

BOROUGH OF CONSHOHOCKEN BOROUGH COUNCIL
MINUTES OF THE PUBLIC MEETING
Wednesday, December 16, 2015

PUBLIC MEETING

PRESENT: Paul McConnell, Council President
James Griffin, Council Vice President
Karen Tutino, Council Member
Anita Barton, Council Member
Robert Stokley, Council Member
Ed Phipps, Council Member
Rosemary Northcutt, Council Member

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 Borough Hall, 400 Fayette Street, Conshohocken, Pa. Mr. Paul McConnell, Council President, called the meeting to order at 7:02 PM.

PRAYER FOR COUNCIL

Ms. Rosemary Northcutt read a Prayer for Council.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

COUNCIL PRESIDENT ANNOUNCEMENTS

There were no Council President Announcements.

PRESENTATIONS

There were no presentations.

CONSENT AGENDA

Mr. McConnell introduced the items on the consent agenda.

- a.) Approve and adopt the November 4, 2015 and November 18, 2015 Borough Council Meeting Minutes.
- b.) Approve the November-ending Treasurer's Report.
- c.) Adopt the FY 2016 Budget and approve and adopt Ordinance 2015-03 to levy a real estate tax for 2016 and fix the rate thereof.
- d.) Approve and adopt Ordinance 2015-04 providing for certain amendments to Chapter 1 (Administration and Government) of the Code of the Borough of Conshohocken.

Mr. Griffin made a motion to accept the consent agenda as read, seconded by Ms. Tutino. Mr. McConnell then called for comment and Mr. Manfredi shared that the Administrative Code

should be adopted as amended because he and the Borough Solicitor met with members of the fire companies and there are certain amendments that they had asked to be made in the fire code portion. The motion was then revised and Mr. Griffin moved to accept the consent agenda items a.), b.), and c.) as read, and to accept item d.) as amended. Ms. Tutino seconded the new motion. With no further comment, the motion carried 7-0.

UNFINISHED BUSINESS

Mr. McConnell shared that there were two items of unfinished business that evening and asked Mr. Savona to introduce the first item.

a.) Approve Keystone Property Group's request to exercise the first extension of the Firehouse Approval Period.

Mr. Savona explained that, under the agreement of sale and development agreement that had been approved and signed by the Borough, Keystone, and the Redevelopment Authority on December 31, 2013, Keystone Property Group was given an initial period of two years to complete the development work for the Elm and Fayette portion of the redevelopment project so that they could move to a closing to purchase those lots on or before December 31st of this year. The agreement provided for two possible extension periods of six months each in the event that Keystone could not complete their planning and approval work and provided conditions that Keystone would have to meet to qualify for the extensions. Because Keystone has met the conditions to qualify for the first six-month extension, except the final condition that they pay an additional \$50,000.00 deposit to the Redevelopment Authority upon approval, it is his recommendation that Council approve their request for the first extension for six months so that the agreement will now expire on June 30, 2016.

Mr. Griffin made a motion to approve Keystone Property Group's request for the first extension of the Firehouse Approval Period for six months so that the Firehouse Approval Period will now expire on June 30, 2016. Ms. Barton seconded the motion. Mr. McConnell commented that the agreement would be honored because the conditions were set forth in it and they were met. He called for other comment and there was none. Mr. McConnell then asked Council to share who votes in favor, who opposes, and if there were any abstentions. The motion carried 6-0-1 because Mr. Stokley abstained.

Mr. McConnell then introduced the second matter of unfinished business and asked Mr. Manfredi to explain.

b.) Approve and adopt Keystone Property Group's Second Amendment to Lease Agreement regarding expansion space.

Mr. Manfredi shared that, as Council had discussed in Executive Session, Keystone Property Group presented Council with a lease for approximately 2,300 rentable square feet of expansion space that would bring the YMCA's total space to 13,333 square feet that they would be renting. The expansion space is the space off of the main entryway and wraps around the Council Chambers and the YMCA would utilize the space for trainings and meetings. It is expected that the YMCA would begin to make payments on the lease in August and the initial base rent would be \$23.60 per square foot or \$4,523.33 each month for a term of five years and, beginning September 1 of 2020, the base rent would raise to \$26.10 per square foot or \$5,002.50. There are additional provisions to the agreement, but, if Council is inclined to move forward with the lease with the

Philadelphia Freedom Valley YMCA for additional expansion space, then he and the Solicitor recommend that a motion be made subject to final review and approval by the Borough Solicitor and Manager.

Ms. Barton made a motion to approve and adopt Keystone Property Group's Second Amendment to Lease Agreement regarding expansion space subject to final review and approval by the Borough Solicitor and Manager. Mr. Griffin seconded the motion. Mr. McConnell asked for comment on the item and there was none from the public; he asked Mr. Manfredi if the YMCA had been a good tenant to date and Mr. Manfredi confirmed that they had been. With no further comment, the motion carried 7-0.

NEW BUSINESS

There was no new business to discuss.

PUBLIC COMMENT

Mr. McConnell called for public comment and a gentleman named Joe Malzita asked for an update on the status of the sale of the Hammertrack property. Mr. McConnell replied that there was an amendment to the agreement for that property that had been approved by Council. Mr. Malzita asked if, in the approval, the Borough had given any more thought to the congestion in that area and named two incidents in the past month that caused issues in that area, the milling of 3rd Avenue and the firetruck visit from Santa. Mr. Savona replied to Mr. Malzita that the land development plans are not complete and the issues that Mr. Malzita was raising have not been addressed at this point. Mr. Savona clarified that the developers came to the earlier meeting to ask Council to approve an amendment to a stipulation that settled a zoning appeal from years ago and Council agreed to amend that to allow them to develop something less intense; that agreement now requires approval from the court and, once it is approved, they will need to go through the land development process again and issues such as Mr. Malzita's concerns will be vetted out at that time. Mr. McConnell also commented that it is up to the developer to determine when to submit the land development plans and begin the process. Mr. Malzita responded that he recalled the developer mentioning March as when they would like to begin. Mr. Savona replied that the plan will most likely be in within the first six months of the year.

Mr. McConnell called for any other public comment and Mr. Dennis Beaver commented that someone has been shutting the gate near the bike path and it had been making things safer because bicyclists are now slowing to look for cars.

Mr. McConnell again called for other public comment and Mr. Tom Sovin owner of a business at 630 East Elm Street shared that he submitted a written complaint regarding a six-foot fence blocking the right-of-way and he had not received an answer from the Borough to his complaint so he requested an explanation. In response, Mr. Manfredi stated that it was his understanding that Mr. Sovin was given an answer and, if he was not, he accepts responsibility for him not getting that answer and apologizes. Mr. Manfredi continued that he had looked into the matter, had spoken with a number of staff, and Council members had discussed it and that the issue is a simple one; the issue is that there was no sidewalk and there is no provision within the Borough's ordinance that would prohibit the erection of a structure in the right-of-way where the fence is now, which is why the permit had been issued. Mr. Sovin found that answer unacceptable because people walk that path without the sidewalk and now they are

forced to walk onto the street. Mr. Manfredi replied that, if Council would like to stop this from happening, they can amend the ordinance to prohibit structures in the right-of-way; there is action that Council would have to take to prevent this situation in the future but, at present, there were no grounds for the Zoning Officer to deny the fence permit application. He added that the property owner would have to voluntarily remove the fence. Mr. Savona added that there is no permanent sidewalk and whether people customarily walked on that property or not is irrelevant, the issue for the Borough was whether or not there was a sidewalk when the permit was filed for the fence; there was no sidewalk and the ordinance has no prohibition on locating the fence in the right-of-way so the permit was properly issued. Mr. Stokley commented that he is a customer of Mr. Sovin's and it is very dangerous. Mr. Savona replied that Mr. Sovin's issue is a private issue and if he believes that the fence is a nuisance, Mr. Savona would encourage Mr. Sovin to speak with an attorney about whether or not he has rights to request the fence's removal. Mr. Sovin commented that the Borough had an opportunity to put in a sidewalk before the house was sold and they neglected to do so. Mr. Sovin asked if the Borough could go back to the property owners and state that they made a mistake and that they are willing to pay for the sidewalk; Mr. Savona replied that the Borough cannot pay to remediate private property and now that the permit was issued the Borough cannot legally revoke it. Ms. Northcutt commented that Mr. Sovin had first brought the issue to her attention and she did raise it with Mr. Manfredi who did come out to look at the issue himself. It was discussed at the first meeting in December and it relates to the walkability issues in Conshohocken and she stated that it is a two way street with parking on both sides of the street and people can park at the corner that helps people to make a wide turn and that there are children walking in the street sometimes around a car parked at the corner which is a serious issue.

Mr. McConnell again called for public comment and there was none. He then introduced Mr. Manfredi who shared that this was the last Council meeting of the year and for some on Council it will be their final meeting in their current terms so there are a few things that he has to recognize that. Ms. Charles, Assistant to the Borough Manager, then played a video that was sent to the Borough by Mr. Phipps' daughter Cassandra to honor his time on Council.

Mr. McConnell clarified that the retiring members include himself, Mr. Phipps, and Ms. Northcutt. Mr. Manfredi then presented Mr. Phipps a plaque for his service and asked Mr. Buek, Public Works Superintendent to read the plaque for Mr. Phipps. Mr. Phipps thanked Mr. Manfredi and Mr. Buek and commented that it has been an honor and a pleasure to serve the last eight years on Council. Mr. Manfredi then presented Ms. Northcutt with her plaque for her service on Council and Mr. McConnell read her plaque aloud and thanked her for stepping in when they were in need and commended her for achieving so much during the brief time that she served. Ms. Northcutt commented that it was her pleasure to serve the past few months and she had been able to meet some concerns of neighbors, help to replace the old flag at the Marywood Park House, walkability in the Borough remains a concern of hers, and the preservation of the natural quality of the waterfront and its access to all citizens remains something that she will continue to work on. Finally, Mr. Griffin presented and read Mr. McConnell's plaque for service and shared that Mr. McConnell is a pretty good guy and that, when he comes to future meetings, Mr. Griffin would have a clock on him.

Mr. McConnell asked Council if they had any last words for the evening. Mr. Phipps wished everyone happy and safe holidays, Mr. Stokley wished the residents safe and happy holidays as well, Ms. Northcutt added that she is looking forward to a great new year, Mr. Griffin thanked all of his friends and former Council people and he wished the

residents a good holiday, Merry Christmas and the Ike Man will see them next year. Ms. Barton wished everyone a Merry Christmas and said that it was great working with Paul, Ed, and Rosemary and she looks forward to 2016. Ms. Tutino wished everyone a Merry Christmas and a Happy New Year and said she is looking forward to the next four. Mr. Manfredi wished everyone a Merry Christmas and Mr. Savona wished all Happy Holidays.

Mr. McConnell then thanked Mr. Savona for his work with him over the last eight years, thanked Mr. Tony Tucci as the First Vice-President of Council that he worked with and thanked Mr. Ike Griffin as the Second Vice-President that he worked with for their support. He asked that Council please not forget the poor and less fortunate of the Borough. He asked that Council please embrace the children in the community because they are our future and, lastly, Mr. McConnell commented that common sense goes an awful long way. Mr. McConnell stated that he is thankful for Ms. Tina Sokolowski coming in as the new representative of his ward and thanked all of the Borough residents, in particular those in Ward 3, because they have shown their confidence in him and have been very supportive.

ADJOURNMENT

The meeting was adjourned at 7:36 PM.

Respectfully Submitted,

Richard J. Manfredi,
Borough Secretary