

BOROUGH OF WEST CONSHOHOCKEN
COUNCIL MEETING
NOVEMBER 12, 2019
7:00 PM

Pursuant to the provisions of the "Open Public Meeting Agenda/Sunshine Act" public notice was provided to the Times Herald Newspaper and posted on the bulletin board in the Borough Hall as required by law.

CALL TO ORDER

Tara Gorney, Council Vice President, called the meeting to order at and led the Pledge of Allegiance.

ROLL CALL

Richard Maccarone, President	Absent
Tara Gorney, Vice President	Present
Douglas Borgerson	Present
John Cooper	Present
Danelle Fournier	Present
Jose Gonzalez	Present
Richard Greenstein	Present
Gregory Wesley-Lynch, Mayor	Absent
Michael F. English, Borough Manager	Present
John Walko, Solicitor	Present
Brian Keaveney, Engineer	Present

PUBLIC COMMENT ON THE AGENDA

Ms. Gorney opened the floor for public comment on agenda items. No one came forward.

PRESENTATION BY JOE DUDA, BOROUGH ACTUARY, ON NON-UNIFORM PENSION PLAN.

Joseph Duda explained in detail to Council two changes he suggested being made to the Non-Uniform Pension Account. The one was changing pension calculations from the last five years worked to the last three years worked. The second one was changing the multiplier to 1.75% instead of the current multiplier of 1.50%. These changes will bring the Borough's Non-Uniform Pension Plan more in line with other pension plans in the county. This change would affect nine Borough employees, and would increase the yearly Minimum Municipal Obligation by approximately \$14,243.00. It is important to remember that most of the MMO funds are provided to the Borough from the Pennsylvania State Aid, which you receive each year. Mr. Greenstein stated as a member of the pension committee I can tell you that the plan is over funded. I think this is an important benefit for our non-uniform employees. They do a great job for the Borough.

Mr. Greenstein made a motion to approve the advertising of the changes to the Non-Uniform Pension Plan as outlined by the Borough's actuary Joseph Duda.

Seconded by: John Cooper
All in Favor, Yes. The motion passed 6 to 0.

APPROVAL OF MINUTES

Ms. Gorney asked if anyone had any questions or comments on the Regular Council Meeting Minutes of October 8, 2019. No questions were posed.

Ms. Gorney requested a motion to accept the Regular Council Meeting Minutes of October 8, 2019.

Motioned by: Jose Gonzalez
Seconded by: Danelle Fournier
All in Favor, Yes.

The motion passed 4 to 0. Ms. Gorney and Mr. Greenstein abstained because they were not present.

APPROVAL OF BILLS

Ms. Gorney announced the bills total \$719,188.72 and asked if anyone had any questions. Mr. Gonzalez asked why the fire company's bills list included expenses for their accounting. Mr. English answered their accounting expenses were approved by Council for reimbursement. Mr. Gonzalez replied I do not agree with paying these expenses.

Ms. Gorney requested a motion to approve the bills in the amount of \$719,188.72.

Motioned by: Douglas Borgerson
Seconded by: John Cooper
All in Favor, No.

The motion passed 5 to 1. Mr. Gonzalez voted no due to the fire company having expenses for their accounting cost on the bills list.

FINANCIAL REPORT

Ms. Decker announced the current funds of the Borough as of November 7, 2019 are \$14,458,327.05 and asked if there were any questions. Mr. Greenstein stated the financial report is showing less income for this month and asked if that was because the borough generated less income in October. Ms. Decker replied the November shows MMO expenses going out and they are quite significant. The Borough also purchased a brand new bucket truck. Mr. Greenstein asked if anything unusual caused the decrease. Ms. Decker answered no.

Ms. Gorney asked for a motion to approve the financial report in the amount of \$14,458,327.05.

Motioned by: Richard Greenstein
Seconded by: Douglas Borgerson
All in Favor: Yes / Motion Passed 6-0

BOROUGH MANAGER'S REPORT

Mr. English stated Council has a copy of my report but there are dates I would like to mention to Council. Weather permitting the demolition of 8 Merion Avenue will start tomorrow.

Mr. English informed Council that the week of November 25th an eighteen-foot holiday Norway Spruce Tree is scheduled to be planted at Borough Hall.

Mr. English stated that with Council's permission the tree lighting ceremony would take place on December 11, 2019 at 7:00 p.m. at Borough Hall. Council approved that date.

Mr. Greenstein asked Mr. English to update Council on the issues with the billboard installed in the Merion Hill section of the community. Mr. English answered a copy of the report from Pennoni Associates is in your packages. The report shows that it does meet the Borough's Ordinance requirements.

Ms. Fournier asked about the status of the new website and if it would interface with Facebook. Mr. English answered the Borough has contracted with a firm who is working with Ms. Flynn on updating the website and creating a Facebook account.

COMMITTEE, DEPARTMENT, AND MAYOR'S REPORT

Chief Sinclair announced Council has a copy of my report but I would like to update Council on some of the things from last month. He stated Mayor Wesley-Lynch hosted the annual Halloween parade and it was a huge success thanks to everyone's help.

Chief Sinclair stated on October 19th the Park & Recreation Committee hosted a Trunk or Treat Fest for the community children. This event was also a huge success thanks to everyone's assistance.

Chief Sinclair announced that he, along with the Mayor, Mr. English, and the Fire Marshal attended Fire Prevention activities at the George Clay Fire Company. This event was well attended by our residents and provided fire safety tips to all.

Dave Frankenfield, one of the trustees of the George Clay Fire Company, informed everyone that the fire company would be holding the annual Breakfast with Santa Claus on Sunday, December 8th between the hours of 7:00 a.m. to noon.

Mr. Frankenfield cautioned everyone to use care with real Christmas trees in their homes. He also reminded people to change the batteries in their smoke alarms.

Mr. Frankenfield announced the fire company and the Public Safety Committee have made a lot of progress and stated he hoped the meetings would continue that way.

Mr. Borgerson, Chair of the Public Safety Committee, stated we have been working on the fire company's 2020 budget at our meetings. I am working on setting up the next meeting with Mr. English and the fire company.

Ms. Gorney, Chair of the Traffic and Parking Committee, stated we did not meet in October. The next meeting is scheduled for this Thursday at 6:30 p.m. at Borough Hall.

PROFESSIONAL REPORTS

John Walko announced our office has received feedback from the police department regarding the Parking Ordinance. We will continue to work on that Ordinance incorporating their feedback.

Brian Keaveney stated I have a request for an escrow release for Echo Ridge in the amount of \$48,580.16. This leaves a balance of \$80,994.00.

Mr. Keaveney informed Council that our office has reviewed this request and recommends the requested release.

Mr. Greenstein asked if there would be enough left to cover everything that has to be completed. Mr. Keaveney answered yes it does. Ms. Gorney and Mr. Cooper expressed their concerns about not leaving enough funding to complete everything that needs to be done.

Ms. Gorney requested a motion for an escrow release to Echo Ridge in the amount of \$45,580.16.

Motioned by: Jose Gonzalez

Seconded by: Danelle Fournier

All in Favor: No

Motion Passed 4-2 / Tara Gorney and John Cooper were not in favor of this motion.

OLD BUSINESS

Ms. Gorney asked if there was any old business. No old business was discussed.

NEW BUSINESS

Greg Adelman, here on behalf of the applicant and their attorney Ameer Farrell, stated all of the outstanding issues have been resolved. We are here this evening looking for Council to pass a Resolution approving our Preliminary Land Development for 300-400 Barr Harbor Drive.

John Walko stated this is just a preliminary Resolution drafted by our office. The final approval would be pursuant to their Conditional Use Hearing.

Mr. Cooper asked about sprinkler systems in the development. Mr. Adelman informed him that the matter was addressed in a fire company review letter when we met with them back in September. We responded to that letter in November and have agreed to do it all before the final approval.

Dave Frankenfield, speaking on behalf of the George Clay Fire Company, stated there seems to be a difference between the developer and the Borough with the parking structure requirements. The Borough's Code calls for the parking structure to be constructed with stone stairwells and a sprinkler system. Mr. Adelman said I do not believe that is right. We have agreed to construct the stairwells with concrete, and will meet the requirements of the Borough. Mr. Walko stated part of this Resolution states the Borough needs to have a proof in writing from the fire company that all outstanding fire comments by them have been satisfied.

Councilmembers, Mr. Adelman, Mr. Walko, and Mr. English led a lengthy discussion about the various issues with the proposed development. Some of the topics discussed were loading dock hours concerns, fines, impeding traffic congestion, crosswalks, etc.

Ms. Gorney asked when the final land development would be approved. Mr. Walko answered if the applicant is going before the Planning Commission on December 5th then it would come before Council for final approval on December 10th at the regular meeting. Before that it can come before either for final approval all comments and special requirements would need to be listed on the plans. The plans would be reviewed by Pennoni Associates before then to make sure everything was addressed.

Ms. Gorney requested a motion to adopt Resolution 2019-13. The Preliminary Land Development Resolution for 300-400 Barr Harbor Drive Development.

Motioned by: Jose Gonzalez

Seconded by: Richard Greenstein

All in Favor: No

Motion Passed 5-1 / Tara Gorney was not in favor of this motion.

Ms. Gorney requested a motion to adopt the 2020 Preliminary Proposed Budget.

Motioned by: Richard Greenstein

Seconded by: John Cooper

All in Favor: Yes

Motion Passed 6-0

Ms. Gorney requested a motion to authorize the Borough Manager to enter into an agreement with Maillie LLP, of Oaks, PA. to perform the Borough Audits for 2019, 2020, & 2021. The fee schedule would be \$24,000.00 for the 2019 Audit, \$24,500.00 for the 2020 Audit, and \$25,000.00 for the 2021 Audit.

Motioned by: Jose Gonzalez

Seconded by: Richard Greenstein

All in Favor: Yes

Motion Passed 6 to 0

Ms. Gorney requested a motion to authorize the Borough Manager to extend the waste disposal agreement between West Conshohocken Borough and Covanta 4Recovery for a two- year period from January 1, 2020 to December 31, 2021 at the tipping fees of \$58.50 per ton during 2020 and \$59.96 per ton in 2021.

Motioned by: John Cooper

Seconded by: Douglas Borgerson

Ms. Gorney opened the floor for public comment on this topic.

Jessica Ram, 138 Sutcliff Lane, Conshohocken, PA., stated I was at the Plymouth Township Council Meeting last night where they passed a motion to extend their waste disposal agreement with Covanta 4Recovery despite numerous please from concerns citizens. I was one of those concerns citizens and that is why I am here tonight to ask that West Conshohocken Borough not extend your agreement with them. I provided everyone with a sheet of concerns that I have. Ms. Ram discussed in great lengths her concerns such as loud noises, horrible smells, poor air quality, malfunctions at the plant, etc.

Mr. Gonzalez and Mr. Greenstein asked Ms. Ram what other municipalities were doing and what she thought the answer to her concerns was. Mr. Ram replied Plymouth Township passed a motion to extend their agreement. I think everyone should use landfills. I would ask the Borough to get quotes to haul your trash to a landfill from BFI, Waste Management, or J.P. Mascara. I would like to see no-burn clauses for future contracts with waste management's companies.

Mr. English, Council, and Mr. Walko had a lengthy discussion regarding renewing the contract, the condition of the plant, and the trash disposal needs for the current and future residents.

David Sharp, 1115 Conshohocken State Road, Manager of the Covanta Plant, stated sitting here tonight listening to the discussions I hear that there are two separate issues here. The first is the general question of using landfills versus energy from waste plants. Disposal of waste is the worst way to dispose of trash, which is landfilling. The Environmental Protection Agency has this and more information on their website. The second issue is the recent operations of the facility. We have acknowledged publicly the recent problems at the facility. We are addressing these issues in three ways. We are improving our transparency. We have created an online site where we list any events that happened at the plant. We have also created a hotline for people to call at any time we return all calls. To date we have received only six calls. It is frustrating with the amount of inaccurate information being disseminated. We are working on improvements but they cannot be done overnight due to engineering planning.

Councilmembers asked about revenue sources, internal audits, and community outreach programs, etc. Mr. Sharp answered I do not know how much revenue sources are from the community, but I can tell you all that the reported 75% is inaccurate. We do have internal audits but the decision to not release that information to the public is handled at the corporate level. In terms of outreach programs, we host tours of our facility.

Mr. Greenstein asked Mr. Sharp if Covanta would be willing to give the Borough a shorter term in our contract. Mr. Sharp replied I can make a recommendation but it would be no. I feel very confident in our facility and the changes that we have made to it. Ms. Gorney said if you feel so confident that you would not make a recommendation to modify to our contract I would say why not. If you modified our contract, you would be giving Council time to make informed decision rather than a reactive decision. Is that a recommendation you can take back. Mr. Sharp answered no. I can take it back but you need to realize that we are frustrated with all the inaccurate information out there and do not believe that it is going to stop. Covanta feels we have been fair reducing the contract from five years to three years. Mr. Gonzalez announced I refuse to make a decision under the gun. Mr. English asked if he would have an answer about the one-year contract before the renewal deadline of December 1, 2019. Mr. Sharp answered I would hope so.

Mr. Greenstein made a motion to table the contract extension until the Borough hears back from Covanta about a one-year contract. Mr. Borgerson stated I would like to make a motion tonight for a one-year contract with them. Mr. Walko suggested going into an executive session to discuss this matter.

Ms. Gorney called for an executive session at 9:02 p.m.

Ms. Gorney reconvened the regular Council meeting at 9:27 p.m.

Ms. Gorney stated Council is committed to creating a hauling disposal contract, and associated bid documents. These will address issues related to air quality concerns and will incorporate provisions related to emissions violations in our bid documents by December 31, 2020 and requested a motion.

Motioned by: John Cooper

Seconded by: Jose Gonzalez

All in Favor: Yes / Motion Passed 6-0

Ms. Gorney asked if everyone was in favor to authorize the Borough Manager to extend the waste disposal agreement between West Conshohocken Borough and Covanta 4Recovery for a two- year period from January 1, 2020 to December 31, 2021 at the tipping fees of \$58.50 per ton during 2020 and \$59.96 per ton in 2021.

Motioned by: John Cooper

Seconded by: Douglas Borgerson

All in Favor: Yes

Motion Passed 4-2 / Tara Gorney and Danelle Fournier were not in favor of this motion.

PUBLIC COMMENT

Dave Frankenfield, 580 Ford Street stated I want to congratulate all of the new elected Councilmembers at the November Elections.

Dick Kenna, 1095 New Dehaven Street stated I want to thank everyone that helped in making the signage and streets marking changes at the corner of Ford Street and Elizabeth Street where I am a crossing guard. They have really made a big difference.

Ms. Kenna informed Council that he is very unhappy about the approval of constructing 300-400 Barr Harbor Drive. The community cannot handle the traffic that will be generated by this new tower building.

Guy Davis, 28 Balligomingo Road announced I would also like to congratulate all of the newly elected Councilmembers at the November Elections.

Mr. Davis stated Kevin at “More Than A Curve” put out a proposal for a transparency pledge. It had a number of points that I would like to see our Borough adopt. I would like to meet with a member of Council so we could draw something up to bring before a full Council for a vote. Mr. Walko informed Mr. Davis to draw up the information and provide it to Mr. English.

ADJOURN

Mr. Gorney asked for a motion to adjourn the meeting at 9:43 p.m.

Motioned by: John Cooper

Seconded by: Richard Greenstein

All in Favor, Yes.

The motion passed 6 to 0.

Respectfully Submitted,

Meg Decker
Bookkeeper/Secretary

