PHOENIXVILLE BOROUGH COUNCIL

Tuesday, February 14, 2023
7:00 PM

AGENDA

I. Pledge of Allegiance/Moment of Silence

II. Roll Call – Borough Manager

III. Presentations

A. Swearing in of Keith Bliss as Assistant Fire Chief - Council President

B. Swearing in of Craig Lear as Assistant Fire Chief - Council President

IV. Public Participation

V. Consent Agenda

A. Approval of the January 10, 2023 Regular Meeting Minutes.

B. Items from Historical and Architectural Review Board:

1. Motion to approve the Certificate of Appropriateness for the sign installation at 215 Bridge Street as recommended by the HARB 5-0 per their Action Memo of February 7, 2023.

2. Motion to approve the Certificate of Appropriateness for the sign installation at 323 Bridge Street as recommended by the HARB 5-0 per their Action Memo of February 7, 2023.

C. Items from Parks and Recreation Committee:

1. Motion to approve the Temporary Community Event Application for Molly Maguires St. Patrick's Community Celebration on Saturday, March 18, 2023 from 11:00 am to 10:00 pm. Main and Bridge Parking Lot to be closed from 7:00 am to 12:00 am. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

2. Motion to approve the Temporary Community Event Application for A Whole Lot of LuLu on Saturday, April 29, 2023 and Saturday, October 14, 2023 from 10:00 am to 4:00 pm on Main Street and the Bridge and Main Street Parking Lot. Main Street to be closed between Bridge Street and Church Street and the Parking Lot to be closed from 6:00 am to 6:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

3. Motion to approve the Temporary Community Event Application for Relay for Life – Paint the Town Purple on Sunday, April 30, 2023 from 9:00 am to

3:00 pm in Reeves Park. Main Street to be closed between Second and Third Avenues between 7:30 am and 1:30 pm. Third Avenue to be closed between Main Street and Starr Street from 7:30 am to 3:30 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

4. Motion to approve the Temporary Community Event Application for the Chester County Pride Fest in the 100 and 200 Blocks of Bridge Street on Saturday, June 10, 2023 from 9:00 am to 6:00 pm. 100 and 200 Blocks of Bridge Street between Gay Street and Starr Street and the Bridge and Main Street Parking Lot to be closed from 9:00 am to 6:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

5. Motion to approve the Temporary Community Event Application for Phoenixville Art Street Festival in the 100 and 200 Blocks of Bridge Street on Saturday, June 17, 2023 from 10:00 am to 5:00 pm. Bridge Street between Gay Street and Starr Street to be closed from 8:00 am to 6:30 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

6. Motion to approve the Temporary Community Event Application for the Juneteenth Celebration in the 200 Block of Bridge Street and the Bridge and Main Street Parking Lot on Sunday, June 18, 2023 from 2:00 pm to 6:00 pm. The 200 Block of Bridge Street between Gay Street and Main Street and Bridge and Main Street Parking Lot to be closed from 10:00 am to 8:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

7. Motion to approve the Temporary Community Event Application for Blobfest 2023 on Friday, July 14 from 7:00 pm to 9:00 pm and Saturday, July 15, 2023 in the 100 and 200 Blocks of Bridge Street and the Bridge and Main Street Parking Lot on Saturday, July 15, 2023 from 11:00 am to 5:00 pm. Bridge Street to be closed on July 14, 2023 from 7:00 pm to 9:00 pm between Starr Street and Gay Street. Bridge Street and Bridge and Main Street Parking Lot to be closed on July 15, 2023 from 11:00 am to 5:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

8. Motion to approve the Temporary Community Event Application for WuFF Jam 2023 on Saturday, September 16, 2023 from 11:00 am to 5:00 pm in Reeves Park. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

9. Motion to award the 2023 Independence Day Celebration fireworks contract to D&M Fireworks in the amount of $11,000 scheduled for Sunday, July 2, 2023.

D. Items from Finance Committee:

1. Motion to recommend Borough Council approve the 2022 Pre-Paid dated 11/1/2022 - 11/30/2022 in the amount of $1,327,599.25.

2. Motion to recommend Borough Council approve the 2022 Pre-Paid dated 12/1/2022 - 12/31/2022 in the amount of $1,652,472.98.

3. Motion to recommend Borough Council approve the 2022 Pre-Paid Credit Card Statement dated 11/1/2022 - 11/30/2022 in the amount of $31,008.40.

4. Motion to recommend Borough Council approve the 2022 Pre-Paid Credit Card Statement dated 12/1/2022 - 12/31/2022 in the amount of $88,674.62.

5. Motion to recommend Borough Council approve the 2022 Pre-Paid ACH dated 11/30/2022 in the amount of $1,751,009.86.

6. Motion to recommend Borough Council approve the 2022 Pre-Paid ACH dated 12/31/2022 in the amount of $42,953.09.

7. Motion to recommend Borough Council approve the Staff recommendation authorizing the Finance Director to make the necessary end of year adjustments and to provide a listing of those adjustments to the Finance Committee and the Borough's Auditor.

8. Motion to recommend Borough Council approve the Staff recommendation for suggested Accounts Receivable write-offs – 2023.

9. Motion to recommend Borough Council approve the Budget Increase 2023-02 in the amount of $4,295 from General Fund Balance to IT/Communications (Equipment) to replace the damaged AV controller used for Borough hybrid meeting presentations.

10. Motion to recommend Borough Council approve the Budget Increase 2023-03 in the amount of $125,000 from General Fund Balance to Legislative (Stormwater Management Feasibility Study) for Engineering Services to conduct the Phoenixville Drainage Study.

VI. Communications/Council Participation

VII. Mayor's Report

VIII. Appointments

A. Call for Residents interested in being appointed to various Boards and Commissions.
Current vacancies exist on the Zoning Hearing Board, HARB, Tree Advisory Commission, Recreation Board, and Human Relations Commission

IX. New Business

A. Motion to approve the Cooperative Employment Agreement with the Phoenixville Communities That Care for the period January 1 to June 30, 2023.

B. Motion to authorize Borough Staff and the Borough solicitor to take the necessary actions to effectuate the termination of the Main Pool and Chemical (MP&C) contract for the provision of ammonium sulfate.

C. Motion to approve a Park Improvement and Use Agreement between the Borough of Phoenixville and the Ruckets Corporation at Veterans Park.

X. Ordinances/Resolutions

A. Motion to adopt a Resolution acknowledging Kate Ward for her service on the Borough Zoning Hearing Board.

B. Motion to adopt a Resolution acknowledging Matthew Handley for his service on the Borough Zoning Hearing Board.

C. Motion to adopt a Resolution for the sale and disposition of personal property, a 2007 and a 2008 Chevrolet Impala, each valued above $2,000.00 pursuant to Section 1201.2 of the Borough Code.

D. Motion to adopt a Resolution for the emergency procurement of ammonium sulfate for the Borough's Water Plant.

E. Motion to approve a 425 Bridge Street Condemnation Stipulation Agreement, more particularly identified as Chester County UPI No. 15-9-91, between the Borough of Phoenixville and M&B Partners, LLC.

F. Motion to adopt an Ordinance Authorizing the Condemnation, by Eminent Domain, a portion of the Real Property Located at Chester County UPI No. 15-9-91.1 for Municipal Purposes.

XI. Hearings

A. Conditional Use

1. Motion to recess the public meeting and re-open the hearing on the Conditional Use Application for Clinton Weiler on an entertainment hall to be operated on the property located at 119 S. Main Street.

2. Motion to approve/deny Conditional Use Application of Clinton Weiler for an entertainment hall to be operated on the property located at 119 S. Main Street.

3. Motion to recess the public meeting and open the hearing on the Conditional Use Application from Hardware Landlord, LP and Arnold Andersen for an Automobile Sales & Services (Pep Boys) at the property located at 700 Nutt Road, Suite 540.

XII. Reports of Committees, Boards, and Commissions

A. Planning Commission - Mr. Moore

B. Historical and Architectural Review Board – Ms. Dugan

1. Motion to approve the Certificate of Appropriateness for the addition at 193-197 Bridge Street as recommended by the HARB 4-0-1 per their Action Memo of February 7, 2023.

C. Phoenixville Regional Planning Committee – Mr Kirkner

D. Recreation Board – Ms. Dugan

E. Tree Advisory Commission – Ms. Burckley

XIII. Council Action referred from Council Committees

A. Personnel and Public Safety Committee (**Burckley**, Webb, and Weiss)

1. Motion to authorize the Borough of Phoenixville Civil Service Commission to begin the process of developing an Eligibility List for Patrolman for the Phoenixville Police Department.

2. Motion to appoint Jonathan Steitzer for appointment to the TAC for the vacant term expiring June 30, 2025 or the ZHB for the vacant term expiring January 31, 2024 or 2028.

B. Parks and Recreation Committee (**Moore**, Carminito, Dugan, Weiss)

1. No Action to Report.

C. Policy Committee (**Kirkner**, Burckley, and Ewald)

1. Motion to schedule and advertise an Ordinance amending Ordinance - Chapter 6 Conduct - Part 4 Noise.

D. Infrastructure, Technology Transportation & Sustainability Committee - (**Weiss**, Burckley, Carminito, and Webb)

1. No Action to Report.

E. Finance Committee (**Dugan**, Ewald, Kirkner, and Moore)

1. Any item removed from Consent Agenda.

XIV. Public Participation

XV. Communication/Council Participation

XVI. Staff Reports

A. Manager

B. Police

C. Fire

D. Planning and Codes

E. Public Works

F. Finance

G. Human Resources

H. Recreation

XVII. Executive Session –Personnel, Real Estate and Litigation

XVIII. Adjournment

Upcoming Meetings:

Parks and Recreation Committee	February 21 – 6:00 pm
Infrastructure Committee	February 21 – 7:00 pm
Finance Committee	February 28 – 6:00 pm
Policy Committee	February 28 – 7:00 pm
HARB	March 6 – 5:00 pm
Personnel/Public Safety Committee	March 6 – 6:00 pm
Tree Advisory Commission	March 6 – 7:00 pm
Planning Commission	March 9 – 6:00 pm
Borough Council	March 14 – 7:00 pm

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, January 10, 2023
7:00 PM

MINUTES

I. Pledge of Allegiance/Moment of Silence

II. Roll Call – Borough Manager

Mr. Ewald, President	Present
Ms. Burckley, Vice President	Present
Mr. Carminito	Present
Ms. Dugan	Present
Mr. Moore	Present
Mr. Kirkner	Present
Ms. Webb	Present
Mr. Weiss	Present
Mayor Urscheler	Present
Mr. Krack, Borough Manager	Present
Ms. Getzfread, Asst. Borough Manager	Present
Chief Marshall, Police Chief	Present
Mr. Denlinger, Solicitor	Present

Ms. Burckley made a Motion to recess the Public Meeting to go into Executive Session to discuss the 1000 Nutt Road Conditional Use Applications. Seconded by Mr. Weiss.

Motion Approved 8-0.

The Meeting Recessed at 7:03 pm.

Ms. Burckley made a Motion to resume the Public Meeting. Seconded by Ms. Webb.

Motion Approved 8-0.

The meeting resumed at 7:18 pm.

III. Presentations

IV. Public Participation

Tom DeLuca, resident. He spoke about Zoning changes made by the Council in December of 2021. He encouraged all the Council members to be careful when making decisions so that legal actions aren't filed against the Borough. He acknowledged his new Council representatives since Fillmore Village will be moving to the West Ward.

Chris DeVol, resident. He encouraged the Council to work with the school district to come to an amicable solution for the Kindergarten Center Site. He suggested the Council

attend the Court Hearing in West Chester on February 10, 2023.

Irene Hilly, resident. She asked if the meeting started on time tonight.

Mr. Ewald clarified the meeting started and then recessed into Executive Session.

V. Consent Agenda

A. Approval of the December 13, 2022 Regular Meeting Minutes.

B. Items from Historical and Architectural Review Board:

1. Motion to approve the Certificate of Appropriateness for renovations at 260 Bridge Street as recommended by the HARB 5-0 per their Action Memo of January 4, 2023.

2. Motion to approve the Certificate of Appropriateness for the demolition request for 177 Church Street as recommended by the HARB 5-0 per their Action Memo of January 4, 2023.

Ms. Burckley made a Motion to approve the Consent Agenda.. Seconded by Mr. Weiss.

Motion Approved 8-0.

VI. Communications/Council Participation

Mr. Kirkner thanked the Sanitation Department and Mark Albert for going the extra mile in cleaning up the area on Black Rock Road where trash dumping occurs regularly. He stated that residents can schedule bulk pick-up for a fee from the Borough as part of the trash collection.

Ms. Burckley echoed Mr. Kirkner's comments and stated the Borough's Website has information on the bulk pick-up. Residents can call the office to schedule the pick-up with the Customer Service Representative. She reported there would be a swearing in of volunteers for the Fire Department on January 11, 2023 at the New Firehouse, the Dogwood Committee will be meeting at Root Down on February 1, 2023 at 6 pm for those interested in participating, and invited residents to come to Vendor Bingo benefiting Ann's Heart.

Mr. Ewald reported Monday January 16th is Martin Luther King Jr. Day. If you have the day off from work, please consider taking part in the national day of service. As a community, we have a plethora of non-profit organizations that can always use a hand. With Councilman Weiss' agreement moving forward, ITTS will have a standing agenda item for discussions related to Schuylkill River Passenger Rail Authority to establish a train service from Reading to Philadelphia. Recently, the Borough met with Brian

O'Leary and the Chester County Planning Commission staff to discuss the next steps the Borough needs to take to keep the project on track. He stated, as approved in our consent agenda, he wanted to add some additional information on the Borough property at 177 Church St., the former fire station as we discussed 3-4 years ago when we started the process for the new fire and emergency service building. The building on Church St. will begin demolition next week. Once demolition is complete, our Public Works Dept is working diligently to line up the appropriate steps required to then pave and stripe the lot for use as a Borough parking lot. The hope is that the lot will be available in the spring of 2023.

He noted earlier today our PFD 65 had their QRS licensure inspection for the 65-2 rescue truck. They are on track to officially be QRS operational by Feb 1st., which adds an additional layer of medical response to our community. A QRS is a non-transporting level of EMS and allows our staff to provide EMS to patients before an ambulance arrives. He thanked Chief Brazunas and Dr. Levine for getting this program going.

Lastly, yesterday, almost exactly 1 year after the first shipment of PXVNEO equipment arrived on site, the Borough began the initial testing phase of the new HTC system, which will do a hydro and pressure tests of all the systems and sensors over the next few weeks. We are currently looking at a March final commissioning and ribbon cutting.

VII. Mayor's Report

Mayor Urscheler wished everyone a Happy New Year and reported on the Police Associations Shop with a Cop program and Pizza with the Police, sponsored by the Police Department. Ann's Heart served 731 meals to the community this Holiday Season, Senator Katie Muth and representative Paul Friel were recently sworn in and Congresswoman Chrissy Houlahan will be holding the State of the Sixth at the Colonial Theatre on January 23, 2023.

VIII. Appointments/Public Resolutions

A. Call for Residents interested in being appointed to various Boards and Commissions.

Mr. Ewald encouraged residents to continue to apply for openings on the various Boards and Commissions and stated openings can be found on the Borough's Website.

Mr. Kirkner excused himself from the meeting at 7:23 pm.

IX. New Business

A. Motion to approve an Emergency Medical Services Operating Agreement with TowerDIRECT, LLC.

Ms. Burckley made a Motion to approve an Emergency Medical Services

Operating Agreement with TowerDIRECT, LLC. Seconded by Ms. Webb.

Motion Approved 7-0. Mr. Kirkner was out of the room.

B. Motion to approve a Lease Agreement with TowerDIRECT, LLC.

Ms. Burckley made a Motion to approve a Lease Agreement with TowerDIRECT, LLC. Seconded by Mr. Weiss.

Motion Approved 7-0. Mr. Kirkner was out of the room.

X. Ordinances/Resolutions

A. Motion to adopt a Resolution acknowledging William Davidson for his service on the Borough Planning Commission and Human Relations Commission.

Ms. Burckley made a Motion to adopt a Resolution acknowledging William Davidson for his service on the Borough Planning Commission and Human Relations Commission. Seconded by Mr. Weiss.

Motion Approved 7-0. Mr. Kirkner was out of the room.

Mr. Ewald read the Resolution aloud for the record.

B. Motion to adopt a Resolution to Appoint and Provide for Firefighter Operations and Emergency Medical Services (EMS) to the Borough of Phoenixville.

Ms. Burckley made a Motion to adopt a Resolution to Appoint and Provide for Firefighter Operations and Emergency Medical Services (EMS) to the Borough of Phoenixville. Seconded by Ms. Webb.

Motion Approved 7-0. Mr. Kirkner was out of the room.

C. Motion to adopt an Ordinance amending Chapter 15 “Motor Vehicles and Traffic.”

Ms. Burckley made a Motion to adopt an Ordinance amending Chapter 15 “Motor Vehicles and Traffic.” Seconded by Mr. Weiss.

Motion Approved 7-0. Mr. Kirkner was out of the room.

D. Motion to adopt an Ordinance to Reapportion the Borough’s Wards.

Ms. Burckley made a Motion to adopt an Ordinance to Reapportion the Borough’s Wards. Seconded by Ms. Webb.

On the Question:

Mr. Owen Hyne of Remington Vernick Engineers presented an overview of the process including the statutes and the use of the 2020 Census Date to reapportion the wards and precincts to balance the population as required.

Ms. Burckley stated the Ward maps were reviewed at the special meeting of Council and at last month's meeting. She thanked the staff at RVE for all their hard work on the reapportioning of the Wards.

Mr. Moore asked if the new Ward maps would be posted on the website.

Ms. Getzfread stated that once we have received the finalized maps from our engineers, staff will publish them as a spotlight on the site and to our social media.

Mr. Ewald stated that Chester County Voter Services will also notify registered voters.

Ms. Burckley suggested the information be pushed to social media closer to the elections as well.

Motion Approved 8-0.

Mr. Kirkner returned to the meeting at 7:45 pm.

XI. Hearings

A. Conditional Use

1. Motion to recess the public meeting and re-open the hearing on the Conditional Use Application for Tommy’s Car Wash at the property located at 1000 Nutt Road.

   Ms. Burckley made a Motion to recess the public meeting and re-open the hearing of the Conditional Use Application for Tommy's Car Wash. Seconded by Mr. Weiss.

   Motion Approved 8-0.

   Hearing opened at 7:48 pm.

   Mr. Denlinger explained the continuation of the hearing from December 13, 2023 meeting and the next steps the Council can take this evening. He asked Mr. Andersen if he had any additional information to present.

   Mr. Andersen stated he did not.

Mr. Weiss made a Motion to close the Public Hearing and resume the Public Meeting. Seconded by Ms. Burckley

Motion Approved 8-0.

Hearing closed at 7:49 pm.

Mr. Carminito made a Motion to approve the Conditional Use Application for Tommy's Car Wash at 1000 Nutt Road and included all of the conditions for the record. Seconded by Mr. Kirkner.

Motion Approved 8-0.

Mr. Denlinger stated a copy of the decision would be mailed to Mr. Andersen.

2. Motion to recess the public meeting and re-open the hearing on the Conditional Use Application for Starbucks drive-through at the property located at 1000 Nutt Road

   Mr. Weiss made a Motion to recess the public meeting and re-open the hearing of the Conditional Use Application for the Starbucks drive-through. Seconded by Ms. Burckley.

   Motion Approved 8-0.

   Hearing opened at 7:54 pm.

   Mr. Denlinger explained the continuation of the hearing from December 13, 2023 meeting and the next steps the Council can take this evening. He asked Mr. Andersen if he had any additional information to present.

   Mr. Andersen stated he did not.

   Ms. Burckley made a Motion to close the Public Hearing and resume the Public Meeting. Seconded by Ms. Webb

   Motion Approved 8-0.

   Hearing closed at 7:56 pm.

   Mr. Carminito made a Motion to approve the Conditional Use Application for the Starbucks drive-through at 1000 Nutt Road and included all of the conditions for the record. Seconded by Ms. Burckley.

   Motion Approved 8-0.

Mr. Denlinger stated a copy of the decision would be mailed to Mr. Andersen.

3. Motion to recess the public meeting and re-open the hearing on the Conditional Use Application for Clinton Weiler for an entertainment hall to be operated on the property located at 119 S. Main Street.

Mr. Carminito made a Motion to recess the public meeting and re-open the hearing of the Conditional Use Application for the Fun Dungeon. Seconded by Ms. Burckley.

Motion Approved 8-0.

Hearing opened at 8:00 pm.

Mr. Denlinger explained the continuation of the hearing from December 13, 2023 meeting and the next steps the Council can take this evening. He asked Mr. Weiler to present the new information he provided.

Mr. Denlinger stated the hearing will be continued to the February 14, 2023 meeting of Council at 7 pm.

Ms. Burckley made a Motion to close the Public Hearing and resume the Public Meeting. Seconded by Mr. Weiss.

Motion Approved 8-0.

Hearing closed at 8:40 pm.

XII. Reports of Committees, Boards, and Commissions

A. Planning Commission (Liaison - Moore)

Mr. Moore stated there is nothing to report and this month's meeting was cancelled.

B. Historical Architectural (Liaison - Dugan)

Ms. Dugan stated there was nothing to report..

C. Regional Planning Committee (Liaison - Kirkner)

Mr. Kirkner stated there was nothing to report.

D. Recreation Board (Liaison - Dugan)

Ms. Dugan reported on the successful Blood Drive held at the Recreation Center and the upcoming programs including Shinning Knight's Chess and Sew Much Fun. She encouraged anyone interested in participating to check out the offerings on the Borough's Website.

E. Beautification Advisory Commission (Liaison - Webb)

Ms. Webb stated there was no meeting this month.

F. Tree Advisory Commission (Liaison - Burckley)

Ms. Burckley reported on the Tree Advisory Meeting and informed the public the meeting would be moved to the First Monday of the Month at 7 pm right after the Personnel and Public Safety Meeting at 6 pm.

XIII. Council Action referred from Council Committees

A. Personnel and Public Safety Committee (**Burckley**, Webb, and Weiss)

1. Motion to appoint Kevin Dwyer to the Planning Commission for the term expiring March 31, 2027. Recommended in Committee 3-0.
Ms. Burckley made a Motion to appoint Kevin Dwyer to the Planning Commission for the term exploring on March 31, 2027. Seconded by Ms. Webb.

On the Question:

Ms. Burckley stated that Kevin is here tonight if anyone has questions for him. She explained he was interviewed at the last Personnel and Public Safety meeting and the committee agreed that he would be a good fit for the commission.

Motion Approved 8-0.

B. Parks and Recreation Committee (**Moore**, Carminito, Dugan, Weiss)

1. No Action to Report.

C. Policy Committee (**Kirkner**, Burckley, and Ewald)

1. No Action to Report.

D. Infrastructure, Technology Transportation & Sustainability Committee - (**Weiss**, Burckley, Carminito, and Webb)

1. No Action to Report.

E. Finance Committee (**Dugan**, Ewald, Kirkner, and Moore)

1. No Action to Report.

XIV. Public Participation

Stephen Lufty, resident. He asked about a concern he submitted in his neighborhood.

Mr. Weiss stated he had received Mr. Lufty's email and was looking into the matter for him.

XV. Communication/Council Participation

XVI. Staff Reports

A. Manager

B. Police

C. Fire

D. Planning and Codes

E. Public Works

F. Finance

G. Human Resources

XVII. Executive Session – Personnel, Real Estate and Litigation

XVIII. Adjournment

8:50 pm. Ms. Burckley made a Motion to Adjourn to the Executive Session. Seconded by Mr. Carminito.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
January 2023

2/10/2023

Borough of Phoenixville
Council, Authorities, Bureaus, Commissions, and Agencies

Planning Commission - 4 Year Term	Appointed	Reappointed	Term Expiration
Debra Johnston	August 12, 2014	March 10, 2020	March 31, 2024
Raffaello DiNapoli	February 14, 2017	April 13, 2021	March 31, 2025
Kristiaan Wiedegreen	July 14, 2015	March 10, 2020	March 31, 2024
Catherine Bianco	March 9, 2021		March 31, 2025
Joseph Sikora	March 8, 2022		March 31, 2026
Thomas Carnevale - Vice Chair	April 12, 2011	March 8, 2022	March 31, 2026
Kevin Dwyer	January 10, 2023		March 21, 2027

Zoning Hearing Board - 5 Year Term	Appointed	Reappointed	Term Expiration
Vacant			January 31, 2023
Vacant			January 31, 2024
Maureen Ahearn	February 11, 2020		January 31, 2025
Bryan Emmanuel - Chair	April 10, 2018	January 12, 2021	January 31, 2026
Theresa Nowrey	September 14, 2021	January 11, 2022	January 31, 2027

Recreation Board - 4 YR Term	Appointed	Reappointed	Term Expiration
Kathy Gill	May 10, 2016	April 14, 2020	April 30, 2024
Robert House	October 11, 2022		April 30, 2024
Ed Lantzy	January 1, 2006	May 11, 2021	April 30, 2025
Vacant			April 30, 2025
Janet Hunter	January 1, 2008	April 12, 2022	April 30, 2026
Allison Peffle	May 11, 2021	April 12, 2022	April 30, 2026
Dave Gill - Chair	May 10, 2010	April 9, 2019	April 30, 2023
Dana Dugan - Council Rep	April 27, 2010		N/A

HARB - 4 Year Term	Appointed	Reappointed	Term Expiration
Brian Slater - Chair - Real Estate	September 11, 2007	August 11, 2020	August 31, 2024
William Felton - Contractor	August 13, 2013	August 11, 2021	August 31, 2025
Dana Dugan - Borough Council			N/A
Vacant - Resident			August 31, 2025
Joel Bartlett - Architect		August 13, 2019	August 31, 2023
David Boelker - Borough Staff			N/A
Catherine Bianco - Planning Comm	March 11, 2021		March 31, 2025

Borough Council - 4 Year Term	Appointed	Reappointed	Term Expiration
Beth Burckley - Vice President	January 2, 2018	January 3, 2022	January 5, 2026
James Carminito	January 3, 2022		January 5, 2026
Dana Dugan	January 4, 2010	January 3, 2022	January 5, 2026
Jonathan Ewald - President	January 4, 2016	January 6, 2020	January 2, 2024
Richard Kirkner	January 2, 2018	January 3, 2022	January 5, 2026
Brian Moore - Assistant Secretary	January 6, 2020		January 2, 2024
Jessie Webb	March 8, 2022		January 2, 2024
Brian Weiss	January 6, 2020		January 2, 2024
Peter Urscheler - Mayor	January 2, 2018	January 3, 2022	January 3, 2026

Civil Service Commission - 6 YR Term	Appointed	Reappointed	Term Expiration
Ethan Policastro - Chair	July 14, 2020	January 11, 2022	January 31, 2028
Amara Thornton-Brown - Vice Chair	July 14, 2020		January 31, 2024
Nicholas Kraynak - Secretary	July 14, 2020		January 31, 2026
Mari Wineburg - Alternate	September 14, 2021		January 31, 2026

Tree Advisory - 5 Year Term	Appointed	Reappointed	Term Expiration
Vacant			June 30, 2025
Susan Di Cerchio	July 12, 2022		June 30, 2027
Randall Morin	April 27, 2010	June 11, 2019	June 30, 2024
Travis Shaw	August 11, 2020		June 30, 2023
Mary Foote - Chair	July 9, 2019		June 30, 2026

Human Relations - 3 Year Term	Appointed	Reappointed	Term Expiration
Stephanie Covington	November 10, 2020		March 31, 2023
Vacant			March 31, 2023
Heather Bird	January 12, 2021	March 8, 2022	March 31, 2025
Rev. Lee Paczulla	March 8, 2022		March 31, 2025
Vacant			

Other Appointments	Appointed	Reappointed	Term Expires
Emergency Management Coordinator Karin Williams	January 1, 2015		N/A
Vacancy Board Chairman Leo Scoda			December 31, 2023

RESOLUTION 2023 -

BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA

A RESOLUTION OF GRATITUDE FOR THE PUBLIC SERVICE OF KATE WARD AS A MEMBER OF THE ZONING HEARING BOARD FOR THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA.

WHEREAS: Kate Ward served diligently and honorably as a member of the Phoenixville Zoning Hearing Board from January 14, 2020 through January 31, 2023; and

WHEREAS: Kate Ward provided invaluable service to the Phoenixville Zoning Hearing Board during that time; and

WHEREAS: Borough Council wishes to express its thanks and appreciation to Kate Ward for all of her efforts and commitment in performing her duties.

NOW THEREFORE BE IT RESOLVED: By the Borough Council of the Borough of Phoenixville that Kate Ward is recognized and publicly acknowledged for her commitment and efforts in performing her duties and further does offer their best wishes in her future endeavors.

PASSED by Borough Council this 14th day of February, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

ENACTED this 14th day of February, 2023.

By: _____
E. Jean Krack
Borough Manger/Secretary

RESOLUTION 2023 -

BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA

A RESOLUTION OF GRATITUDE FOR THE PUBLIC SERVICE OF MATTHEW HANDLEY AS A MEMBER OF THE ZONING HEARING BOARD FOR THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA.

WHEREAS: Matthew Handley served diligently and honorably as a member of the Phoenixville Zoning Hearing Board from January 12, 2021 through January 31, 2023; and

WHEREAS: Matthew Handley provided invaluable service to the Phoenixville Zoning Hearing Board during that time; and

WHEREAS: Borough Council wishes to express its thanks and appreciation to Matthew Handley for all of his efforts and commitment in performing his duties.

NOW THEREFORE BE IT RESOLVED: By the Borough Council of the Borough of Phoenixville that Matthew Handley is recognized and publicly acknowledged for his commitment and efforts in performing his duties and further does offer their best wishes in his future endeavors.

PASSED by Borough Council this 14th day of February, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

ENACTED this 14th day of February, 2023.

By: _____
E. Jean Krack
Borough Manger/Secretary

RESOLUTION NO. 2023 –

BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA

A RESOLUTION FOR THE SALE AND DISPOSITION OF PERSONAL PROPERTY VALUED ABOVE $2,000.00 PURSUANT TO SECTION 1201.2 OF THE BOROUGH CODE

WHEREAS, the Pennsylvania Borough Code, 8 Pa.C.S. §101, *et seq*., Section 1201.2, grants the Borough of Phoenixville (the "Borough") the authority to sell personal property valued at or above $2,000 by public auction when determined to be in the best interest of the Borough; and

WHEREAS, the Borough is the owner of a 2008 Chevrolet Impala with VIN 2G1WB58N381329611, which in the Borough's estimation, is no longer of use to the Borough (the "Property 1"); and

WHEREAS, the Borough believes that it is in the best interest to sell the Property 1 by auction held via the Municibid On-line Auction Website beginning on February 2, 2023, and ending on February 16, 2023 (the "Auction Dates 1"), with the Property to be sold to the highest bidder; and

WHEREAS, the Borough is the owner of a 2007 Chevrolet Impala with VIN 2G1WT58K879223111, which in the Borough's estimation, is no longer of use to the Borough (the "Property 2"); and

WHEREAS, the Borough believes that it is in the best interest to sell the Property 2 by auction held via the Municibid On-line Auction Website beginning on February 15, 2023, and ending on March 1, 2023 (the "Auction Dates 2"), with the Property to be sold to the highest bidder; and

WHEREAS, based on the terms and conditions of the auction, the final purchase price for the Property 1 and Property 2 shall include the amount of the bid plus a nine percent (9%) buyer's premium paid directly to the auctioneer by the bidder; and

WHEREAS, Borough Council intends to authorize such auction of the Property 1 and Property 2 and accept the highest compliant bid and award the sale of the Property 1 and Property 2 to such highest bidder.

NOW, THEREFORE, be it resolved as follows:

1. Phoenixville Borough Council hereby authorizes the sale of the Property 1 on the Auction Dates 1 and the sale of the Property 2 on the Auction Dates 2 via the Municibid On-line Auction Website, with the sale to be complete to the highest compliant bidder.

2. Borough Council further authorizes the Borough Manager, Solicitor and Council President to execute any and all documents necessary to effectuate the auction and complete the sale of the Property 1 and Property 2.

ADOPTED this 14th day of February, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

ENACTED, this 14th day of February, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

I HEREBY CERTIFY, that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of Borough Council held on the 14th day of February, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

Personnel and Public Safety Committee Meeting
Monday, February 6, 2023
6:00 pm

MINUTES

Committee: Chairwoman, Ms. Burckley, Ms. Webb, and Mr. Weiss
Mayor Urscheler
Staff: Mr. Krack, Ms. Getzfread, Chief Marshall, Chief Brazunas, and Ms. Donato (as needed).
Chief Cosgrove – TowerDIRECT

I. Call to Order at 6:00 pm

II. Presentations - None

III. Committee Member Updates/Discussions - None

IV. New Business

A. Review Monthly Fire and Ambulance Reports.

Chief Brazunas provided updates on the acquisition of the new KME Aerial Truck, the Quick Response Services (QRS) EMS Agency, and the recent efforts to resolve dispatching issues.

B. Consider request from Jonathan Steitzer for appointment to the TAC for the vacant term expiring June 30, 2025 or the ZHB for the vacant term expiring January 31, 2024 or 2028.

Ms. Burckley provided background on the vacancies for TAC and ZHB and encouraged Mr. Steitzer to consider the ZHB because of the number of existing vacancies. Mr. Krack provided more information on the responsibilities of the ZHB.

Mr. Steitzer provided information on his background and why he is interested in serving on the various committees.

Ms. Burckley suggested Mr. Steitzer take additional time to consider the options and respond back to her prior to the Council meeting next week.

C. Discussion regarding portable security cameras.

Chief Marshall provided background on the portable security camera. He reported that in the 2023 budget, Council approved the acquisition of a Intoximeter. He was informed last week that the PCCD Program awarded a grant

to buy the Intoximeter and fully funded it. He is asking the Committee to allow the amount that was provide in the Budget to be used to acquire the portable security camera. Ms. Burckley suggested he get a demonstration camera and provided more details at the March meeting. Perhaps a recommendation can then be made from the Committee.

D. Motion to recommend Borough Council authorize the Borough of Phoenixville Civil Service Commission to begin the process of developing an Eligibility List for Patrolman for the Phoenixville Police Department.

Mr. Krack provided background on the process. Chief Marshall suggested the Civil Service Commission review the language on eligibility of applicants to allow for those who may already be in Act 120 Certification Classes. Mr. Krack explained the process would be the CSC would make recommended language changes and Borough Council would have to approve them. He also stated that both efforts could run concurrently.

E. Call for Residents interested in being appointed to various Boards and Commissions. Current vacancies exist on:

Zoning Hearing Board, HARB, Tree Advisory Commission and Human Relations Commission

Ms. Burckley announced the various vacancies.

V. Current Focus Business

A. Community Policing – Nothing new to report.
B. Emergency Management – Nothing new to report
C. PXV Inside Out – This will be discussed during the next Phoenixville First Meeting
D. Downtown Shuttle – Nothing new to report.
E. Use of Constable for Citation collections – Chief Marshall provided background on what other communities are doing. He will have more information for the March meeting.

VI. Public Participation

Mr. William McGinley voiced his concerns about the number of police officers within the Department. He feels all of the studies the Borough has are useless and that he wants the Borough to have two officers for every 1,000 persons.

VII. Executive Session - None

VIII. Adjournment at 6:47 pm by Mr. Weiss.

Next Meeting Date: Monday, March 6, 2023 at 6:00 pm.

Parks and Recreation Committee Meeting
Tuesday, January 17, 2023
6:00 pm

MINUTES

Committee: Chairman, Mr. Moore, Mr. Carminito, Ms. Dugan, and Mr. Weiss
Public Members: Janet Hunter
Staff: Mr. Krack, Ms. Gibbons, Ms. Getzfread, and Mr. Watson

I. Call to Order at 6:00 pm.

II. Public Participation on Non-Agenda Items - None

III. Presentations - None

IV. Committee Member Updates/Discussions

Ms. Dugan asked that the committee name change be moved to the end of New Business.

V. New Business

A. Motion to recommend Borough Council approve a Temporary Community Event Application for Molly Maguires St. Patrick's Community Celebration on Saturday, March 18, 2023 from 11:00 am to 10:00 pm. Main and Bridge Parking Lot to be closed from 7:00 am to 12:00 am. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend. Seconded by Mr. Carminito.

Declan, Connor and Marjorie of Molly Maquires were in attendance for the event.

Motion Approved 3-0.

B. Motion to recommend Borough Council approve a Temporary Community Event Application for A Whole Lot of LuLu on Saturday, April 29, 2023 and Saturday, October 14, 2023 from 10:00 am to 4:00 pm on Main Street and the Bridge and Main Street Parking Lot. Main Street to be closed between Bridge Street and Church Street and the Parking Lot to be closed from 6:00 am to 6:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend. Seconded by Mr. Carminito.

Joan Moore and Keely Wrigley of LuLu Gifterie were present and asked about possible options for the event since the protocol for vehicles on the street are not

permitted at the end of the event. Ms. Moore asked if Council would allow vendors to park on Main Street while the event is taking place for easier end of day breakdown, if the Vendors could park on the designated spots on Prospect Street next to 16 and 20 Main Street, or if their event application could be amended and held on the weekend closure dates of May 6, 2023 and October 7, 2023. This option would only use the Main and Bridge Street lot and would require a cattle shoot setup so that vendors could access the lot for set-up and breakdown.

Mr. Krack stated that the parking of vehicle on Main Street is still a safety hazard for the pedestrians that would be attending the event. The Prospect Street Parking spots would also cause a safety issue as how would the vendors access them once the road is closed and the cattle shoot option that was employed previously was done as a solution to bring events back as a result of the slow reopening of events post the Covid shut down of events.

Mr. Watson stated that his biggest concern is the safety of the attendees to the event during the breakdown and indicated that allowing vehicles on the road at the conclusion is a dangerous situation. The Public Works staff would be there at both the beginning of the event and at the end to open the road once it is clear of pedestrians and vendors.

Mr. Wrigley stated that the increase in cost for Staff and inability for the vendors to bring cars on the road for breakdown is problematic and will reduce the number of vendors wishing to participate in the market.

Ms. Dugan suggested they continue to work with Staff to work out the logistics of the event between now and the Council Meeting on February 14, 2023.

Mr. Weiss arrived at 6:15 pm.

Motion Approved 4-0.

C. Motion to recommend Borough Council approve a Temporary Community Event Application for Relay for Life – Paint the Town Purple on Sunday, April 30, 2023 from 9:00 am to 3:00 pm in Reeves Park. Main Street to be closed between Second and Third Avenues between 7:30 am and 1:30 pm. Third Avenue to be closed between Main Street and Starr Street from 7:30 am to 3:30 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend. Seconded by Ms. Burckley.

Linda Warrington and Mary Louise Miller of Relay for Life addressed the committee regarding the road closure request, they indicated they spoke with Borough Staff and it was determined they should close Third Avenue between

Main and Starr rather than Second Avenue and Main Street. They have no issue with this suggested change and are willing to do as Staff suggests.
Mr. Krack indicated he would have the item amended and the correct road closure for approval of Council on February 14, 2023.

Motion Approved 4-0.

D. Motion to recommend Borough Council approve a Temporary Community Event Application for the Chester County Pride Fest in the 100 and 200 Blocks of Bridge Street on Saturday, June 10, 2023 from 9:00 am to 6:00 pm. 100 and 200 Blocks of Bridge Street between Gay Street and Starr Street and the Bridge and Main Street Parking Lot to be closed from 9:00 am to 6:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Weiss made a Motion to recommend. Seconded by Ms. Dugan.

Drew Boardman from Chester County Pride was in attendance for the event.

Motion Approved 4-0.

E. Motion to recommend Borough Council approve a Temporary Community Event Application for Phoenixville Art Street Festival in the 100 and 200 Blocks of Bridge Street on Saturday, June 17, 2023 from 10:00 am to 5:00 pm. Bridge Street between Gay Street and Starr Street to be closed from 8:00 am to 6:30 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend. Seconded by Mr. Weiss.

Henrik Stubbe Teglbjaerg asked about the use of the Bridge and Main Street lot for music during the event.

Mr. Krack reviewed the application for the committee and indicated the application stated bands may be preforming in the 200 block of Bridge Street and on Main Street.

Mr. Teglbjaerg stated the request should have been for the Main and Bridge lot.

Mr. Watson asked if they would need the Borough Stage.

Mr. Teglbjaerg stated they would not as the acts perform on carpets laid on the

ground and don't need to be elevated.

Mr. Krack stated the applicant would need to clarify there requests for the event to staff by Thursday so the correct information could be included for Council approval on February 14, 2023.

Motion Approved 4-0.

F. Motion to recommend Borough Council approve a Temporary Community Event Application for the Juneteenth Celebration in the 200 Block of Bridge Street and the Bridge and Main Street Parking Lot on Sunday, June 18, 2023 from 2:00 pm to 6:00 pm. The 200 Block of Bridge Street between Gay Street and Main Street and Bridge and Main Street Parking Lot to be closed from 10:00 am to 8:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Weiss made a Motion to recommend. Seconded by Ms. Dugan.

Motion Approved 4-0.

F. Motion to recommend Borough Council approve a Temporary Community Event Application for Blobfest 2023 on Friday, July 14 from 7:00 pm to 9:00 pm and Saturday, July 15, 2023 in the 100 and 200 Blocks of Bridge Street and the Bridge and Main Street Parking Lot on Saturday, July 15, 2023 from 11:00 am to 5:00 pm. Bridge Street to be closed on July 14, 2023 from 7:00 pm to 9:00 pm between Starr Street and Gay Street. Bridge Street and Bridge and Main Street Parking Lot to be closed on July 15, 2023 from 11:00 am to 5:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend. Seconded by Mr. Weiss.

Drew Boardman of the Colonial Theatre was in attendance for the event.

Mr. Weiss stated he thought there was an issue with this event last year.

Mr. Krack clarified it was with vehicles wanting to park on the street and it had been discussed with Staff and the applicant.

Motion Approved 4-0.

G. Motion to recommend Borough Council approve a Temporary Community Event Application for WuFF Jam 2023 on Saturday, September 16, 2023 from 11:00 am to 5:00 pm in Reeves Park. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend. Seconded by Mr. Weiss.
Motion Approved 4-0.

I. Discussion regarding July 4, 2023 Independence Day Celebrations.

Mr. Krack presented the proposals for the Fireworks display and offered an alternative of a drone show in lieu of the Fireworks. This is used to address the loud noises from the fireworks that have a negative effect on some individuals and the animals in the Borough.

Ms. Dugan stated she would like to keep with the Fireworks display as the residents do expect the show to take place.

Ms. Gibbons indicated she looked into a drone show and it is more costly than the fireworks. The few companies she reached out to are already booked for this year. She will look into the costs and it may be an option for 2024.

Ms. Dugan made a Motion to recommend Council award the contract to D&M Fireworks in the amount of $11,000 for 2023. Seconded by Mr. Carminito.

Motion Approved 4-0.

J. Review and consider Memorandum on changing name of the Committee.

Mr. Krack presented a proposed committee name change to Parks, Recreation and Community Resources. The goal is twofold to bring into the committee the work of the Beautification Advisory Commission and to allow those applying for events to more readily recognize this committee handles the requests for Temporary Community Events.

Ms. Dugan expressed her concerns that residents may confuse the purpose of the committee and may come to the Borough or Recreation Center looking for community services.

Mr. Moore stated the name to him did not bring to mind the public looking for community services as the Borough does have 60 plus non-profits available to assist those in need.

Mr. Weiss made a Motion to recommend the name change of the committee to the Parks, Recreation and Community Resources Committee. Seconded by Mr. Carminito.

Jane Dugdale, resident. She stated she believes the name should be changed to Parks, Recreation and Beautification Committee.

Motion Tied 2-2. Ms. Dugan and Mr. Carminito voting No.

Mr. Carminito made a Motion to recommend the committee name be changed to Parks, Recreation, and Beautification. Seconded by Mr. Weiss.

Motion Tied 2-2. Mr. Moore and Mr. Weiss voting No.

VI. Current Focus Business - None

VII Public Participation - None

VIII. Adjournment at 6:57 pm by Mr. Weiss.

Next Meeting Date: Tuesday, February 21, 2023 at 6:00 pm

Policy Committee Meeting
Tuesday, January 24, 2023
7:00 pm

MINUTES

Committee: Chairman, Mr. Kirkner, Ms. Burckley, and Mr. Ewald
Staff: Mr. Krack and Mr. Boelker

I. Call to Order at 7:01 pm.

II. Public Participation

Dr. David Saneck, resident. He expressed his concerns with Item VI. B. He's not sure why we need to have this item on the Agenda. He stated it's a state level issue and he believes the Borough should not create an Ordinance for reproductive health services.

III. Presentations - None

IV. Committee Member Updates/Discussions - None

V. New Business

A. Motion to recommend Borough Council schedule and advertise an Ordinance amending Ordinance - Chapter 6 Conduct - Part 4 Noise.

Mr. Krack explained the background on the amendment. It would remove outdated language, removes the sections regarding decibel levels as the Borough does not have the necessary equipment to test noise levels and it would redefine unacceptable noises in a way that makes the Ordinance enforceable.

Mr. Boelker agreed with Mr. Krack's statements and added that the current scales are sometimes misinterpreted and callers always want the lowest decibel level to apply to the situation. The new language will place the discretion on the person responding to the call if the noise is a violation.

Mr. Kirkner stated the current Ordinance does not state anything about proximity to the source and its totally open ended.

Mr. Krack indicated he would have the Solicitor review the ordinance to make all the necessary fixes before advertising.

Ms. Burckley asked if the Police Department had been made aware of the change.

Mr. Krack explained the Police were involved recently with a resident who is complaining of excessive noise in her neighborhood.

Mr. Kirkner pointed out some inconsistencies with the Ordinance as it relates to the times certain noises are acceptable.

Mr. Krack stated he would review those section again and make the necessary changes.

Mr. Ewald asked if the changes would affect the Quarter Midget Race track.

Mr. Krack indicated they have a Conditional Use that excludes them from the noise Ordinance. It is only for their location and should they close another track could not use their exception.

Ms. Burckley made a Motion to recommend to Schedule and Advertise. Seconded by Mr. Ewald.

Motion Approved 3-0.

B. Discussion regarding Plastic Bags.

Mr. Krack explained the background on the banning of plastic bags and provided the committee with some examples of what the Ordinance could contain.

Mr. Boelker stated it is only single use bags and would not include the bags used to purchase produce.

Mr. Ewald stated he did reach out to Acme and Giant to get their input on the potential ban of the plastic bags.

Mr. Boelker stated they would get a grace period to exhaust their stock of plastic bags.

Mr. Kirkner stated he would be interested in getting feedback from all the business in town on the potential ban.

Mr. Ewald stated he believes there are more resources for producing paper bags but he is unsure if it's costlier.

Mr. Krack explained this will not be ready for the February meeting.

VI. Current Focus Business

A. Discussion regarding HARB/Sign review and approval.

Mr. Krack stated our Zoning update will begin in April and the outcome of the

rewrite may resolve any issues there are with the current HARB/ Sign review process.

B. Enforcement of bans on reproductive health services.

Mr. Krack indicated it had been left as a discussion point as we awaited the election results from November. While it looks favorable for now, we may have to address this issue again in four years.

Mr. Ewald stated there is no harm in leaving it on the agenda while we continue to monitor what the Federal house does as it relates to this topic.

VII Adjournment at 7:41 pm. by Mr. Ewald.

Next Meeting Date: Tuesday, February 28, 2023 at 7:00 pm.

ORDINANCE NO. 2023 -

BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 6 "CONDUCT", PART 4 "NOISE" OF THE CODE OF ORDINANCES OF THE BOROUGH OF PHOENIXVILLE.

The Council of the Borough of Phoenixville, Chester County, Pennsylvania, hereby ORDAINS that:

Section 1:

Chapter 6, Part 4 "Noise" of the Code of Ordinances of the Borough of Phoenixville is hereby amended to repeal and replace the text in Chapter 6, Part 4 "Noise" with the following:

§ 6-401 **Purpose and Scope.**

The purpose and scope of this chapter is to ensure that public health, safety and welfare shall not be abridged by the making or creating of public nuisances from disturbing or excessive noises in the Borough of Phoenixville and to protect the physical, mental and social well-being of the residents of the Borough by prohibiting such noise and/or sound. Although it is recognized that in present society certain amounts of noise are unavoidable, the citizens of the Borough are entitled to be protected from unnecessary disturbance, annoyance or injury from sound.

§ 6-402 **Definitions.**

For the purpose of this chapter, the following words, terms and phrases shall have the meanings indicated herein:

BOROUGH

The Borough of Phoenixville.

NOISE

Any sound emitted by a person, group of persons, an appliance, equipment, instrument or other device, object or animal.

PERSON

Any individual, association, trust, partnership or corporation, including any members, directors, officers, employees, partners or principals thereof. Whenever used in any clause prescribing and imposing a penalty, "person" includes the members, trustees, partners, directors, officers, managers and supervisors, or any of them, of partnerships, associations, corporations or other forms of entity.

UNREASONABLE NOISE

Noise that is above and beyond the ordinary noises associated with the appropriate and customary uses of the particular forum in which the sound is made, taking into account the time of day, day of week, location, and/or other relevant factors, and such noise is of such a volume, frequency, pattern, or duration, that it prevents, disrupts, injures, or endangers the health, safety, welfare, comfort or repose of reasonable persons of ordinary sensitivities within the Borough of Phoenixville.

§ 6-403 **Prohibited Acts.**

1. General Prohibition. It shall be unlawful for any person to make or cause to be made unreasonable noise, or to allow any unreasonable noise to be caused or made on any real or personal property occupied or controlled by that person within the limits of the Borough of Phoenixville, except as otherwise permitted in this chapter.

2. Specific Prohibitions. The following are specifically prohibited, except as otherwise permitted in this chapter:

   A. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, cassette player, sound amplifier or similar device which produces, reproduces or amplifies sound in such manner as to cause unreasonable noise.

   B. No person shall operate or permit the operation of any tools or equipment used in construction operations, drilling or demolition or other work or in the sweeping of parking lots in Residential District and in areas adjacent to Residential Districts between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day on weekdays and Saturdays or at any time on Sundays or legal holidays such that the sound therefrom creates unreasonable noise.

   C. No person shall operate or permit the operation of any electrically powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device used outdoors between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day so as to create unreasonable noise.

   D. No person shall load, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or other objects between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to create unreasonable noise. This subsection shall not apply to municipal or utility services in or about the public right-of-way.

E. No person shall offer for sale or sell by shouting or outcry or by any other amplified or unamplified sound, except between the hours of 8:00 a.m. of one day and 6:00 p.m. of the same day.

F. No person shall remove or render inoperative, other than for purposes of maintenance, repair, replacement or other work, any muffler or sound-dissipative device or element of design or noise label of any product; intentionally move or render inaccurate or inoperative any sound-monitoring instrument or other device positioned by or for the Borough or other governmental entity, provided that such device or the immediate area is clearly labeled or posted to warn of the potential illegality; or use a product which has had a muffler or sound-dissipative device or element of design or noise label removed or rendered inoperative with knowledge or reason to know that such action has occurred.

G. No person shall repair, rebuild or test or otherwise work on any motorcycle or other motor vehicle, motorboat or aircraft in such a manner as to create unreasonable noise.

H. No person shall create such other noise as might pose a danger to the public health, safety or welfare of the Borough or otherwise constitute a nuisance in fact.

I. No person, including, without limitation, a pedestrian, shall make, continue or cause to be made or continued any noise which creates or causes unreasonable noise.

J. No person shall own, possess, harbor or control any animal which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 30 minutes or more to the disturbance of any person at any time of the day or night, regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other cause which teased or provoked the animal or bird.

K. No person shall operate a motorcycle, truck, automobile or other motor vehicle in such a manner as to cause unreasonable noise.

3. Most-Restrictive Provisions to Apply. Where any two or more provisions of these sound-performance standards apply to any sound source, the most-restrictive section shall be applicable to that source.

§ 6-404 **Exemptions.**

1. The following noises are exempted from the provisions above:

   A. Band concerts, carnivals, fireworks, or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors which are approved by Borough Council as a Temporary Community Event (TCE), provided that such activities do not occur between 10:00 p.m. on one day and 10:00 a.m. on the following day.

   B. Noises caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.

   C. Noises resulting from the provision, repair and maintenance of municipal/governmental facilities, services or public spaces, open spaces, or utilities.

   D. Noises created by organized school-related programs, activities, athletic and entertainment events or other public programs, activities or events, other than motor vehicle racing events.

   E. Noises made by warning devices operating continuously for three minutes or less, except that, in the event of an actual emergency, the limitation shall not apply.

   F. Noises made by bells, chimes, or carillons used for religious purposes or in conjunction with national celebrations or public holidays; existing bells, chimes and carillons or any other clock strike mechanism currently in use for any purpose.

Provided: the provisions of this Section shall not be applicable to any public parade or to the celebration of any public event for which a permit has been issued by the Borough, or to the sounding of bells or sirens or other noises made by the fire fighters, police officers or ambulance drivers in the Borough, in the performance of their duties.

§ 6-405 **Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 6-405 **Special Relief.**

A temporary waiver from strict compliance with this Part may be granted for:

1. Emergencies as determined by the Borough Manager to protect the health, safety and welfare or to comply with other laws, regulations, or ordinances; and

2. Special events as approved by Borough Council or its designee, upon the filing of a written request with the Borough Manager, together with such information as the Borough may reasonably require to determine whether such relief is appropriate.

Section 2: Officer Authorization. The appropriate officers of the Borough are authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.

Section 3: Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, parts, or sections hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, part or section thereof not been included herein.

Section 4: Repealer. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 5: Effective Date. This Ordinance shall become effective upon enactment as provided by law.

PASSED by Borough Council this 14th Day of March, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 14th Day of March, 2023.

By:_____
Peter J. Urscheler
Mayor

ENACTED this 14th Day of March, 2023.

By:_____
E. Jean Krack
Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 14th Day of March, 2023.

By:_____
E. Jean Krack
Borough Manager/Secretary

INFRASTRUCTURE, TECHNOLOGY, TRANSPORTATION, AND SUSTAINABILITY (ITTS) COMMITTEE MEETING
Tuesday, January 17, 2023
7:00 PM

MINUTES

Committee: Chairman, Mr. Weiss, Ms. Burckley, Mr. Carminito, and Ms. Webb
Staff: Mr. Krack, Mr. Watson, and Ms. Getzfread

I. Call to Order at 7:03 pm.

II. Public Participation

Steve Young, resident. He asked about the next steps that would be taken with regard to the stormwater issues that occur in his neighborhood and on Melvin Road. He understands the Borough did not receive the grant funding they applied for and he is looking for guidance on how to see the feasibility study financed.

Leo Scoda, resident. He provided the background on a stormwater issue he experiences on Virginia Avenue. He stated he has been trying to get the issue resolved for the last two and a half years and is hoping something can be done as the water damages the road. He has had to replace tires on his vehicle and has hit a hump in the road caused by the water.

Mr. Watson addressed Mr. Scoda's concerns and explained the draining issues in the area and their impact on the swale in the cul-de-sac Mr. Scoda's house is located on.

Tom DeLuca, resident. He raised some concerns on the French Creek Trail as it relates to a crumbling fence near the Tague Lumber property, he asked who is responsible for the recycling center across from the new fire station. There is a very large mound of material and is unsure why it is allowed to get so high, and he inquired if there would be public participation again tonight at the end of the Agenda.

Mr. Krack explained the next steps for the French Creek Trail and the expected resolution to the crumbling fence, the property across from the fire station is overseen by the DEP and they make the determination on what can and can't be done at Cedar Hollow Recycling.

Mr. Weiss clarified there will be no Public Participation at the end of the meeting.

Mike Kajak, property owner. He stated he wanted it noted he was present for tonight's meeting.

III. Committee Member Updates/Discussions - None

IV. New Business

V. Infrastructure Updates
A. Demolition – 177 Church Street

Mr. Krack reported the sale of 177 Church to the Borough was recorded today in Chester County. Staff will be having the property surveyed to identify the exact property lines

between the building and the Senior Center. Demolition should begin next week with the property being fenced off for safety. The intention is to pave light and line stripe the property for surface parking of approximately 55 parking stalls to be available in the spring.

B. Stormwater Management

Mr. Krack did confirm the Borough did not receive any of the funding for the feasibility study or any of our other grant requests. He explained to the Committee the RACP Grant funds for the Recreation Center are coming closer and today Staff learned we could see payment as early as June of 2023. Funds from this reimbursement could be earmarked for the feasibility study if Council so chooses to do. Staff continues to look for any grant opportunities to help move the necessary projects forward in the Borough. In the meantime as we await the funds from the Office of the Budget, Council discretion, could use fund balance to conduct the feasibility study and then repay the expenditure with RACP dollars.

Ms. Webb asked about how the funding of the study would be requested and the amounts of funding the Borough would be receiving.

Mr. Krack explained the Borough has two RACP's with the Office of Budget. One for the Recreation Center in the amount of $1.5 Million and the Fire Station in the amount of $1.75 Million. The decision to fund the study is up to Council and would be discussed at the Finance meeting before being referred to all of Borough Council. He explained of the three sites in the study Valley Road would be the most expensive. It would require going under the railroad making it a several of million-dollar project. The other sites and will have to be evaluated to eliminate unintended consequences occurring from the repairs. Once we have the study we could then review the solutions.

Mr. Carminito stated that once the feasibility study determines the causes the Borough could be in position to compel properties contributing to the issue to fix it.

Mr. Krack stated a Motion from the committee to the Finance Committee is appropriate and then he can discuss the funding of the study with them next week.

Mr. Carminito made a Motion to recommend the Borough use fund balance to fund the feasibility study from the Borough Engineer in an amount not to exceed $125,000 to be reviewed by the Finance Committee at it's next meeting. Seconded by Ms. Burckley.

Motion Approved 4-0.

VI. Transportation Updates

A. Review McMahon and RVE Engineering Reports

Mr. Moore asked Mr. Krack about the intersection of Nutt Road and Bridge Street as noted in the report from McMahon.

Mr. Krack reported on the Route 23 Corridor Study which reviewed Nutt Road (SR 23) from Whitehorse Road to Township Line Road. This study looked at the moving of TIP funding for a Traffic Signal at Nutt and Mason and moving it to the Paradise Street and Nutt Road intersection. The CMAQ Grant awarded to the Borough for the intersection of

Nutt and Starr, this project should be put out to bid in early February with an award target in the April time frame improving the intersection with a left-hand turn lane from Nutt Road onto Starr Street. The West Bridge and Nutt intersection is being worked on. The Borough has not received any recent updates from PennDOT but the monument was moved so they could begin the process of designing the changes to the intersection.

B. Starr and Nutt Intersection – Nothing additional to report.

C. Bridge and Starr Street Intersection

Mr. Krack reported we have an MTF Grant submitted for this location and a response has not been received back on the request to improve the intersection.

D. Paradise and Hall Street

Mr. Krack reported Paradise Street is still moving forward with the first phase being the section from the Fire House to Center Street. We have finding from the County for the project and money awarded for the Gay Street Streetscapes has also been shifted to the Paradise Street project. Hall Street is still in negotiations.

E. Mowere Road

Mr. Krack reported an MTF grant was submitted for this project as well. Staff is working toward securing all the necessary funding to reconstruct Mowere Road.

F. French Creek Trail

Mr. Krack stated Staff is aware of the crumbling fence on the Borough side of the trail. New fencing will be installed and the trail work should begin in February.

G. Tunnel Inspection Report

Mr. Krack stated the report was in the packet. It's currently being recommending by the Borough Engineer the tunnel be monitored. Valley Forge Railways is the owner of the property and it is there responsibility for any repairs.

Mr. Moore asked if the taxes are paid on the property's owned by Valley Forge Railways.

Mr. Krack stated the taxes on the properties are current.

Ms. Burckley asked about the next steps is it in the best interest of Council to ask Mr. Krack and the Solicitor to contact Valley Forge on the rail segments it owns.

Mr. Krack stated he and the solicitor will reach out again for a second meeting.

Mr. Carminito asked about Rails to Trails for the tunnel and how do we go about getting there.

Mr. Krack explained it would qualify for Rails to Trails. It is a very long somewhat scary tunnel and the first step to accomplishing a trail is ultimately site control.

H. Train Station

Mr. Krack explained the three-party authority formed by Berks, Chester and Montgomery Counties to return train service to the Borough and other locations. Staff provided potential train station locations as requested by the County. Chester County will be putting together a Task Force and applying for the Federal Funding for the Rail Service from Reading to Philadelphia.

VII. Sustainability Updates

A. PXV NEO Project

Mr. Watson reported on the testing of the HTC equipment and next week testing will begin for sludge in the system.

B. EV Charging Stations

Mr. Krack reported we are progressing forward with the installation of more charging stations and Staff is preparing to apply for Grant Funding for the stations approved for installation in this year's budget.

C. Update regarding EV Recycling Truck.

Mr. Watson explained the Grant Funding available for the truck and we continue to crunch the numbers for the purchase or lease of the truck.

VIII. Technology Updates

A. Website

Ms. Straut presented an overview of the changes to the Website in this redesign and sent the committee members the information to view the mock site for themselves.

IX. Adjournment at 8:20 pm by Ms. Burckley.

Next Meeting Date: Tuesday, February 21, 2023 at 7:00 pm

FINANCE COMMITTEE MEETING
Tuesday, January 24, 2023
6:00 pm

MINUTES

Committee: Chairwoman Ms. Dugan, Mr. Ewald, Mr. Kirkner, and Mr. Moore
Staff: Mr. Krack, Ms. Getzfread, Ms. Koza-Lubinsky, Ms. Donato, and Ms. Niemczuk

I. Call to Order at 6:01 pm. Mr. Moore excused.

II. Public Participation

Steve Young, resident on Melvin Road. He stated he is here with some of his neighbors to ask for the Committee's support of the Stormwater Management Feasibility Study. He provided the background on the flooding he and his neighbors experience when we have heavy rains in the Borough. He and his neighbors have been severely impacted by water and many expensive damages to their homes even though they are not close to any stream or water way.

III. Committee Member Updates/Discussions - None

IV. New Business

A. Motion to recommend Borough Council approve the Budget Increase 2023-03 in the amount of $125,000 from General Fund Balance to Legislative (Stormwater Management Feasibility Study) for Engineering Services to conduct the Phoenixville Drainage Study. Recommended in Infrastructure Committee 4-0.

Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald.

On the Question:

Mr. Ewald expressed his appreciation of the patience of the residents as the Borough pursued funding for the study. He stated now it's time to do the work ourselves.

Mr. Krack clarified the study is covering four neighborhoods. These include Melvin Road, Cedar and Valley Roads, Church and Bridge Street and the area around Barkley Elementary. He stated if Council approves the study on February 14th he will sign the proposal to authorize the work on the 15th.

Mr. Kirkner commented work had been done on the intersection of Church and Bridge Street. The work was completed in 2003 or 2004 and was overseen by the previous Borough Engineer.

Mr. Krack stated a complete MS4 review was done by the Borough Engineer to map all of the outfalls in the Borough.

Mr. Kirkner asked if RVE would provide a road map for the improvements.

Mr. Krack stated they will most likely make a recommendation but it would be at Councils discretion as to prioritizing the recommendations of RVE.

Motion Approved 3-0.

B. Motion to recommend Borough Council approve the 2022 Pre-Paid dated 11/1/2022 - 11/30/2022 in the amount of $1,327,599.25.

Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald. Motion Approved 3-0.

C. Motion to recommend Borough Council approve the 2022 Pre-Paid dated 12/1/2022 - 12/31/2022 in the amount of $1,652,472.98.

Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald. Motion Approved 3-0.

D. Motion to recommend Borough Council approve the 2022 Pre-Paid Credit Card Statement dated 11/1/2022 - 11/30/2022 in the amount of $31,008.40.

Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald. Motion Approved 3-0.

E. Motion to recommend Borough Council approve the 2022 Pre-Paid Credit Card Statement dated 12/1/2022 - 12/31/2022 in the amount of $88,674.62.

Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald. Motion Approved 3-0.

F. Motion to recommend Borough Council approve the 2022 Pre-Paid ACH dated 11/30/2022 in the amount of $1,751,009.86.

Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald. Motion Approved 3-0.

G. Motion to recommend Borough Council approve the 2022 Pre-Paid ACH dated 12/31/2022 in the amount of $42,953.09.

Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald. Motion Approved 3-0.

H. Motion to recommend Borough Council approve the Staff recommendation authorizing the Finance Director to make the necessary end of year adjustments and to provide a listing of those adjustments to the Finance Committee and the Borough's Auditor.

Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald. Motion Approved 3-0.

I. Motion to recommend Borough Council approve the Staff recommendation for suggested Accounts Receivable write-offs – 2023.

Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald.

On the Question:

Ms. Dugan asked about the write off for West End Fire Company.

Ms. Lubinsky explained this item has been on the books for some time. The actual event preceded her and Mr. Krack. She made every attempt to collect the money and was unsuccessful.

Mr. Ewald explained that West End Fire Company doesn't exist anymore, they were absorbed by another company outside of the Borough.

Mr. Kirkner asked how many years this goes back.

Ms. Lubinsky stated it was well before Mr. Krack started with the Borough and she believes they will never pay the bill.

Motion Approved 3-0.

J. Motion to recommend Borough Council approve the Budget Increase 2023-02 in the amount of $4,295 from General Fund Balance to IT/Communications (Equipment) to replace the damaged AV controller used for Borough hybrid meeting presentations.

Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald.

On the Question:

Mr. Krack explained the piece of equipment was brought over from old Borough Hall and it had definitely come to the end of its useful life.

Motion Approved 3-0.

V. Adjournment at 6:15 pm by Mr. Kirkner.

Next Meeting Date: Tuesday, February 28, 2023 at 6:00 pm