

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, January 10, 2023

7:00 PM

MINUTES

(Minutes approved by Borough Council on February 14, 2023)

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 Data 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