off-street parking spaces are planned. Mr. Savona noted that the plans show a one-car garage and inquired where the off-street parking spaces would be for the units. Mr. Hughes explained and confirmed that each lot would have two parking spaces. Mr. Savona asked if there were any deed restrictions that require the residents to use the garage for parking only; Mr. Hughes replied that there was not but his client would be agreeable if one were requested.

Following further discussion, **Ms. Sokolowski made a motion to authorize the Borough Solicitor's office to represent to the Zoning Hearing Board that Council will not object provided that the applicant is willing to agree to a condition on a permanent deed restriction basis that the garages proposed for the townhouses to be built at 100-102 Forrest Street be restricted to use for parking only and not for residential storage and any other conditions deemed appropriate by Borough Engineer, Staff or Solicitor. The motion was seconded by Ms. Leonard and carried 7-0.**

Mr. Manfredi then shared that Ms. Cecco had budgeted for, and Council had approved, improvements at Aubrey Collins Park and the Borough is now moving forward with those improvements. He explained that, when Ms. Cecco budgeted it, she planned funds for demolition but the Borough completed it instead and there is now approximately ten thousand dollars remaining. Mr. Sokolowski has recommended a piece of equipment for the park and Mr. Manfredi would like to use the remaining funds to purchase it to finish the park. Mr. Griffin expressed his wish to see a pavilion at the park and, Mrs. Sokolowski commented that the equipment would be more appropriate and explained her rationale. Mr. Manfredi then asked Council if they would give their consent to purchase the equipment and they gave it. He also mentioned that he would price the pavilion as well.

Mr. Manfredi asked Mr. Griffin if Council could hold a brief executive session following the meeting and Mr. Griffin granted the request.

PUBLIC COMMENT

Mr. Griffin called for public comment and none was given.

Mayor Frost reminded all of the upcoming Halloween Parade and asked that the information on the event be placed on the Leeland Mansion sign.

Ms. Leonard shared that a resident asked her if the Ambucs are still able to use the former Borough Hall building for Santa and Council gave no objection to using the building for Santa.

Mr. Stokley shared that addresses should be placed on the back of houses in the alleyways and asked Mr. Savona if it could be mandated. Mr. Savona stated that it could and Mr. Manfredi added that an ordinance would be required. Mr. Manfredi suggested continuing the discussion at a work session.

Ms. Barton asked if the time of elementary school Halloween Parade was known and it was not.

Ms. Sokolowski thanked those who organized the fire truck housing the prior weekend because it was very well done and meaningful. She also thanked those who were involved with the Clay-Doc Walk Dedication and the Rotary Beer Festival events.

Mr. Griffin commented that residents know that, when a holiday is observed on Monday, there is no regular trash pickup, but still many residents put trash out and it stays out for several days. He suggested to Mr. Paul Hughes, Director of Engineering, Licenses and Inspections, that he give warnings and citations.

ADJOURNMENT

The meeting was adjourned at 8:28 PM.

Respectfully Submitted,

Richard J. Manfredi,
Borough Secretary