

BOROUGH OF CONSHOHOCKEN BOROUGH COUNCIL
MINUTES OF THE PUBLIC MEETING

Wednesday, June 5, 2019

PUBLIC MEETING

PRESENT: Colleen Leonard, Council President
Jane Flanagan, Council Vice-President
Robert Stokley, Senior Council Member
James Griffin, Council Member
Karen Tutino, Council Member
Yaniv Aronson, Mayor

ALSO PRESENT: Stephanie Cecco, Borough Manager
Michael E. Peters, Borough Solicitor

CALL TO ORDER

The Public Meeting of the Conshohocken Borough Council duly advertised, was held at the Conshohocken Borough Hall, 400 Fayette Street, Conshohocken, PA. Ms. Leonard, Council President, called the meeting to order at 7:06 PM.

COUNCIL PRESIDENT ANNOUNCEMENTS

Ms. Leonard announced that an Executive Session was held immediately prior to the meeting regarding a personnel matter, property matter and legal matter pertaining to the Fire Companies.

PRESENTATIONS

a.) Interviews for Conshohocken Fire Company #2 Assistant Chief and Deputy Chief

Fire Chief Gunning introduced Dave Murphy, who was present to interview for the position of Deputy Chief, and Leo Costello who was present to interview for the position of Assistant Chief.

Mr. Murphy approached the podium. Ms. Sokolowski inquired about the role of Deputy Chief. Mr. Murphy explained that the Deputy Chief supervises and coordinates the activities of the Fire Department, including responding to emergencies, providing proper training and managing firefighters. Ms. Flanagan asked about his training. In addition to basic firefighter and rescue courses, Mr. Murphy shared that he has completed several FEMA courses as well as large-scale incident management training.

Mr. Costello approached the podium. Ms. Flanagan inquired about his training. Mr. Costello replied that he has completed federal, state and county level training and continues his professional development through online webinars. Ms. Sokolowski asked what skills he possesses that will enhance the Fire Department. He discussed community outreach as a way to increase participation in fire services.

Mr. Stokley made a motion to appoint Dave Murphy to the position of Deputy Chief and Leo Costello to position of Assistant Chief at Conshohocken No. 2 Fire Company, seconded by Mr. Griffin. The motion carried 6-0. (Barton absent)

b.) Tax Increment Financing ("TIF") District Public Hearing – Seven Tower Bridge

a. Consider authorizing advertisement of Ordinance 5 of 2019 affirming the Seven Tower TIF District within the Borough of Conshohocken

Ross Weiss, attorney for the applicant, reviewed actions taken to date by other taxing bodies and provided an overview of next steps relative to the adoption of the TIF Ordinance, which would accept and approve the amended project plan for the TIF District, affirm the creation of the TIF District and appropriate and allocate 90% of the positive real property tax increments to be collected on behalf of the Borough from the TIF District during the term of such District. David Unkovic, attorney for the applicant, presented a 20-year financial benefit of the project and reviewed annual tax revenues with and without the Seven Tower Bridge project.

George Gephardt, 131 West 12th Avenue, had a question about the annual tax revenues that were presented, which Mr. Unkovic answered.

Ed Zale, 300 West Elm Street, inquired about the developer's request to utilize Borough funds to fund the project. Ms. Cecco clarified that the developer's request is to re-deploy funds from a previous economic development grant. She also explained that the Borough and developer are negotiating a parking agreement for public parking as a condition of that request.

Amanda Lilick, 109 Forrest Street, inquired about the proposed parking agreement with Oliver Tyrone Pulver Corporation, specifically as it relates to parking enforcement and regulations. Mr. Peters responded that parking rules and regulations have not yet been discussed.

Ms. Flanagan made a motion to authorize advertisement of Ordinance 5 of 2019 affirming the Seven Tower TIF District within the Borough of Conshohocken, seconded by Mr. Griffin. The motion carried 6-0. (Barton absent)

c.) Active Shooter Training/Emergency Management Drill Update, Sergeant Michael Conner and Ray Sokolowski, Executive Director of Operations

Sergeant Michael Conner shared that the Emergency Management Drill, which simulates an active shooter scenario, is scheduled for June 22, 2019 at 8:00am at Conshohocken Elementary School. He reviewed participants and safety measures for the drill. He provided an overview of the drill, which would involve two (2) stages, and discussed how the public is being notified of the drill. Ms. Tutino asked if there would be an area for the public to observe the drill. Sergeant Conner confirmed that there would be a public viewing area outside of the school. Two (2) residents had questions related to Colonial School District's involvement with the drill, which Sergeant Conner answered.

d.) PSAB Awards, Kate Kosmin, Communications Manager

Kate Kosmin, Communications Manager, stated that each year Borough News presents awards to boroughs to highlight effective communication in their communities. She shared that the Borough earned first place recognition in the newsletter category, second place in the website category and third place in the social media category.

COUNCIL BUSINESS

a.) Hearing regarding a waiver of off-street parking, 126 Fayette Street

Chris Stetler, Zoning Officer, explained that a firm proposing to install a cigar lounge on the second floor of the property is purchasing the property. She stated that the property has limited off-street parking and the applicant is in the process of requesting zoning relief to install a parking lot on the property directly behind the building.

Joe Giorno, applicant, was present to answer any questions. Mr. Stokley asked about the number of parking spaces being proposed. He replied that the parking lot would offer 18 parking spaces including a handicap parking space. Mr. Giorno provided an overview of the business, which would consist of retail sales of cigars, cigar lounge, liquor sales, with public and private membership access. Ms. Sokolowski inquired about occupancy for the space and patron turnover. Mr. Giorno responded that it is unlikely that the building would ever meet capacity and that he expects patrons to stay for a couple of hours.

b.) 126 Fayette Street/129 Forrest Street Zoning Hearing Board Application

Ms. Stetler shared that the applicant is proposing to demolish the existing structure on the property and construct a parking lot. She explained that a use variance and related variances for parking and parking lot design are required.

Steve Tabakelis, the applicant's Engineer, discussed the existing features of the site, which include a multi-family structure and presented a sketch plan of the proposed parking lot and site improvements, including a roof top deck.

Steve Hormell, 123 Forrest Street, argued that the proposed parking lot would benefit the business more than the residents. He asked Council to consider how a parking lot would impact potential plans for Second Avenue and the surrounding neighbors. He voiced concerns about noise and an increase in traffic on Forrest Street.

Betsy Horning, 404 East 10th Avenue, asked questions regarding liquor sales, patron turnover and smoke ventilation, which Mr. Giorno answered.

Harvey Buek, 103 West Second Avenue, inquired about the status of the closure of Second Avenue. Ms. Cecco explained that the temporary traffic restrictions were extended for an additional ninety (90) days to evaluate the impact of construction in the area. She added that Council is scheduled to revisit the topic in August. Mr. Buek also inquired about impervious coverage of the proposed use. Mr. Tabakelis responded that the applicant is requesting a variance for impervious coverage.

Derek Jelinek, 119 Forrest Street, voiced concerns about the parking lot, specifically regarding noise. He asked what accommodations were being planned to address the noise. Mr. Tabakelis replied that the applicant plans to install a fence. Mr. Jelinek inquired about treatment of cigar smoke. Mr. Giorno explained how the cigar smoke is cleaned. Mr. Jelinek also inquired about the existence of an ordinance that prohibits the demolition of historic buildings. Ms. Cecco responded that there is an ordinance pertaining to buildings and the demolition single-family homes and that this building would not apply. Ms. Stetler added that the building is not on the historic register. He asked about the history of the building and past approvals for a change in conforming use, which Ms. Stetler answered.

Chris Phifer, 121 Forrest Street, voiced a concern about not receiving notice of this application. Ms. Stetler responded that the Borough is not required to provide formal notification for review of a zoning application by Council. He also discussed concerns related to noise from the proposed roof top deck.

Jeff Daveler, 108 Forrest Street, voiced concerns about smoke from the roof top deck and the proposed exit on to Forrest Street.

Amanda Lilick, 109 Forrest Street, voiced concerns regarding the impact of a parking lot in a residential neighborhood, specifically the safety of her children and the increased traffic. Ms. Lilick also reported issues with a lack of parking enforcement on her street. Ms. Cecco recommended that Superintendent Metz attend their meeting next week.

Harvey Buek, 103 West Second Avenue, asked about the stormwater management plan for the project. Mr. Tabakelis discussed the conceptual plan for stormwater management and confirmed that the project will need to comply with the Borough's requirements for stormwater management in order for approval.

George Horning, 404 East 10th Avenue, asked if the applicant plans to sell memberships with 24-hour access. Mr. Giorno stated that the plan being presented does offer memberships during business hours only.

Lisa Lilick, resident, voiced concerns about multiple points of egress points on the street.

Mr. Giorno reviewed existing conforming signage and the proposed plan for signage.

Ms. Leonard made a motion to approve a waiver of off-street parking for the second floor business at 126 Fayette Street, seconded by Ms. Tutino. The motion carried 6-0. (Barton absent)

Ms. Tutino made a motion to send a letter of non-support to the Zoning Hearing Board for 126 Fayette Street/129 Forrest Street. The motion was not seconded.

Ms. Sokolowski made a motion to take no action on the 126 Fayette Street/129 Forrest Street Zoning Hearing Board application, seconded by Ms. Flanagan. The motion carried 6-0. (Barton absent)

c.) Consider approving a resolution for a 100% Clean Renewable Energy Future

Ms. Cecco shared that the Environmental Advisory Council (EAC), in conjunction with Borough Administration, has incorporated Council's recommended revisions to the proposed Ready for 100% resolution and has submitted the resolution for Council's consideration. Ms. Flanagan made a recommendation to remove the allocation of \$7,500 for an Energy Planner Consultant and consider the allocation request during budget discussions. Council agreed. Ms. Cecco confirmed that she would discuss the recommendation with the EAC prior to the approval of the resolution.

MANAGER MATTERS

a.) Consider approving the adoption of a Parental Leave Policy effective January 1, 2020

Ms. Cecco shared that the Borough currently does not have any parental leave policy in place. She provided a brief overview of the proposed policy, which would provide employees with six (6) weeks of paid leave and the option to take the remaining six (6) weeks of FMLA unpaid. She discussed coordination with other policies, eligibility, and amount, timeframe and duration of paid parental leave. Ms. Tutino suggested providing an option to extend paid leave time to eight (8) weeks with a declining percentage of payment. She also recommended that the type of delivery be considered when drafting the policy. Ms. Cecco explained that the major cost would include need for hiring of a temp position while the employee is out or need to provide additional compensation to a current employee for taking over the additional job responsibilities while the employee is out on leave. Council voiced support of the adoption of a parental leave policy. Ms. Cecco asked Council to continue to review the proposed policy and provide feedback to Administration.

b.) Consider approving the release of 120 West Eleventh Avenue demolition escrow in the amount of \$13,512.40

Ms. Sokolowski made a motion to release 120 West 11th Avenue demolition escrow in the amount of \$13,512.40, seconded by Ms. Leonard. The motion carried 6-0. (Barton absent)

c.) Consider approving the release of 120 West Eleventh Avenue financial security in the amount of \$16,037.00

Mr. Griffin made a motion to approve the release of 120 West 11th Avenue financial security in the amount of \$16,037.00, seconded by Mr. Stokley. The motion carried 6-0. (Barton absent)

d.) Consider approving the release of 728 Maple Street pre-construction professional services escrow in the amount of \$522.45

Ms. Leonard made a motion to approve the release of 728 Maple Street pre-construction professional services escrow in the amount of \$522.45, seconded by Mr. Griffin. The motion carried 6-0. (Barton absent)

e.) Consider approving the Financial Audit of both Conshohocken Fire Companies from January 1, 2018 to December 31, 2018

Ms. Cecco stated that it is budget season and as the Borough continues to evaluate fire services and operations, it is imperative that a full audit be completed. She explained that the fee is a guaranteed, not to exceed audit cost of \$4,500 per Fire Company plus any additional fees based on status of each entity's financials.

Ms. Leonard made a motion to approve the Financial Audit of both Conshohocken Fire Companies from January 1, 2018 to December 31, 2018 with funds being appropriated from contingencies in the 2019 budget, seconded by Mr. Stokley. The motion carried 6-0. (Barton absent)

- f.) **Consider approving the scope of services and fee proposal for providing design and public bidding for the Borough's 2019 Liquid Fuels project related to storm sewer, paving and curb ramp improvements along East Eighth Avenue from Wells Street to Jones Street**

Ms. Cecco invited Karen MacNair, Borough Engineer, to the podium to discuss the topic. Ms. MacNair stated that the storm sewer structures at the intersection are in poor condition and are currently being addressed with temporary steel plates. She provided an overview of the recommended scope of work, which would include new storm sewer structures, inlets and pipes with sewer connection to existing inlet locations, paving and replacing curb ramps.

Ms. Sokolowski made a motion to approve the scope of services and fee proposal for providing design and public bidding for the Borough's 2019 Liquid Fuels project related to storm sewer, paving and curb ramp improvements along East Eighth Avenue from Wells Street to Jones Street, seconded by Ms. Flanagan. The motion carried 6-0. (Barton absent)

- g.) **Consider authorizing advertisement of the Conshohocken Borough's 2019 Liquid Fuels project to include the scope of work at East Eighth Avenue at Wells Street with storm sewer connection to Jones Street**

Ms. Leonard made a motion to authorize advertisement of the Conshohocken Borough's 2019 Liquid Fuels project to include the scope of work at East Eighth Avenue at Wells Street with storm sewer connection to Jones Street, seconded by Mr. Griffin. The motion carried 6-0. (Barton absent)

- h.) **Consider authorizing a 6-month trial period on the extension of hours of operation for the Conshohocken Municipal Heliport**

Ms. Cecco shared that the Borough of Conshohocken is in receipt of a request from Fanatics Retail Group seeking an extension of hours of operation for the helipad until 12:00am from time to time. She recommended that a trial period be activated in order to determine if an extension of the hours of operation to 12:00am would impact the residents and neighboring properties in the area surrounding the helipad. She added that during this trial period, the Borough Administration would permit no more than three late landings per month by Fanatics. Mr. Stokley recommended that the license agreement with Fanatics be evaluated. Council agreed to evaluate the agreement after the completion of the 6-month trial period.

Ms. Sokolowski made a motion to authorize a 6-month trial period on the extension of hours of operation for the Conshohocken Municipal Heliport, seconded by Mr. Stokley. The motion carried 6-0. (Barton absent)

- i.) **Consider approving the extension of the Solid Waste Disposal Agreement with Convanta Plymouth for the additional 5 year option period as specified in the agreement dated December 3, 2017**

Ms. Cecco stated that in December 2014, the Borough entered into a 5-year solid waste disposal agreement with Convanta Plymouth. She explained that under the agreement, the Borough may extend the terms of this agreement for two additional five-year option periods as provided under the bid specifications when the contract went out to bid in 2014. She asked Council to review the bid specifications and current agreement in preparation for consideration in two weeks.

- j.) **Consider authorizing the Borough Manager to send a letter of support on behalf of the PWHS Rowing Club Program to the Conshohocken Rowing Center**

Ms. Cecco shared that Conshohocken residents and Plymouth-Whitemarsh High School parents are working on an initiative to start a club rowing program at PWHS. She explained that the group is working directly with representatives of the Conshohocken Rowing Center (CRC) Board and the Executive Director of the CRC to work through logistical items. Ms. Cecco asked Council to authorize the Borough Manager to send a letter to the CRC indicating support for the formation of a PWHS Club Team that would utilize the CRC as its home facility.

Mr. Stokley made a motion to authorize the Borough Manager to send a letter of support on behalf of the PWHS Rowing Club Program to the Conshohocken Rowing Center, seconded by Ms. Flanagan. The motion carried 6-0. (Barton absent)

- k.) **Consider authorizing the submission of an application for the CMAQ Grant Program**

Ms. Cecco shared that this grant would supplement the current grant the Borough has in place for the fiber optic cable project that is currently in process along Fayette Street. She explained that the scope of the next phase would include full modernization of the traffic signals, such as vehicular and pedestrian signal heads, emergency pre-emption equipment, controller assemblies, and ADA facilities at the following intersections: West Elm and Colwell Lane/Wood Street, West Elm and Maple Street, West Elm and Oak Street and East Elm and Harry Street.

Ms. Flanagan made a motion to authorize the submission of an application for the CMAQ Grant Program, seconded by Mr. Stokley. The motion carried 6-0. (Barton absent)

DEPARTMENT MATTERS

There were no department matters.

LEGAL MATTERS

a.) Consider approving Resolution 2019-11 granting an amendment to the waiver of land development for 130 West Fifth Avenue

This item was tabled.

COUNCIL MEMBER AND MAYOR MATTERS

There were no Council Member and Mayor matters.

PUBLIC COMMENT

Mayor Aronson thanked all parties responsible for making the Arts Festival and Car Show a success.

Mr. Stokley asked Council to consider allocating funds and services to repair alleys in the Borough. Mr. Peters stated that the Borough is prohibited to utilize public funds to benefit private property.

Ms. Flanagan shared that the Senior Barbeque Luncheon was well attended.

Ms. Leonard thanked Mission Barbeque and Insomnia Cookies for supporting the Senior Barbeque Luncheon.

Superintendent Metz announced that he would be in the dunk tank at the Summer Carnival at the Community Center.

Betsy Horning, 404 East 10th Avenue, agreed that the Borough should maintain the alleys and commented that the helipad is disruptive to residents in the area surrounding the helipad. Ms. Horning also reported a lack of enforcement with regard to cars blocking curb ramps, handicapped spaces and driveways. Superintendent Metz defended Police responsiveness to citizen complaints and requests for services. He also discussed enforcement and reporting procedures.

ADJOURNMENT

The meeting was adjourned at 9:45 PM.

Respectfully Submitted,

Stephanie Cecco,
Borough Secretary