

BOROUGH OF CONSHOHOCKEN BOROUGH COUNCIL
MINUTES OF THE PUBLIC MEETING
Wednesday, December 2, 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
Edward Phipps, Council Member
Rosemary Northcutt, 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. Paul McConnell, Council President, called the meeting to order at 7:01 pm.

COUNCIL PRESIDENT ANNOUNCEMENTS

There were no Council President announcements. Mr. McConnell introduced the presentation.

PRESENTATIONS

a.) Consider Three Tower Bridge Open Space Waiver Request.

Mr. Jim Ettelson, counsel for Oliver Tyrone Pulver Corporation, presented and shared that Esther Pulver, property owner and member of Conshohocken Beer Garden, LLC, Kevin Tierney, event planner and operator, and Brian Pieri, owner of Bar Lucca and Stone Rose restaurants, caterer and co-operator of the proposed events, were also in attendance. Mr. Ettelson continued that they were there to request a waiver from a condition of approval of the final land development plan dated January 30, 1996, which required the owner to retain and maintain designated open space for public use. Mr. Ettelson shared that the owner is presently requesting approval to use a portion of the designated open space for a recurring seasonal event in the form of a pop-up beer garden and that this use would conform to the Borough's plan for open space.

Ms. Pulver was then invited to share additional details about the Three Tower Bridge property and the proposed beer garden event. She shared that the hours for the event would be 5:00 PM -10:00 PM weekly from Thursday through Saturday during the months of April through October and that the goal is to get more people to the riverfront. Ms. Pulver introduced Mr. Tierney who provided a history of his role with these events and commented that the beer garden would offer a passive activity at the riverfront.

Council then asked questions to the presenters regarding the proposed event. Mr. Stokley inquired who would benefit and Mr. Tierney replied that the profits would be split between the Conshohocken Beer Garden, LLC and the participating restaurants. Mr. McConnell asked Ms. Pulver if there would be a cover charge and she replied that there would never be one. Ms. Northcutt asked how supplies and additional structures would be stored and Ms. Pulver replied that one tent would remain on site and they would have a locked vehicle as storage as well. Mr. Griffin inquired what safety measures would be taken for the event. Ms. Pulver replied that they would hire staff to serve as security and they would notify police prior to each event. Mr. Stokley asked if this would be an advertising tool to obtain tenants and Ms. Pulver replied that it would be but it is also an amenity.

Mr. Griffin then asked Mr. Savona to provide his thoughts on the matter and Mr. Savona commented that this parcel was set-aside as open space so Council would have to consider if they would permit using open space for commercial activity such as this. He also stated that if Council were inclined to grant a waiver to the condition of the plan, the requestors would still need to go before the zoning hearing board for a variance. Mr. Manfredi then asked Ms. Pulver, if Council were to permit the event as a rooftop event, provided all code and other requirements were met, would they still wish to use the ground area set aside as open space? Ms. Pulver replied that it would require a substantial capital investment and would present other issues.

Ms. Northcutt expressed several concerns with the proposed event related to safety and maintenance. In response, Ms. Barton commented that the area is underused during the evening so she would consider approving the event.

Mr. McConnell asked the newly elected Council members if they had any comments on the proposal. Mr. Kevin McMonagle asked about event capacity and Ms. Pulver answered that approximately 200 could be present at a time. Ms. Tina Sokolowski asked if the events would be open to the public and Mr. Tierney replied that they are required to have a guest list but the Liquor Control Board has ruled that, if someone chooses to be on the list, they may be. Mr. McConnell then asked Mr. Savona how the waiver could be granted if permitted by Council. Mr. Savona replied that his office would issue a letter stating the waiver was permitted and listing any conditions set by Council.

Mr. McConnell invited public comment and a resident, Mr. Brian Cole, commented that he was present at the previous rooftop events sponsored by the same group and enjoyed them. He also stated that these events provide an opportunity for residents and employees of the area businesses to come along.

Mayor Frost asked if there would be security-fencing put up along the riverfront since drawings for the site indicate seating and bocce courts close to river. Mr. Tierney replied that the area would be kept open. With no further comment from Council or the public, Mr. McConnell then announced the next item.

NEW BUSINESS

a.) Discussion on walkability in the Borough (Council Member Northcutt)

Mr. Manfredi introduced Ms. Northcutt's item stating that, at the prior meeting, Ms. Northcutt had raised questions and concerns about walkability and whether there was enough security for pedestrians such as painted lines and signage in the Borough. He then invited Ms. Northcutt to elaborate on the matter. Ms. Northcutt shared that residents in Ward 5 are concerned about cars speeding and not fully stopping at posted stop signs. She and Ms. Barton attended a workshop on walkability recently and they highlighted the importance of paint lines, ladder marks, stop bars and other markers for safety. She noted many intersections in Ward 5 that are missing such markers and consulted the school district on where school bus stops are located to ensure that lines were present but there are many such locations that are missing them.

Mr. McConnell commented that another intersection that is quite dangerous outside of Fayette Street is the four-way intersection at Poplar, Harry, Third and Spring Mill. After further discussion, Mr. McConnell asked Council if they would be willing to allocate more money to painting markers for safety on the street and then come up with a plan to complete the work. Ms. Barton asked Mr. Harvey Buek, Public Works Superintendent, how much it would cost to paint an intersection and Mr. Buek was unable to provide an exact figure but he calculated that it would take two to three workers about three hours to complete one intersection. Mr. Manfredi commented and suggested that Council could make supplemental appropriations for an item such as this but the magnitude of what Ms. Northcutt is proposing should be studied first to determine the cost and impacts of the improvements. Mr. McConnell then asked Council if they would consent to conducting the study this winter so that the improvements could begin this spring. Mr. Buek clarified that line painting typically does not happen until July because spring roads still contain salt from the winter that is not ideal for the work. Ms. Barton asked, if the winter weather was mild, could Mr. Buek's team start the painting sooner and Mr. Buek replied that it could, especially if there is a significant increase in the amount of painting that would be

required. With no further comment, Mr. McConnell introduced the next item.

b.) Discussion on a request regarding the Conshohocken Post Office (Council Member Barton)

Ms. Barton shared that a citizen had asked her when the post office was going to repaint their building because it is becoming worn. Mr. McConnell commented that she should send a letter to the postmaster or to a representative on Congress. There were no further comments, so Mr. McConnell asked Mr. Manfredi to introduce the next item.

c.) Consider Keystone Property Group request to exercise the first extension of the Firehouse Approval Period.

Mr. Manfredi shared that the item is on the agenda for discussion because of a December 31st deadline for Keystone Property Group to qualify for the extension and he asked Mr. Savona to elaborate. Mr. Savona stated that, two years ago, Keystone Property Group signed an agreement of sale and development agreement between them, the Borough, and the Redevelopment Authority which provided for the redevelopment process of the new Borough Hall as well as the acquisition of the Keystone Property located at the corner of Elm and Fayette which is presently owned by the Redevelopment Authority and is adjacent to the old firehouse behind the present Washie's fire house. The redevelopment agreement gave Keystone an initial period of two years in which to finalize their development plans for the site and to purchase the property from the RDA and the Borough. There were two proposed extension periods included in the agreement and Keystone Property Group has made a request to exercise the first extension period, which under Section 2.2.B of the agreement, requires them to make a written request at least thirty days prior to the expiration, file plans to develop the property, and tender payment of \$50,000.00 in advance of the sale of the property to the RDA. If the extension were approved, the first extension would be for six months to June 30, 2016. Mr. Savona added that they had met the minimum requirements to receive the requested extension so it would be appropriate for Council to consider it at the voting meeting. He also commented that the RDA would be voting on the same matter at a meeting on December 9, 2015. There were no comments or questions, so Mr. McConnell introduced the next item out of order because residents of the Grande were present to comment.

PUBLIC COMMENT

Mr. Manfredi introduced the item by stating that residents of the Grande have expressed concerns with respect to the comfort station that is proposed near the trail and had reached out to Ms. Tutino; he invited her to expand upon the matter. Ms. Tutino shared that she and Mr. Manfredi met with Ms. Linda Myrsiades, a Grande resident, to discuss the comfort station and, as a board member, Ms. Myrsiades spoke on behalf of many of the homeowners. Ms. Myrsiades shared a petition that had been signed by more than two hundred tenants regarding the station and presented concerns related to aesthetics, safety, vandalism and parking impacts of the station. Ms. Tutino then explained the history of how the comfort station was approved and explained that she has reached out to Montgomery County to research what options they have related to the station post-approval and whether it might be possible to relocate it. She invited Ms. Myrsiades who was present that evening to comment and Ms. Myrsiades shared her concerns in detail with Council. Mr. McConnell asked Mr. Savona for clarification on whether there would be parking for residents and Mr. Savona explained that there are spaces on the approved land development plan for Borough use and they are not on the Grande property. Ms. Myrsiades then commented that it would be preferable to Grande residents to move the comfort station away from their densely populated area so that they would feel more secure. In response, Mr. McConnell asked what proximity would be acceptable to her and she replied that either end of the office building or near the SEPTA train station would work. As a conclusion to the discussion, Mr. Manfredi stated that Ms. Tutino would facilitate reaching out to the county and the developer responsible for the station and then report her findings back to Council so that they can properly address the request from the Grande to relocate the station. Ms. Myrsiades thanked the Council and the Borough for their time.

A gentleman named Ed Sale that lives at the Grande suggested putting the comfort station underneath 476

on the trail because there is space and it would not impose upon residents. He also asked further questions about the parking in the area of the station and who was responsible to provide spaces.

A Grande resident named Paulina reiterated the concerns expressed by Ms. Myrsiades and Mr. Sale. She also asked who would be contacting her to follow-up on their concerns. Ms. Myrsiades offered to email all Grande residents about the evening's proceedings and communicate to them that, although the board had facilitated a meeting with the builder, it should be suspended until the Borough has opportunity to negotiate with the relevant parties.

Mr. Rodman Rosenberger, another Grande resident, shared images with Council showing the proximity of the proposed comfort station to his home.

Mr. Ed Sale also commented that patrons from Guppy's Good Times tavern are too loud and become a nuisance on Friday and Saturday after the bar closes. In response, Ms. Tutino offered to ask the Police Department to look into it. With no further comment, Mr. McConnell invited Mr. Manfredi to share his matters.

MANAGER MATTERS

Mr. Manfredi stated that, on the consent agenda for the next meeting, Council would consider the November minutes, adopt the 2016 budget, adoption of the tax code ordinance, and an ordinance for the Administration and Government code. He also shared a request to have the 2016 St. Patrick's Day Parade and a complaint related to a fence that was constructed in a driveway at 641 Hector Street.

Mr. Manfredi shared that a neighboring property owner filed a formal complaint because the fence was erected. A permit was issued to construct the fence to the end of the property line because there is no sidewalk. The Borough cannot force the property owner to take the fence down which is upsetting to the neighbor that issued the complaint. To prevent a similar issue in the future, changes can be made to zoning regulations that make it so that nothing can be constructed in the right-of-way. Ms. Northcutt added that people walked there and children used the pathway to walk to school so the fence has forced pedestrians onto the street to go around the area. Mr. Manfredi stated that, in 2016, one of the primary projects is the re-write of the zoning regulations and he asked if it was Council's desire to disallow any structures to be erected in the right-of-way so that the policy could be included in the re-write. With no further comment, Mr. Manfredi asked Mr. Paul Hughes, Borough Engineer, to provide an update on three engineering matters.

Mr. Hughes discussed the West 5th Avenue storm sewer crossing replacement and shared that he solicited quotes for the project; Trinley Hill Contractors provided the low bid at \$18,361.72 and they will begin work soon and the project should only take a week to complete. Mr. Manfredi added that this was approved as part of the 2015 budget so Mr. Hughes was simply providing an update. Ms. Barton asked Mr. Hughes to provide the start date for the project so that residents could be informed.

Mr. Hughes also provided an update on a Notice of Violation that was issued regarding the E&S on the new Borough Hall site.

Mr. Hughes and the Building Code Official, Mr. Ray Sokolowski, met with representatives from PECO and AQUA to discuss their financial contributions to the Hector Street project.

Mr. Manfredi discussed that the Borough had been approached by the Philadelphia Museum of Art to take part in their "Inside Out" Program in which they bring replicas of art and place them throughout the municipality. He shared that, in January or February, someone from the museum would give a presentation to Council for site selection.

Mr. Manfredi's final item was to share that the Leeland Market Assessment had been received and would

be discussed by Council at the January work session.

LEGAL MATTERS

There were no legal matters to share.

COUNCIL MEMBER AND MAYOR MATTERS

Ms. Northcutt thanked Senator Hughes for providing the new United States flag to the Mary Wood Park House.

Mayor Frost thanked both Conshohocken No. 2 and the Washington Fire Company, the Conshohocken AMBUCS, and Bob Moore Jr. that helped with the Santa visit the previous Friday night. It was a very successful event.

ADJOURNMENT

The meeting was adjourned at 8:44 PM.

Respectfully Submitted,

Richard J. Manfredi,
Borough Secretary