

**PHOENIXVILLE BOROUGH COUNCIL**

Tuesday, June 13, 2023

7:00 PM

**AGENDA**

- I. Pledge of Allegiance/Moment of Silence
- II. Roll Call – Borough Manager
- III. Presentations
  - A. 2022 Audit – Dale Umbenhauer, Maille, LLP.
  - B. Motion to accept the 2022 Audit as presented.
- IV. Public Participation
- V. Consent Agenda
  - A. Approval of the May 9, 2023 Regular Meeting Minutes.
  - B. Items from Historical and Architectural Review Board:
    - 1. Motion to approve the Certificate of Appropriateness for the installation of vinyl signage on storefront windows and an aluminum shingle sign over the sidewalk at 207 Bridge Street as recommended by the HARB 5-0 per their Action Memo of June 6, 2023.
    - 2. Motion to approve the Certificate of Appropriateness to remove the black awning, revealing the original tiles hidden below and allow more sunlight to be able to enter the shop at 322 Bridge Street as recommended by the HARB 5-0 per their Action Memo of June 6, 2023.
  - C. Items from Parks and Recreation Committee:
    - 1. Motion to approve a Temporary Community Event Application for the Rhythm and Brews in the Main and Bridge Street Parking Lot on Saturday, June 24, 2023, Saturday, August 19, 2023 and Saturday, September 16, 2023 from 6:00pm to 10:00 pm. Main and Bridge Street Lot to be used consistent with existing street closure. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.
    - 2. Motion to approve a Temporary Community Event Application for the Blobfest 5K, 10K, and Half Marathon on the Schuylkill River Trail on Sunday, July 16, 2023 from 7:00 am to 11:00 am. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

3. Motion to approve a Temporary Community Event Application for the Phoenixville VegFest in Reeves Park on Saturday, August 5, 2023 from 12:00 pm to 5:00 pm. Third Avenue between Main Street and Starr Street to be closed from 9:00 am to 7:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.
4. Motion to approve a Temporary Community Event Application for the Phoenixville VegFest in Reeves Park on Sunday, August 6, 2023 from 12:00 pm to 5:00 pm. Third Avenue between Main Street and Starr Street to be closed from 9:00 am to 7:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

D. Items from Finance Committee:

1. Motion to approve the 2023 Pre-Paid dated 4/1/2023 - 4/30/2023 in the amount of \$1,703.506.85.
2. Motion to approve the 2023 Pre-Paid Credit Card Statement dated 4/1/2023 - 4/30/2023 in the amount of \$92,273.06.
3. Motion to approve the 2023 Pre-Paid ACH dated 4/30/2023 in the amount of \$31,486.24.
4. Motion to approve the Budget Increase 2023-16 in the amount of \$42,582.00 from General Fund Balance to General Capital Project Fund (Council Chamber Microphone Upgrade) to acquire a new microphone system for Borough Council Chambers.
5. Motion to approve the Budget Increase 2023-17 in the amount of \$9,760.00 from Waste Water Fund Balance to Waste Water Sewer Treatment (HTC Biosolids Construction) for training on the new Schwing Pump.
6. Motion to adopt a Resolution to designate and appropriate funding for Borough Council initiatives using ARPA Funds.

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, and Human Relations Commission.

IX. New Business

- A. Motion to schedule and advertise an Ordinance - Acceptance of ROW Dedications from 19 E. Grant St.

- B. Motion to award the 2023 Liquid Fuels Road Program Base Bid contract to Mecos Constructors, Inc. in the amount of \$649,587.00 as the lowest responsible bidder as recommended by the Borough Engineer.
  - C. Motion to award the Paradise Street Improvement Project contract to Marino Corporation in the amount of \$1,341,950.90 as the lowest responsible bidder as recommended by the Borough Traffic Engineer.
  - D. Motion to adopt a Resolution officially accepting the dedication by Bill of Sale, the Mountain Bike Park improvements in Reservoir Park.
  - E. Motion to approve a settlement agreement with the Fillmore Village Community Association related to the condemnation of 2,636 square feet for road purposes, whereby the Borough will pay to the Association \$14,544 for the estimated just compensation and attorney's fees of the Association in consideration of the Association waiving its right to contest the condemnation any further, subject to any amendments deemed necessary by the Borough Solicitor, and further authorizing Borough Council President, Borough Manager and Borough Solicitor to execute the agreement and any other documents necessary to effect the agreement.
  - F. Motion to approve a Subordination, Non-Disturbance and Attornment Agreement with The Victory Bank and Rockwell Phoenixville, LLC for the Borough's parking lease on 99 Bridge Street, subject to any amendments deemed necessary by the Borough Solicitor, and further authorizing Borough Council President, Borough Manager and Borough Solicitor to execute the agreement and any other documents necessary to effect the agreement.
- X. Resolutions/Ordinances
- A. Motion to adopt an Ordinance amending Chapter 1 Administration and Government, Part 4 Bureaus, Boards, Commissions and Agencies, A – Beautification Advisory Commission.
  - B. Motion to adopt an Ordinance amending Chapter 15 – Motor Vehicles.
- XI. Public Hearings
- A. Motion to recess the public meeting and open the hearing on the Conditional Use Application from MEK2 PROPERTY GROUP, LLC to develop as an adaptive reuse the existing building located at 123 Main Street on the Tract to be a multi-family residential building having eighteen (18) dwelling units, fifteen (15) parking spaces, and 85% impervious coverage.
- 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 an addition to the existing building and site that evokes the industrial history of Phoenixville, by the incorporation of metal panels and brick work, as well as architectural features similar to historic factories found throughout the Borough at 100 Bridge Street as recommended by the HARB 4-1 per their Action Memo of June 6, 2023.

C. Phoenixville Regional Planning Committee – Mr Kirkner

D. Recreation Board – Ms. Dugan

E. Tree Advisory Commission – Ms. Burckley

XIII. Council Action referred from:

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

1. No action to report.

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

1. No additional action to report.

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

1. Motion to schedule and advertise an Ordinance amending Chapter 10, Health and Safety, by adding a new Part 5 Plastics.

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 additional action to report.

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:**

|                                   |                   |
|-----------------------------------|-------------------|
| Recreation Board                  | June 19 – 6:30 pm |
| Parks and Recreation Committee    | June 20 – 6:00 pm |
| Infrastructure Committee          | June 20 – 7:00 pm |
| Finance Committee                 | June 27 – 6:00 pm |
| Policy Committee                  | June 27 – 7:00 pm |
| HARB                              | July 3 – 5:00 pm  |
| Personnel/Public Safety Committee | July 3 – 6:00 pm  |
| Tree Advisory Commission          | July 3 – 7:00 pm  |
| Borough Council                   | July 11 – 7:00 pm |
| Planning Commission               | July 27 – 6:00 pm |

# **PHOENIXVILLE BOROUGH COUNCIL**

Tuesday, May 9, 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 | Virtual |
| Chief Marshall, Police Chief         | Present |
| Mr. Denlinger, Solicitor             | Present |

III. Presentations

IV. Public Participation

Dennis Fenstermacher, resident. He expressed his concerns with parking on Grant Street and asked the Council to consider not only measuring cars for their distance to the curb but to look into checking the cars for appropriate spacing on the street to make sure as many cars as possible can park.

Stephen Lufty, resident. He expressed his concern about the light coming from the adjacent property at 833 Main Street. He voiced his frustration with the response he had received from Staff and is very interested in speaking with Mr. Boelker to understand why the property is not in violation of the Ordinance for light shining on adjacent properties. He stated he has not been satisfied with the responses he has received and is hoping to have the issue addressed.

Thomas Gilhool, resident. He stated he is here in support of his neighbor Stephen as well as other neighbors who are experiencing the lights from 833 Main Street shining into their homes. He also commented on a tree that is on the property of 833 Main that is against his fence and is in danger of falling. He has attempted to reach out to the owners and has been unsuccessful. He has concerns if it falls that someone could be injured and he is willing to pay for half of the tree removal.

Andrew Kanowski, resident. He stated he is on the HOA Board for Fillmore Village and is here in support of approving the Odessa plan without the connection of Ashburn

Road. He asked Council to stand with him and the other residents in Fillmore Village in support of not connecting with Ashburn Road. He is hoping that another use can be found for the property that would connect Fillmore Village to Odessa. He suggested a Dog Park, a garden, or a rest stop area for users of the Schuylkill River Trail.

John McPhee, Diving Cat Studios. He thanked Council for the continuation of the road closure and provided Council with how the closure has helped to increase the sales at Diving Cat and can't wait to see what this season of PXV Inside Out will bring to them and the other restaurants and shops downtown.

Marilyn Harvey, resident. She echoed the sentiments of Andrew on the connection to Ashburn Road. She stated that two road crossings so close together on the Schuylkill River Trail could be dangerous to the trail users and, as a frequent user of the trail, she has never seen two crossings that would be this close together.

Dana Cook, East Pikeland Township. She expressed her concerns about the lack of information for the Recreation Center. She has had trouble finding the programs on the Borough's website and social media posts don't always agree with what is available. She was trying to enroll her child in a mini camp and was unable to find it on the website. Calls to the Rec Center and Borough Hall gave her information but it was not the same. She is hoping more information can be provided on the website so it's easier for residents to access the programs.

V. Consent Agenda

A. Approval of the April 11, 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 24 South Main Street as recommended by the HARB 4-0 per their Action Memo of May 9, 2023.
2. Motion to approve the Certificate of Appropriateness for the sign installation at 121 Church Street as recommended by the HARB 4-0 per their Action Memo of May 9, 2023.
3. Motion to approve the Certificate of Appropriateness for the sign installation at 222 Bridge Street as recommended by the HARB 4-0 per their Action Memo of May 9, 2023.

C. Items from Parks and Recreation Committee:

1. Motion to approve a Temporary Community Event Application for the Phoenixville Farmers' Market under the Veterans Memorial Gay Street Bridge weekly on Saturdays from May through Thanksgiving, 2023 from 9:00 am to 12:00 noon. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

2. Motion to approve a Temporary Community Event Application for Lemonade Day Phoenixville in the 100 and 200 Block of Bridge Street on Saturday, June 3, 2023 from 11:00 am to 2:00 pm. This will occur during the normal closure of Bridge Street.
3. Motion to approve a Temporary Community Event Application for Alianzas 13th Annual Diversity Festival Celebration in the 100 and 200 Block of Bridge Street and Bridge and Main Street Parking Lot on Saturday, July 29, 2023 from 1:00 pm to 5:00 pm. This will occur during the normal closure of Bridge Street. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

D. Items from Finance Committee:

1. Motion to recommend Borough Council approve the 2022 Pre-Paid dated 2/1/2023 - 2/28/2023 in the amount of \$387,605.54.
2. Motion to recommend Borough Council approve the 2023 Pre-Paid dated 2/1/2023 - 2/28/2023 in the amount of \$687,855.14.
3. Motion to recommend Borough Council approve the 2023 Pre-Paid dated 3/1/2023 - 3/31/2023 in the amount of \$807,736.18.
4. Motion to recommend Borough Council approve the 2023 Pre-Paid Credit Card Statement dated 2/1/2023 - 2/28/2023 in the amount of \$20,251.19.
5. Motion to recommend Borough Council approve the 2023 Pre-Paid Credit Card Statement dated 3/1/2023 - 3/31/2023 in the amount of \$77,520.03.
6. Motion to recommend Borough Council approve the 2023 Pre-Paid ACH dated 2/28/2023 in the amount of \$49,208.60.
7. Motion to recommend Borough Council approve the 2023 Pre-Paid ACH dated 3/31/2023 in the amount of \$38,337.32.
8. Motion to recommend Borough Council approve the Budget Increase 2023-10 in the amount of \$161,781.00 from Restricted General Fund Balance to General Capital Project Fund (French Creek Trail) for work on the French Creek Trail Project.
9. Motion to recommend Borough Council approve the Budget Increase 2023-12 in the amount of \$32,780.00 from General Fund Balance to General Fund – Legislative (Real Estate) for Just Compensation to Fillmore Village (\$10,544.00) and 425 Bridge Street (\$22,236.00).
10. Motion to recommend Borough Council approve the Budget Increase 2023-13 in the amount of \$8,405.00 from Parking Fund Balance to Parking Fund Capital (Body Cameras) for the purchase of body cameras.
11. Motion to recommend Borough Council approve the Borough Engineer's

proposal for engineering services for solar panels on Borough Hall.

12. Motion to recommend Borough Council approve a Resolution authorizing the submission of a Sewage Facilities Program (SFP) Grant to the Commonwealth Financing Authority.

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

Motion Approved 8-0.

#### VI. Communications/Council Participation

Ms. Burckley reported on the 75th Annual Dogwood Festival and Parade. She stated they are still looking for volunteers to help with the festival and parade. She thanked our First Responders from Phoenixville Fire, the Police Department, and TowerHealth EMS for their assistance after she was involved in an accident last week. She also sent a big thank you to the people on Nutt Road for coming out to assist me. It just goes to show Phoenixville is a very special place.

Mr. Kirkner stated he is the Chairperson of the Policy Committee and he invited the residents of Dianna Drive to attend the May 23, 2023 meeting at 7pm to discuss the Ordinance they are concerned with as it relates to light from 833 Main Street.

Mr. Moore reminded the public the Primary Election is on May 16, 2023. Polls are open from 7am to 8pm. Those who voted at Franklin Commons will now be voting at the Recreation Center.

#### VII. Mayor's Report

Mayor Urscheler reported on the many events in the Borough, including the Earth Day Celebration at Reservoir Park, the volunteer tree planting by our Tree Advisory Commission, The LGBTQIA Alliance's courageous conversations at BlueBird Distillery, The Dogwood Parade with its new parade route, and he wished all the mom's out there a very Happy Mother's Day.

#### VIII. Appointments

- A. Motion to appoint Frank Markey to the Recreation Board for the vacant term expiring April 30, 2025.

Ms. Webb made a Motion to appoint Frank Markey to the Recreation Board for the vacant term expiring April 30, 2025. Seconded by Mr. Weiss.

Motion Approved 8-0.

- B. 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.

IX. New Business

- A. Motion to authorize the 2023 Constable Services Contract (Independent Contractor Agreement) subject to review by Borough Solicitor.

Ms. Burckley made a Motion to authorize the 2023 Constable Service Contract (Independent Contractor Agreement) subject to review by the Borough Solicitor. Seconded by Ms. Webb.

Motion Approved 8-0.

- B. Motion to authorize the submission of a Letter of Intent to DVRPC to participate in the submission of a Charging and Fueling Infrastructure (CFI) Program Grant.

Ms. Burckley made a Motion to authorize the submission of a Letter of Intent to DVRPC to participate in the submission of a Charging and Fueling Infrastructure (CFI) Program Grant. Seconded by Mr. Weiss.

Motion Approved 8-0.

X. Resolutions/Ordinances

Ms. Burckley made a Motion to recess to the Executive Session to discuss the land development plans. Seconded by Mr. Weiss.

Motion Approved 8-0.

Recessed at 7:45pm

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

Motion Approved 8-0.

Returned at 8:15pm

- A. Motion to adopt a Resolution officially conditionally approving/denying the Preliminary/Final Land Development Plan for the development known as "Bluebird Distilling Project".

Mr. Denlinger presented a background on the project and asked for a representative from the applicant to address the Council.

Jonathan Wise, Attorney for Bluebird stated they are seeking approval this evening for the expansion of Bluebird Distillery at 100 Bridge Street. The design is set to match the current steel and brick design of the adjacent properties with a warehouse factory feel. It will have a second story patio and the expansion is for

food service and not production.

Mr. Kirkner asked about the letter from the Chester County Planning Commission, specifically the blocking of the mural. Does the applicant intend to install a new mural on the building after the construction.

Mr. Wise stated they intend to install a mural and the second floor patio diners will still have a front row view of the mural.

Mr. Moore made a Motion to adopt a Resolution officially conditionally approving the Preliminary/Final Land Development Plan for the development known as “Bluebird Distilling Project”. Seconded by Ms. Burckley.

Motion Approved 8-0.

Mr. Ewald asked for confirmation that the brick on the building will be red and wouldn't change to another color after approval.

Mr. Wise confirmed the project will have red brick and look like the adjacent buildings to the project.

- B. Motion to adopt a Resolution officially conditionally approving/denying the Preliminary/Final Land Development Plan for the development known as “Phoenixville Plaza Pad Site Land Development”.

Debra Shulski, Attorney for the applicant, explained the project and submissions made to the Borough, Mr. Andersen will comply with the conditions and is seeking approval this evening.

Mr. Denlinger reviewed the conditional uses already approved for a car wash and drive through for the potential Starbucks.

Mr. Ewald asked if the Resolution before us tonight has all the changes agreed to by the applicant.

Mr. Denlinger stated it is the one you are approving tonight.

Mr. Moore made a Motion to adopt a Resolution officially conditionally approving the Preliminary/Final Land Development Plan for the development known as “Phoenixville Plaza Pad Site Land Development”. Seconded by Mr. Weiss.

Motion Approved 8-0.

- C. Motion to adopt a Resolution officially conditionally approving/denying the Final Land Development Plan for the development known as “Odessa”.

Mike Bercek of BL Companies appeared for the applicant. He explained the revision to the plan that removes the Ashburn connection from the Odessa project. He stated there will be emergency access to the development via the Schuylkill River Trail, the applicant is willing to build the Ashburn Road connection and the developer agrees to comply with all the conditions.

Mr. Denlinger stated the waivers requested are the same as the previously approved project and remain part of the prior approval. Tonight Council is specifically looking at the changes to the plan.

Mr. Moore asked about the gray boxes on the plan near where the Ashburn connection would be.

Mr. Bercek explained they are the underground storm water basins.

Mr. Carminito asked what would be done with the apartment site during the interim.

Mr. Bercek explained it will be subdivided and ownership will go to the apartment builder and there will be a graded hill until the apartments are built.

Mr. Moore made a Motion to adopt a Resolution to officially conditionally approve the Final Land Development Plan for the development known as "Odessa". Seconded by Ms. Webb.

On the Question:

Ms. Dugan asked for clarification on the approval tonight is just for the changes.

Mr. Denlinger confirmed that is correct.

Motion Approved 8-0.

- D. Motion to adopt a Resolution seeking exemption from the Liquor Code Statute regarding amplified music being heard off the licensed premises.

Mr. Krack explained the Resolution and this is the third time we will be seeking this exemption. It was approved in 2012 and 2015 and was missed due to Covid-19 in 2020.

Mr. Denlinger explained this is an exemption from the PLCB Noise Code and allows for the use of the Borough's Noise Ordinance in it's place.

Ms. Burckley made a Motion to adopt a Resolution seeking exemption from the Liquor Code Statute regarding amplified music being heard off the licensed premises. Seconded by Mr. Weiss.



On the Question:

Mr. Kirkner stated this would be a good way to put the updated Noise Ordinance to work.

Mr. Moore asked why our Ordinance is better to use.

Mr. Krack explained the process with a complaint and that the officer would have to be dispatched from West Chester. In most cases, the disturbance is over, since the officer came out, a citation is written anyway. This cuts down the response time and is better for everyone involved.

Mr. Moore asked that we could substitute our Ordinance.

Mr. Krack explained we submit the petition with a map of the affected area, a hearing is held after it is advertised and then the petition is normally approved.

Motion Approved 8-0.

XI. Hearings - None

XII. Reports of Committees, Boards, and Commissions

- A. Planning Commission - Mr. Moore
- B. Historical and Architectural Review Board – Ms. Dugan
- C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner provided an update on the consistency review for Paradise Village which included five items for the consistency with the regional plan and five items relating to Ordinance policies. The commission felt there is a number of issues with this project.

- D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the upcoming programs and events for the Recreation Department, including Parents Night Out, Blood Pressure screening, a Blood Drive, Ultimate Frisbee and Soccer Shots.

- E. Tree Advisory Commission – Ms. Burckley

Ms. Burckley reported there would be a planting of a Dogwood Tree at the conclusion of the Dogwood Parade.

XIII. Council Action referred from:

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

1. No additional action to report.

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

1. Motion to approve a Temporary Community Event Application for the Phoenixville Car Show at Reeves Park on Saturday, June 17, 2023 from 11:00 am to 3:00 pm. Street closure – Third Avenue between Main Street and Starr Street from 9:00 am to 4:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Moore made a Motion to approve a Temporary Community Event Application for the Phoenixville Car Show at Reeves Park on Saturday, June 17, 2023 from 11:00 am to 3:00 pm. Street closure – Third Avenue between Main Street and Starr Street from 9:00 am to 4:00 pm. Seconded by Ms. Dugan.

Motion Approved 7-0-1. Ms. Burckley abstained due to conflict of interest.

2. Motion to approve a Temporary Community Event Application for the Bed Races Event on Saturday, November 4, 2023 from 11:00 am to 2:00 pm. Third Avenue to be closed between Main Street and Starr Street and B Street & Park Alley between Third Avenue and Fourth Avenue from 9:00 am to 2:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Moore made a Motion to approve a Temporary Community Event Application for the Bed Races Event on Saturday, November 4, 2023 from 11:00 am to 2:00 pm. Third Avenue to be closed between Main Street and Starr Street and B Street & Park Alley between Third Avenue and Fourth Avenue from 9:00 am to 2:00 pm. Seconded by Mr. Weiss.

Motion Approved 7-0-1. Ms. Burckley abstained due to conflict of interest.

3. Motion to approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 9, 2023 from 5:00 pm to 10:00 pm. Street closure – Mowere Road between St. Mary's and Northridge Drive from 4:00 pm to 11:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Moore made a Motion to approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 9, 2023 from 5:00 pm to 10:00 pm. Street closure – Mowere Road between St. Mary's and Northridge Drive from 4:00 pm to 11:00 pm. Seconded by Ms. Dugan.

Motion Approved 7-0-1. Ms. Burckley abstained due to conflict of interest.

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

1. Motion to schedule and advertise an Ordinance amending Chapter 15 – Motor Vehicles.

Mr. Kirkner made a Motion to schedule and advertise an Ordinance amending Chapter 15- Motor Vehicles. Seconded by Mr. Weiss.

Motion Approved 8-0.

2. Motion to schedule and advertise an Ordinance amending Chapter 1 Administration and Government, Part 4 Bureaus, Boards, Commissions and Agencies, A – Beautification Advisory Commission.

Mr. Kirkner made a Motion to schedule and advertise an Ordinance amending Chapter 1 Administration and Government, Part 4 Bureaus, Boards, Commissions and Agencies, A – Beautification Advisory Commission. Seconded by Mr. Weiss.

Motion Approved 8-0.

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

1. No additional action to report.

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

1. Any Item removed from the Consent Agenda.

XIV. Public Participation

Tom DeLuca, resident. He expressed his concerns about the lack of transparency about the intentions for Ashburn Road. He is concerned the Resolution for Odessa was passed with very little discussion after all the comments from the impassioned residents.

XV. Communication/Council Participation

Mr. Ewald reminded the public the Parks and Recreation and ITTS meeting will be held on Monday, May 15, 2023 as the Primary Election is on their regularly scheduled day.

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

8:54 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack  
Borough Manager

Transcribed by: Jennifer Logan  
Administrative Assistant  
May 2023



20"

RAVENSGATE

TATTOOS LEATHER FINE ART

36"

20.5"

WED 12-6

THURS 12-6

FRI 12-7

SAT 12-7

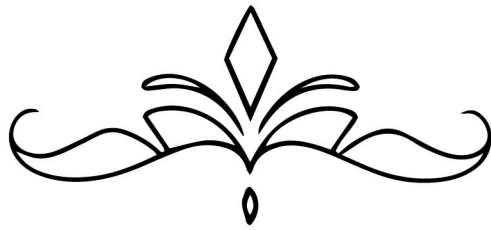
TATTOOS BY APPOINTMENT ONLY

12"

No Soliciting

# RAVENS GATE

TATTOOS LEATHER FINE ARTS

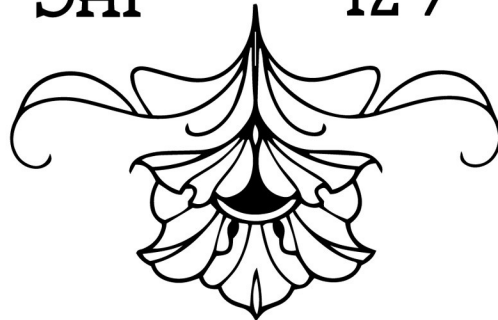


WED 12-6

THURS 12-6

FRI 12-7

SAT 12-7



TATTOOS BY APPOINTMENT ONLY



















PLANTS & ODDS & ENDS



PERCH







**RESOLUTION 2023 -**

**BOROUGH OF PHOENIXVILLE  
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA TO DESIGNATE AND APPROPRIATE \$1,781,642.54 IN BOROUGH COUNCIL INITIATIVES OF ARPA FUNDS.**

**WHEREAS**, on March 11, 2021, the American Rescue Plan Act (“ARPA”) was signed into law by the President of the United States of America. Section 9901 of ARPA amended Title VI of the Social Security Act to add Section 602, which established the Coronavirus State Fiscal Recovery Fund, and Section 603, which established the Coronavirus Local Fiscal Recovery Funds (together, the “Fiscal Recovery Funds”). The Coronavirus Local Fiscal Recovery Funds were established to provide support to local governments (“Recipients”) to respond to the impacts of COVID-19 on communities, residents, and businesses; and

**WHEREAS**, Sections 602(c)(1) and 603(c)(1) provide that Fiscal Recovery Funds may be used to: A. To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality; B. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers; C. For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; D. To make necessary investment in water, sewer, or broadband infrastructure; and E. to invest in infrastructure other than water, sewer, and broadband projects (e.g. roads, public facilities). *See* 42 U.S.C. §§802 & 803; and

**WHEREAS**, on April 1, 2022, the U.S. Department of Treasury released the Final Rule covering the Coronavirus State and Local Fiscal Recovery Fund, as created and directed by the ARPA authorizing recipients to use funds to invest in public health improvements, economic recovery and development, services to disproportionately affected communities, and general government services, among other allowable purposes; and,

**WHEREAS**, the Borough of Phoenixville was notified by the Pennsylvania Department of Community and Economic Development of ARPA funding designated to the Borough in the amount of \$1,781,642.54, payable in two tranches. The Borough of Phoenixville is in receipt of both tranches in the amount of \$1,781,642.54; and

**WHEREAS**, the Phoenixville Borough Council desires to make improvements and financial investments in several Borough infrastructure and road projects and initiatives in accordance with the allowable spending structure as described by the U.S. Department of Treasury’s Final Rule.

**NOW, THEREFORE, BE IT RESOLVED**, that the Phoenixville Borough Council hereby approves the use of \$1,781,642.54 in funds from the Borough's American Rescue Plan Fund for infrastructure and road projects and initiatives to be allocated and managed in accordance with federal rules and guidance for expenditures that are reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending said fund payments.

**PASSED** by Borough Council this 13th day of June, 2023.

By: \_\_\_\_\_  
Jonathan M. Ewald  
President, Borough Council

**ENACTED** this 13th day of June, 2023.

By: \_\_\_\_\_  
E. Jean Krack  
Borough Manger/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 13th day of June, 2023.

By: \_\_\_\_\_  
E. Jean Krack  
Borough Manager/Secretary

5/11/2023

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

| <b>Planning Commission - 4 Year Term</b> | <b>Appointed</b>  | <b>Reappointed</b> | <b>Term Expiration</b> |
|------------------------------------------|-------------------|--------------------|------------------------|
| 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 - Vice Chair            | March 9, 2021     |                    | March 31, 2025         |
| Joseph Sikora                            | March 8, 2022     |                    | March 31, 2026         |
| Thomas Carnevale - Chairperson           | April 12, 2011    | March 8, 2022      | March 31, 2026         |
| Kevin Dwyer                              | January 10, 2023  |                    | March 21, 2027         |

| <b>Zoning Hearing Board - 5 Year Term</b> | <b>Appointed</b>   | <b>Reappointed</b> | <b>Term Expiration</b>  |
|-------------------------------------------|--------------------|--------------------|-------------------------|
| Jonathan Steitzer                         | February 14, 2023  |                    | January 31, 2028        |
| <b>Vacant</b>                             |                    |                    | <b>January 31, 2024</b> |
| Maureen Ahearn                            | February 11, 2020  |                    | January 31, 2025        |
| Bryan Emmanuel - Chairperson              | April 10, 2018     | January 12, 2021   | January 31, 2026        |
| Theresa Nowrey                            | September 14, 2021 | January 11, 2022   | January 31, 2027        |

| <b>Recreation Board - 4 YR Term</b> | <b>Appointed</b> | <b>Reappointed</b> | <b>Term Expiration</b> |
|-------------------------------------|------------------|--------------------|------------------------|
| 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         |
| Frank Markey                        | May 9, 2023      |                    | 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 - Chairperson             | May 10, 2010     | March 14, 2023     | April 30, 2027         |
| Dana Dugan - Council Rep            | April 27, 2010   |                    | N/A                    |

| <b>HARB - 4 Year Term</b>                | <b>Appointed</b>   | <b>Reappointed</b>     | <b>Term Expiration</b> |
|------------------------------------------|--------------------|------------------------|------------------------|
| Brian Slater - Chairperson - 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                    |
| <b>Vacant - Resident</b>                 |                    |                        | <b>August 31, 2025</b> |
| <b>Joel Bartlett - Architect</b>         |                    | <b>August 13, 2019</b> | <b>August 31, 2023</b> |
| David Boelker - Borough Staff            |                    |                        | N/A                    |
| Catherine Bianco - Planning Comm         | March 11, 2021     |                        | March 31, 2025         |

| <b>Borough Council - 4 Year Term</b> | <b>Appointed</b> | <b>Reappointed</b> | <b>Term Expiration</b> |
|--------------------------------------|------------------|--------------------|------------------------|
| 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        |

| <b>Civil Service Commission - 6 YR Term</b> | <b>Appointed</b>   | <b>Reappointed</b> | <b>Term Expiration</b> |
|---------------------------------------------|--------------------|--------------------|------------------------|
| Ethan Policastro - Chairperson              | 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       |
|                                             |                    |                    |                        |
|                                             |                    |                    |                        |

| <b>Tree Advisory - 5 Year Term</b> | <b>Appointed</b> | <b>Reappointed</b> | <b>Term Expiration</b> |
|------------------------------------|------------------|--------------------|------------------------|
| Jane Dugdale                       | March 14, 2023   |                    | 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 - Chairperson           | July 9, 2019     |                    | June 30, 2026          |

| <b>Human Relations - 3 Year Term</b> | <b>Appointed</b> | <b>Reappointed</b> | <b>Term Expiration</b> |
|--------------------------------------|------------------|--------------------|------------------------|
| Christopher Book                     | April 11, 2023   |                    | March 31, 2026         |
| <b>Vacant</b>                        |                  |                    | <b>March 31, 2026</b>  |
| Heather Bird                         | January 12, 2021 | March 8, 2022      | March 31, 2025         |
| Rev. Lee Paczulla                    | March 8, 2022    |                    | March 31, 2025         |
| <b>Vacant</b>                        |                  |                    | <b>March 31, 2024</b>  |

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



**BOROUGH COUNCIL OF  
THE BOROUGH OF PHOENIXVILLE  
CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 2023-\_\_**

**ORDINANCE ACCEPTING DEDICATION OF RIGHT-OF-WAY OF  
E. GRANT STREET, OAK STREET & HECKLE STREET**

**WHEREAS, JUSTIN FARRAR and AMANDA SOPKO**, adult individuals (“Farrars”), are the owners of a certain tract of land situate 10 Oak Street in the Borough of Phoenixville, which parcel is more particularly identified as Chester County Tax UPI Number 15-5-360.1 (the “Farrars Parcel”); and

**WHEREAS, HEATHER COHEN and ANDREW MAIER**, adult individuals (“Cohens”), are the owners of a certain tract of land situate 8 Oak Street in the Borough of Phoenixville, which parcel is more particularly identified as Chester County Tax UPI Number 15-5-360.2 (the “Cohens Parcel”); and

**WHEREAS, PROVIDENCE CAPITAL GROUP, LLC**, a Pennsylvania Limited Liability Company (“PCG”), is the owner of a certain portion of the tract of land situate 19 E. Grant Street in the Borough of Phoenixville, which parcel is more particularly identified as Chester County Tax UPI Number 15-5-360.3 (the “PCG Parcel”); and

**WHEREAS, PATRICIA YAK**, an adult individual (“Yak”), is the owner of a certain tract of land situate 17 E. Grant Street in the Borough of Phoenixville, which parcel is more particularly identified as Chester County Tax UPI Number 15-5-360.4 (the “Yak Parcel”); and

**WHEREAS**, the Farrars, Cohens, PCG and Yak shall sometimes hereinafter be referred to as the “Grantor”; and

**WHEREAS**, the Farrars Parcel, Cohens Parcel, PCG Parcel and Yak Parcel shall sometimes hereinafter be referred to as the “Premises”; and

**WHEREAS**, and as a condition of the approval of a certain subdivision and land development, PCG agreed to dedicate to the Borough of Phoenixville (“Borough”) certain rights-of-way of the Premises along Oak Street, E. Grant Street and Heckle Street consisting of the area between the title line and right-of-way line, as more particularly described in the legal descriptions included with the Deed of Dedication attached hereto and incorporated herein as Exhibits “A”, “B”, “C” and “D” (collectively the “Right-of-Way”); and

**WHEREAS**, the Borough, by accepting the Deed of Dedication and recording the same with this Ordinance, accepts the Right-of-Way; and

**WHEREAS**, as authorized by Section 1734(a) of the Borough Code, 8 Pa.C.S.A. §1734(a), the Borough desires to accept the Right-of-Way as and for a public street, road or highway, sidewalk, trail, utilities and other public improvements, together with any sidewalks or trails thereon and sanitary sewer lines and storm sewer lines constructed thereunder; and

**WHEREAS**, the Borough, by accepting and filing this Resolution with the Clerk of Courts for the Chester County Court of Common Pleas, accepts the Right-of-Way to the extent that such acceptance is necessary at this time.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, that the Borough Council of the Borough of Phoenixville accepts the Right-of-Way described in Exhibits “A”, “B”, “C” and “D” to have and to hold, forever, as and for public street, road or highway, sidewalk, trail, utilities and other public improvements, together with any sidewalks or trails thereon and sanitary sewer lines and storm sewer lines constructed thereunder (if any), and with the same effect as if the same had been opened by a Decree of Court of Common Pleas in and for

the County of Chester after proceedings duly had for that purpose under and in pursuance with the laws of the Commonwealth of Pennsylvania.

**PASSED** by Borough Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
Jonathan M. Ewald  
President, Borough Council

**APPROVED** by the Mayor, this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
Peter J. Urscheler, Mayor

**ENACTED**, this \_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
E. Jean Krack, Borough Manager/Secretary

**Deed of Dedication 10 Oak Street**

**EXHIBIT "A"**

Prepared By: Scott C. Denlinger, Esquire  
Wisler Pearlstine, LLP  
Blue Bell Executive Campus  
460 Norristown Road, Suite 110  
Blue Bell, PA 19422

Return To: Same as above

Parcel No.: 15-5-360.1

**DEED OF DEDICATION**

**10 Oak Street (Lot 1) Right-of-Way**

**THIS INDENTURE** is made this 10 day of may, 2023,

**FROM**

**JUSTIN FARRAR and AMANDA SOPKO**, adult individuals with an address of 10 Oak Street (hereinafter collectively referred to as "Grantor"), of the one part,

**TO**

**THE BOROUGH OF PHOENIXVILLE**, a duly organized Pennsylvania Borough with a mailing address of 351 Bridge Street, 2<sup>nd</sup> Floor, Phoenixville, Pennsylvania 19460 (hereinafter called "Grantee"), of the other part;

**W I T N E S S E T H:**

**THAT** the said Grantor, for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States of America unto it well and truly paid by the said Grantee at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has dedicated and by these presents does dedicate for public use and enjoyment as and for a public street, road or highway, sidewalk, trail, utilities and other public improvements, together with any sidewalks or trails thereon and sanitary sewer lines and storm sewer lines constructed thereunder, unto the said Grantee, its successors and assigns.



**ALL** those certain tracts or parcels of ground situate in the Borough of Phoenixville, Chester County, Pennsylvania, more particularly described in the legal description attached hereto and made a part hereof as Exhibit "A".

**TO** have and to hold the tract(s) or parcel(s) of land above described and hereby dedicated, or mentioned and intended to be, unto the said Grantee, its successors and assigns, forever, as and for a public street, road, highway, sidewalk, trail, utilities or other public improvements, together with any sidewalks or trails thereon (if any) and sanitary sewer lines and storm sewer lines constructed thereunder, and for no other use or purpose whatsoever, and to the same extent and with the same effect as if the said public street, road, highway, sidewalk, trail, utilities or other public improvements had been approved by a Decree of the Court of Common Pleas in and for the County of Chester after proceedings duly had for that purpose under and pursuant to the laws of the Commonwealth of Pennsylvania.

**AND** the said Grantor, its successors and assigns, does by these presents, covenant, promise and agree to and with the said Borough of Phoenixville, its successors and assigns, that neither it, the said Grantor, nor its successors and assigns, shall or will at any time hereafter ask, demand, recover or receive of or from the said Borough of Phoenixville, its successors and assigns, any sum or sums of money as and for damages for or by reason of the physical grading of the said public street, road, highway, sidewalk, trail, utilities or other public improvements to grade as now established, and if such grade shall not be established at the date of these presents, that neither it, the said Grantor, nor its successors and assigns, shall or will at any time thereafter ask, demand, recover or receive any damages by reason of the physical grading of the public street, road, highway, sidewalk, trail, utilities or other public improvements to conform with the grades as first thereafter established or confirmed according to law.

**AND** the said Grantor, for itself and its heirs, successors and assigns, does covenant, promise and agree to and with the said Grantee, its successors and assigns, that he, the Grantor, has not heretofore done or committed any act, matter or thing whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged, or encumbered in title, charge, estate or otherwise howsoever.

**AND** the said Grantor, for itself and its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that it, the said Grantor, shall and will warrant and forever defend the hereinabove described tracts or parcels of land against it, the said Grantor, its successors and assigns, and against all and any person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them.

**AND** the Grantee, by accepting and recording this Deed, accepts the tracts or parcels of ground described herein as and for a public street, road, highway, trail, sidewalk, utilities and other public improvements.

**IN WITNESS WHEREOF**, the Grantor has caused this Deed to be signed on the day and year first above written.

**GRANTOR:**

By: \_\_\_\_\_

**Justin Farrar**

By: \_\_\_\_\_

**Amanda Sopko**

**ACKNOWLEDGEMENT**

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF Montgomery :

On this, the 10 day of May, 2023, before me, the undersigned officer, a Notary Public, personally appeared **Justin Farrar**, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

*Teri M. Falco*  
Notary Public

My Commission Expires:

Commonwealth of Pennsylvania - Notary Seal  
Teri M. Falco, Notary Public  
Montgomery County  
My commission expires June 19, 2027  
Commission number 1047602  
Member, Pennsylvania Association of Notaries

**ACKNOWLEDGEMENT**

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF Montgomery :

On this, the 10 day of May, 2023, before me, the undersigned officer, a Notary Public, personally appeared **Amanda Sopko**, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

*Teri M. Falco*  
Notary Public

My Commission Expires:

Commonwealth of Pennsylvania - Notary Seal  
Teri M. Falco, Notary Public  
Montgomery County  
My commission expires June 19, 2027  
Commission number 1047602  
Member, Pennsylvania Association of Notaries

**Legal Description**

**EXHIBIT "A"**



Civil Engineers, Surveyors & Land Development Consultants

**Legal Description**

Oak Street Right of Way Dedication Across Lot 1  
Phoenixville Borough, Chester County, Pennsylvania  
Inland Project No. 11183  
February 23, 2023

**ALL THAT CERTAIN** parcel of land **SITUATE** in Phoenixville Borough, Chester County, Pennsylvania, bounded and described according to a Title Sheet for 19 E. Grant Street, dated April 23, 2018, last revised October 20, 2020, and monumentation set per As-Built Plan for 19 E. Grant Street, dated October 27, 2022, prepared by Inland Design, West Chester, Pennsylvania, and being more fully described as follows:

**BEGINNING** at a concrete monument set on the southwesterly side of Oak Street (20.0 feet half width), said point being the common corner with Lot 1, and also common line with lands of Gerald A. Petrus, Jr. (UPI: 15-5-359.2), continuing through the bed of Oak Street the 3 following courses; thence North 13 degrees 36 minutes 6 seconds East 9.74 Feet to a point; thence South 83 degrees 30 minutes 0 seconds East 33.22 Feet to a point; thence South 6 degrees 10 minutes 4 seconds West 9.46 Feet to a concrete monument set on the southwesterly side of Oak Street and common corner with Lot 1 and Lot 2, continuing along the southwesterly side of Oak Street the 1 following course; thence North 83 degrees 49 minutes 56 seconds West 34.48 Feet to a point and place of beginning.

**CONTAINING** 324 Square Feet of land, more or less.

**BEING** Oak Street Right of Way Dedication across Lot 1 on the aforementioned plan.





**Deed of Dedication 8 Oak Street**

**EXHIBIT “B”**

Prepared By: Scott C. Denlinger, Esquire  
Wisler Pearlstine, LLP  
Blue Bell Executive Campus  
460 Norristown Road, Suite 110  
Blue Bell, PA 19422

Return To: Same as above

Parcel No.: 15-5-360.2

**DEED OF DEDICATION**

**8 Oak Street/Heckle Street (Lot 2) Right-of-Way**

**THIS INDENTURE** is made this 17 day of may, 2023,

**FROM**

**ANDREW MAIER and HEATHER COHEN**, adult individuals with an address of 8 Oak Street (hereinafter collectively referred to as "Grantor"), of the one part,

**TO**

**THE BOROUGH OF PHOENIXVILLE**, a duly organized Pennsylvania Borough with a mailing address of 351 Bridge Street, 2<sup>nd</sup> Floor, Phoenixville, Pennsylvania 19460 (hereinafter called "Grantee"), of the other part;

**W I T N E S S E T H:**

**THAT** the said Grantor, for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States of America unto it well and truly paid by the said Grantee at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has dedicated and by these presents does dedicate for public use and enjoyment as and for a public street, road or highway, sidewalk, trail, utilities and other public improvements, together with any sidewalks or trails thereon and sanitary sewer lines and storm sewer lines constructed thereunder, unto the said Grantee, its successors and assigns.

**ALL** those certain tracts or parcels of ground situate in the Borough of Phoenixville, Chester County, Pennsylvania, more particularly described in the legal description attached hereto and made a part hereof as Exhibit "A".

**TO** have and to hold the tract(s) or parcel(s) of land above described and hereby dedicated, or mentioned and intended to be, unto the said Grantee, its successors and assigns, forever, as and for a public street, road, highway, sidewalk, trail, utilities or other public improvements, together with any sidewalks or trails thereon (if any) and sanitary sewer lines and storm sewer lines constructed thereunder, and for no other use or purpose whatsoever, and to the same extent and with the same effect as if the said public street, road, highway, sidewalk, trail, utilities or other public improvements had been approved by a Decree of the Court of Common Pleas in and for the County of Chester after proceedings duly had for that purpose under and pursuant to the laws of the Commonwealth of Pennsylvania.

**AND** the said Grantor, its successors and assigns, does by these presents, covenant, promise and agree to and with the said Borough of Phoenixville, its successors and assigns, that neither it, the said Grantor, nor its successors and assigns, shall or will at any time hereafter ask, demand, recover or receive of or from the said Borough of Phoenixville, its successors and assigns, any sum or sums of money as and for damages for or by reason of the physical grading of the said public street, road, highway, sidewalk, trail, utilities or other public improvements to grade as now established, and if such grade shall not be established at the date of these presents, that neither it, the said Grantor, nor its successors and assigns, shall or will at any time thereafter ask, demand, recover or receive any damages by reason of the physical grading of the public street, road, highway, sidewalk, trail, utilities or other public improvements to conform with the grades as first thereafter established or confirmed according to law.

**AND** the said Grantor, for itself and its heirs, successors and assigns, does covenant, promise and agree to and with the said Grantee, its successors and assigns, that he, the Grantor, has not heretofore done or committed any act, matter or thing whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged, or encumbered in title, charge, estate or otherwise howsoever.

**AND** the said Grantor, for itself and its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that it, the said Grantor, shall and will warrant and forever defend the hereinabove described tracts or parcels of land against it, the said Grantor, its successors and assigns, and against all and any person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them.

**AND** the Grantee, by accepting and recording this Deed, accepts the tracts or parcels of ground described herein as and for a public street, road, highway, trail, sidewalk, utilities and other public improvements.

**IN WITNESS WHEREOF**, the Grantor has caused this Deed to be signed on the day and year first above written.

**GRANTOR:**

By:   
\_\_\_\_\_  
**Andrew Maier**

By:   
\_\_\_\_\_  
**Heather Cohen**

**ACKNOWLEDGEMENT**

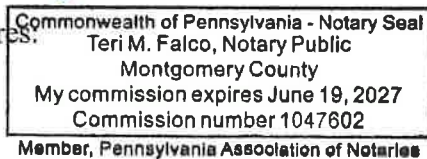
COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF Montgomery :

On this, the 17 day of May, 2023, before me, the undersigned officer, a Notary Public, personally appeared **Andrew Maier**, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Teri M. Falco  
Notary Public

My Commission Expires:



**ACKNOWLEDGEMENT**

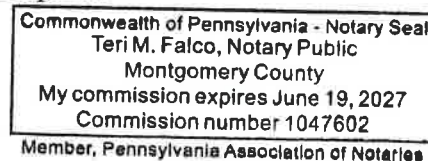
COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF Montgomery :

On this, the 17 day of May, 2023, before me, the undersigned officer, a Notary Public, personally appeared **Heather Cohen**, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Teri M. Falco  
Notary Public

My Commission Expires:



**Legal Description**

**EXHIBIT "A"**





Civil Engineers, Surveyors & Land Development Consultants

**Legal Description**

Oak Street & Heckle Street Right of Way Dedication Across Lot 2  
Phoenixville Borough, Chester County, Pennsylvania  
Inland Project No. 11183  
February 23, 2023

**ALL THAT CERTAIN** parcel of land **SITUATE** in Phoenixville Borough, Chester County, Pennsylvania, bounded and described according to a Title Sheet for 19 E. Grant Street, dated April 23, 2018, last revised October 20, 2020, and monumentation set per As-Built Plan for 19 E. Grant Street, dated October 27, 2022, prepared by Inland Design, West Chester, Pennsylvania, and being more fully described as follows:

**BEGINNING** at a concrete monument set on the southwesterly side of Oak Street (20.0 feet half width), said point being the common corner with Lot 1 and Lot 2, continuing through the bed of Oak Street the 2 following courses; thence North 6 degrees 10 minutes 4 seconds East 9.46 Feet to a point; thence South 83 degrees 30 minutes 0 seconds East 54.78 Feet to a point in the intersection of Oak Street and Heckle Street, continuing through the bed of Heckle Street the 2 following courses; thence South 12 degrees 50 minutes 0 seconds West 105.10 Feet to a point; thence North 82 degrees 0 minutes 0 seconds West 2.70 Feet to a mag nail set on the northwesterly side of Heckle Street and common corner with Lot 2 and Lot 4, continuing along the northwesterly side of Heckle Street the 2 following courses; thence North 12 degrees 50 minutes 0 seconds East 78.95 Feet to a concrete monument set; thence along an arc curving to the left having a radius of 15.00 Feet an arc distance of 25.31 Feet (chord bearing North 35 degrees 29 minutes 58 seconds West, a distance of 22.41 Feet) to a mag nail set on the southwesterly side of Oak Street, continuing along the southwesterly side of Oak Street the 1 following course; thence North 83 degrees 49 minutes 56 seconds West 34.14 Feet to a point and place of beginning.

**CONTAINING** 826 Square Feet of land, more or less.

**BEING** Oak Street & Heckle Street Right of Way Dedication across Lot 2 on the aforementioned plan.



**Deed of Dedication 19 E. Grant Street**

**EXHIBIT “C”**

Prepared By: Scott C. Denlinger, Esquire  
Wisler Pearlstine, LLP  
Blue Bell Executive Campus  
460 Norristown Road, Suite 110  
Blue Bell, PA 19422

Return To: Same as above

Parcel No.: 15-5-360.4

**DEED OF DEDICATION**

**17 E. Grant Street/Heckle Street (Lot 4) Right-of-Way**

**THIS INDENTURE** is made this 10 day of May, 2023,

**FROM**

**PATRICIA YAK**, an adult individual with an address of 17 East Grant Street  
(hereinafter referred to as "Grantor"), of the one part,

**TO**

**THE BOROUGH OF PHOENIXVILLE**, a duly organized Pennsylvania Borough with  
a mailing address of 351 Bridge Street, 2<sup>nd</sup> Floor, Phoenixville, Pennsylvania 19460 (hereinafter  
called "Grantee"), of the other part;

**WITNESSETH:**

**THAT** the said Grantor, for and in consideration of the sum of One Dollar (\$1.00) lawful  
money of the United States of America unto it well and truly paid by the said Grantee at and  
before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged,  
has dedicated and by these presents does dedicate for public use and enjoyment as and for a  
public street, road or highway, sidewalk, trail, utilities and other public improvements, together  
with any sidewalks or trails thereon and sanitary sewer lines and storm sewer lines constructed  
thereunder, unto the said Grantee, its successors and assigns.

**ALL** those certain tracts or parcels of ground situate in the Borough of Phoenixville, Chester County, Pennsylvania, more particularly described in the legal description attached hereto and made a part hereof as Exhibit "A".

**TO** have and to hold the tract(s) or parcel(s) of land above described and hereby dedicated, or mentioned and intended to be, unto the said Grantee, its successors and assigns, forever, as and for a public street, road, highway, sidewalk, trail, utilities or other public improvements, together with any sidewalks or trails thereon (if any) and sanitary sewer lines and storm sewer lines constructed thereunder, and for no other use or purpose whatsoever, and to the same extent and with the same effect as if the said public street, road, highway, sidewalk, trail, utilities or other public improvements had been approved by a Decree of the Court of Common Pleas in and for the County of Chester after proceedings duly had for that purpose under and pursuant to the laws of the Commonwealth of Pennsylvania.

**AND** the said Grantor, its successors and assigns, does by these presents, covenant, promise and agree to and with the said Borough of Phoenixville, its successors and assigns, that neither it, the said Grantor, nor its successors and assigns, shall or will at any time hereafter ask, demand, recover or receive of or from the said Borough of Phoenixville, its successors and assigns, any sum or sums of money as and for damages for or by reason of the physical grading of the said public street, road, highway, sidewalk, trail, utilities or other public improvements to grade as now established, and if such grade shall not be established at the date of these presents, that neither it, the said Grantor, nor its successors and assigns, shall or will at any time thereafter ask, demand, recover or receive any damages by reason of the physical grading of the public street, road, highway, sidewalk, trail, utilities or other public improvements to conform with the grades as first thereafter established or confirmed according to law.

**AND** the said Grantor, for itself and its heirs, successors and assigns, does covenant, promise and agree to and with the said Grantee, its successors and assigns, that he, the Grantor, has not heretofore done or committed any act, matter or thing whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged, or encumbered in title, charge, estate or otherwise howsoever.

**AND** the said Grantor, for itself and its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that it, the said Grantor, shall and will warrant and forever defend the hereinabove described tracts or parcels of land against it, the said Grantor, its successors and assigns, and against all and any person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them.

**AND** the Grantee, by accepting and recording this Deed, accepts the tracts or parcels of ground described herein as and for a public street, road, highway, trail, sidewalk, utilities and other public improvements.

**IN WITNESS WHEREOF**, the Grantor has caused this Deed to be signed on the day and year first above written.

**GRANTOR:**

By:   
Patricia Yak

**ACKNOWLEDGEMENT**

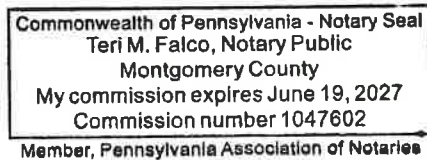
**COMMONWEALTH OF PENNSYLVANIA** :  
: SS  
**COUNTY OF** Montgomery :

On this, the 10 day of May, 2023, before me, the undersigned officer, a Notary Public, personally appeared **Patricia Yak**, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

**IN WITNESS WHEREOF**, I have hereunto set my hand and official seal.

Teri M. Falco  
Notary Public

My Commission Expires:





**Legal Description**

**EXHIBIT "A"**



Civil Engineers, Surveyors & Land Development Consultants

**Legal Description**

East Grant Street & Heckle Street Right of Way Dedication Across Lot 4  
Phoenixville Borough, Chester County, Pennsylvania  
Inland Project No. 11183  
February 23, 2023

**ALL THAT CERTAIN** parcel of land **SITUATE** in Phoenixville Borough, Chester County, Pennsylvania, bounded and described according to a Title Sheet for 19 E. Grant Street, dated April 23, 2018, last revised October 20, 2020, and monumentation set per As-Built Plan for 19 E. Grant Street, dated October 27, 2022, prepared by Inland Design, West Chester, Pennsylvania, and being more fully described as follows:

**BEGINNING** at a mag nail set on the northeasterly side of East Grant Street (25.0 feet wide), said point being the common corner with Lot 3 and Lot 4, continuing along the northeasterly side of East Grant Street the 2 following courses; thence South 82 degrees 7 minutes 47 seconds East 24.35 Feet to a mag nail set; thence along an arc curving to the left having a radius of 15.00 Feet an arc distance of 22.87 Feet (chord bearing North 54 degrees 11 minutes 6 seconds East, a distance of 20.72 Feet) to a mag nail set on the northwesterly side of Heckle Street (25.0 feet wide), continuing along the northwesterly side of Heckle Street the 1 following course; thence North 10 degrees 30 minutes 0 seconds East 88.50 Feet to a mag nail set and common corner with Lot 2 and Lot 4, continuing through the bed of Heckle Street the 3 following courses; thence South 82 degrees 0 minutes 0 seconds East 2.70 Feet to a point; thence South 12 degrees 50 minutes 0 seconds West 10.72 Feet to a point; thence South 9 degrees 36 minutes 13 seconds West 94.77 Feet to a point in the intersection of Heckle Street and East Grant Street, continuing through the bed of East Grant Street the 2 following courses; thence North 82 degrees 0 minutes 0 seconds West 42.31 Feet to a point; thence North 7 degrees 52 minutes 13 seconds East 2.60 Feet to a point and place of beginning.

**CONTAINING** 457 Square Feet of land, more or less.

**BEING** East Grant Street & Heckle Street Right of Way Dedication across Lot 4 on the aforementioned plan.



**Deed of Dedication 17 E. Grant Street**

**EXHIBIT “D”**

Prepared By: Scott C. Denlinger, Esquire  
Wisler Pearlstine, LLP  
Blue Bell Executive Campus  
460 Norristown Road, Suite 110  
Blue Bell, PA 19422

Return To: Same as above

Parcel No.: 15-5-360.3

**DEED OF DEDICATION**

**19 E. Grant Street (Lot 3) Right-of-Way**

**THIS INDENTURE** is made this 10 day of may, 2023,

**FROM**

**PROVIDENCE CAPITAL GROUP, LLC**, a Pennsylvania Limited Liability Company  
with an address of 153 Persimmon Dr., Collegeville, PA 19426 (hereinafter referred to as  
“Grantor”), of the one part,

**TO**

**THE BOROUGH OF PHOENIXVILLE**, a duly organized Pennsylvania Borough with  
a mailing address of 351 Bridge Street, 2<sup>nd</sup> Floor, Phoenixville, Pennsylvania 19460 (hereinafter  
called “Grantee”), of the other part;

**W I T N E S S E T H:**

**THAT** the said Grantor, for and in consideration of the sum of One Dollar (\$1.00) lawful  
money of the United States of America unto it well and truly paid by the said Grantee at and  
before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged,  
has dedicated and by these presents does dedicate for public use and enjoyment as and for a  
public street, road or highway, sidewalk, trail, utilities and other public improvements, together

with any sidewalks or trails thereon and sanitary sewer lines and storm sewer lines constructed thereunder, unto the said Grantee, its successors and assigns.

**ALL** those certain tracts or parcels of ground situate in the Borough of Phoenixville, Chester County, Pennsylvania, more particularly described in the legal description attached hereto and made a part hereof as Exhibit "A".

**TO** have and to hold the tract(s) or parcel(s) of land above described and hereby dedicated, or mentioned and intended to be, unto the said Grantee, its successors and assigns, forever, as and for a public street, road, highway, sidewalk, trail, utilities or other public improvements, together with any sidewalks or trails thereon (if any) and sanitary sewer lines and storm sewer lines constructed thereunder, and for no other use or purpose whatsoever, and to the same extent and with the same effect as if the said public street, road, highway, sidewalk, trail, utilities or other public improvements had been approved by a Decree of the Court of Common Pleas in and for the County of Chester after proceedings duly had for that purpose under and pursuant to the laws of the Commonwealth of Pennsylvania.

**AND** the said Grantor, its successors and assigns, does by these presents, covenant, promise and agree to and with the said Borough of Phoenixville, its successors and assigns, that neither it, the said Grantor, nor its successors and assigns, shall or will at any time hereafter ask, demand, recover or receive of or from the said Borough of Phoenixville, its successors and assigns, any sum or sums of money as and for damages for or by reason of the physical grading of the said public street, road, highway, sidewalk, trail, utilities or other public improvements to grade as now established, and if such grade shall not be established at the date of these presents, that neither it, the said Grantor, nor its successors and assigns, shall or will at any time thereafter ask, demand, recover or receive any damages by reason of the physical grading of the public

street, road, highway, sidewalk, trail, utilities or other public improvements to conform with the grades as first thereafter established or confirmed according to law.

**AND** the said Grantor, for itself and its heirs, successors and assigns, does covenant, promise and agree to and with the said Grantee, its successors and assigns, that he, the Grantor, has not heretofore done or committed any act, matter or thing whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged, or encumbered in title, charge, estate or otherwise howsoever.

**AND** the said Grantor, for itself and its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that it, the said Grantor, shall and will warrant and forever defend the hereinabove described tracts or parcels of land against it, the said Grantor, its successors and assigns, and against all and any person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them.

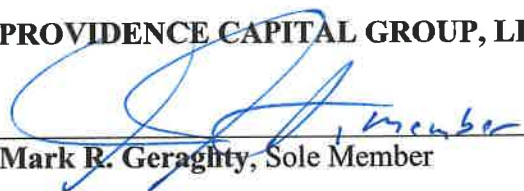
**AND** the Grantee, by accepting and recording this Deed, accepts the tracts or parcels of ground described herein as and for a public street, road, highway, trail, sidewalk, utilities and other public improvements.

**IN WITNESS WHEREOF**, the Grantor has caused this Deed to be signed on the day and year first above written.

**GRANTOR:**

**PROVIDENCE CAPITAL GROUP, LLC**

By: \_\_\_\_\_

  
Mark R. Geraghty, Sole Member

**ACKNOWLEDGEMENT**

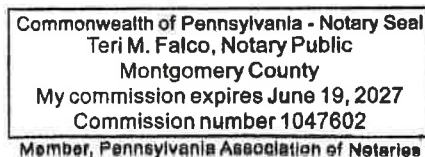
**COMMONWEALTH OF PENNSYLVANIA** :  
: SS  
**COUNTY OF** Montgomery :

On this, the 10 day of May, 2023, before me, the undersigned officer, a Notary Public, personally appeared **Mark R. Geraghty**, known to me or satisfactorily proven to be the sole member of Providence Capital Group, LLC, whose name is subscribed to the within instrument, and acknowledged that he/she executed the same on behalf of the corporation for the purposes therein contained.

**IN WITNESS WHEREOF**, I have hereunto set my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:





**Legal Description**

**EXHIBIT "A"**



Civil Engineers, Surveyors & Land Development Consultants

**Legal Description**

East Grant Street Right of Way Dedication Across Lot 3  
Phoenixville Borough, Chester County, Pennsylvania  
Inland Project No. 11183  
February 23, 2023

**ALL THAT CERTAIN** parcel of land **SITUATE** in Phoenixville Borough, Chester County, Pennsylvania, bounded and described according to a Title Sheet for 19 E. Grant Street, dated April 23, 2018, last revised October 20, 2020, and monumentation set per As-Built Plan for 19 E. Grant Street, dated October 27, 2022, prepared by Inland Design, West Chester, Pennsylvania, and being more fully described as follows:

**BEGINNING** at a mag nail set on the northeasterly side of East Grant Street (25.0 feet wide), said point being the common corner with Lot 3, and also common corner with lands of Charles E. & Kimberly A. Snook (UPI: 15-5-359), continuing along the northeasterly side of East Grant Street the 1 following course; thence South 82 degrees 7 minutes 47 seconds East 46.62 Feet to a mag nail set and common corner with Lot 3 and Lot 4, continuing through the bed of East Grant Street the 3 following courses; thence South 7 degrees 52 minutes 13 seconds West 2.60 Feet to a point; thence North 82 degrees 0 minutes 0 seconds West 46.69 Feet to a point; thence North 9 degrees 25 minutes 10 seconds East 2.50 Feet to a point and place of beginning.

**CONTAINING** 119 Square Feet of land, more or less.

**BEING** East Grant Street Right of Way Dedication across Lot 3 on the aforementioned plan.



**RESOLUTION NO. 2023 –**

**BOROUGH OF PHOENIXVILLE  
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF  
PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA, OFFICIALLY  
ACCEPTING THE DEDICATION BY BILL OF SALE OF THE MOUNTAIN  
BIKE IMPROVEMENTS IN RESERVOIR PARK**

**WHEREAS, MORE KIDS ON BIKES**, a Pennsylvania nonprofit corporation having a registered address at 1637 Jones Avenue, Phoenixville, Pennsylvania 19460 (“MKOB”), has constructed and installed, on two (2) contiguous tracts of land located in the Borough of Phoenixville, Chester County, Pennsylvania, more particularly identified as Chester County UPI Nos. 15-5-2 and 15-1-27 (collectively “Reservoir Park”), certain mountain bike improvements and appurtenances thereto (hereinafter, the “MTB Improvements”), pursuant to a certain plan prepared by Dirt Sculp, LLC consisting of one (1) sheet (the “Plan”), which Plan is incorporated herein by reference; and

**WHEREAS**, MKOB, for good and valuable consideration, desires to dedicate to the Borough of Phoenixville (“Borough”) for public use and enjoyment all those MTB Improvements; and

**WHEREAS**, the Borough, by accepting the Bill of Sale for the MTB Improvements and the passage of this Resolution, accepts the MTB Improvements from MKOB.

**NOW, THEREFORE, BE IT RESOLVED**, the Borough Council of the Borough of Phoenixville hereby accepts the MTB Improvements pursuant to the Bill of Sale attached hereto as Exhibit “A”, to have and to hold, forever, for its own use and benefit whatsoever, forever, including having and holding the MTB Improvements, together with and as part of a public recreation facilities.

**APPROVED** and **RESOLVED** at a public meeting of the Phoenixville Borough Council, Chester County, Pennsylvania, in lawful session duly assembled, this 13th day of June, 2023.

**PHOENIXVILLE BOROUGH COUNCIL**

By: \_\_\_\_\_  
Jonathan M. Ewald  
President, Borough Council

**ENACTED** this 13th day of June, 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 13th day of June, 2023.

By: \_\_\_\_\_  
E. Jean Krack, Borough Manager/Secretary

## **Bill of Sale**

**EXHIBIT "A"**

## ORDINANCE 2023 -

### AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF PHOENIXVILLE, AS AMENDED, CHAPTER 1, "ADMINISTRATION AND GOVERNMENT," PART 4 "BUREAUS, BOARDS, COMMISSIONS AND AGENCIES" "A BEAUTIFICATION ADVISORY COMMISSION" BY REPEALING IN ITS ENTIRETY..

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

**Section 1.** Chapter 1 "Administration and Government," Part 4 "Bureaus, Boards, Commissions and Agencies," "A – Beautification Advisory Commission" is hereby repealed by deleting it in its entirety and replacing it with the following: [Reserved].

**Section 2.** 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, sections or parts hereof. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 3.** All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

**Section 4.** This Ordinance shall become effective upon enactment as provided by law.

**PASSED** by Borough Council this 13th day of June, 2023.

By: \_\_\_\_\_  
Jonathan M. Ewald  
President, Borough Council

**APPROVED** by the Mayor, this 13th day of June, 2023.

By: \_\_\_\_\_  
Peter J. Urscheler  
Mayor

**ENACTED** this 13th day of June, 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 13th day of June, 2023.

By: \_\_\_\_\_  
E. Jean Krack  
Borough Manager/Secretary



## ORDINANCE NO 2023 -

### BOROUGH OF PHOENIXVILLE CHESTER COUNTY, PENNSYLVANIA

**AN ORDINANCE OF THE PHOENIXVILLE BOROUGH COUNCIL, CHESTER COUNTY, PENNSYLVANIA AMENDING CHAPTER 15, “MOTOR VEHICLES AND TRAFFIC,” PART 2, “TRAFFIC REGULATIONS,” SECTION 15-201, “MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN STREETS,” AND SECTION 15-224 “LOADING AND UNLOADING ZONES” AND PART 4 “GENERAL PARKING REGULATIONS,” SECTION 15-402, “PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS” AND PART 7 “METERED PARKING LOTS” 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 15, “Motor Vehicles and Traffic,” Part 2, “Traffic Regulations,” Section 15-224 “Loading and Unloading Zones,” is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

| Highway              | Side         | Between                                                                                                                                                                                                                                            |
|----------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Church Street</u> | <u>South</u> | <u>From a point 232 feet and 272 feet east of the southeast corner of Jackson Street. A No Parking Between Signs: Loading Zone Mondays 8:00 am -11:00 am. Signs should be placed at the points on the south side of Church Street facing west.</u> |

#### **SECTION 2.**

Chapter 15, “Motor Vehicles and Traffic,” Part 4, “General Parking Regulations,” Section 15-405, “Parking Prohibited At All Times In Certain Locations,” is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

| Street               | Side        | Between                                  |
|----------------------|-------------|------------------------------------------|
| <u>Heckle Street</u> | <u>Both</u> | <u>East Emmett Street and Oak Street</u> |

#### **SECTION 3.**

Chapter 15, “Motor Vehicles and Traffic,” Part 7, “Metered Parking Lots,” Section 15-701, “Metered Parking Lots Established,” is hereby amended as indicated by the black line and strikeout

interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

**§ 15-701 Metered Parking Lots Established.**

The following are established as metered parking lots by the Borough of Phoenixville:

| <b>Lot Number</b> | <b>Street</b>                            | <b>Side</b>        | <b>Parcel Number(s)</b>                                                      |
|-------------------|------------------------------------------|--------------------|------------------------------------------------------------------------------|
| 1                 | Prospect Street                          | South              | 15-9-343E, 15-9-303E,<br>15-9-304E, 15-9-311E,<br>15-9-315E, and 15-9-322.1E |
| 2                 | Corner, Bridge Street and<br>Main Street | Southeast          | 15-9-219 <u>E</u>                                                            |
| 3                 | Taylor Alley                             | North and<br>South | 15-9-147E, 15-9-148E, and<br>15-9-149E                                       |
| 4                 | Mill Street                              | South              | 15-9-100E                                                                    |
| 5                 | Bridge Street                            | North              | 15-9-96.1 <u>E</u>                                                           |
| 6                 | Wheatland Street                         | West               | 15-8-49 <u>E</u>                                                             |
| 7                 | Ashland Street                           | North              | 15-9-157.1                                                                   |
| 8                 | Smithworks Boulevard                     | North              | 15-9-80                                                                      |
| 9                 | Church Street                            | North              | 15-9-352 <u>E</u>                                                            |

**SECTION 4.**

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 section 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 5.**

All Ordinances or parts of Ordinances conflicting or inconsistent herewith are hereby repealed.

**SECTION 6.**

This Ordinance shall become effective upon enactment as provided by law.

**PASSED** by Borough Council this 13th day of June, 2023.

By: \_\_\_\_\_  
Jonathan M. Ewald  
President, Borough Council

**APPROVED** by the Mayor, this 13th day of June, 2023.

By: \_\_\_\_\_  
Peter J. Urscheler, Mayor

**ENACTED**, this 13th day of June, 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 13th day of June, 2023.

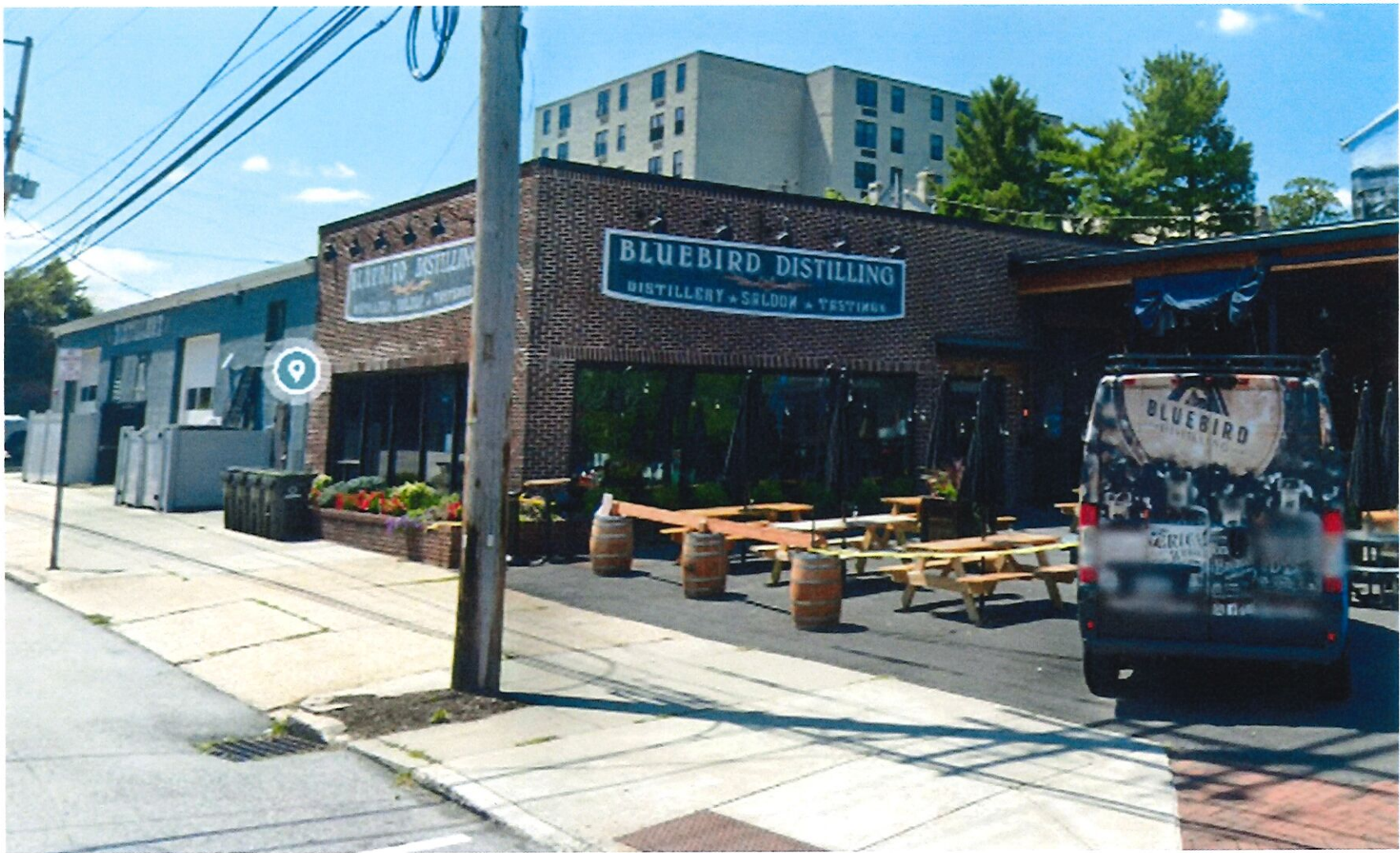
By: \_\_\_\_\_  
E. Jean Krack, Borough Manager/Secretary

**Current Views of Bluebird Distilling – 100 Bridge Street**



From Starr Street





From Intersection of Bridge & Starr Streets





Bridge Street – facing west





Bridge Street – facing east



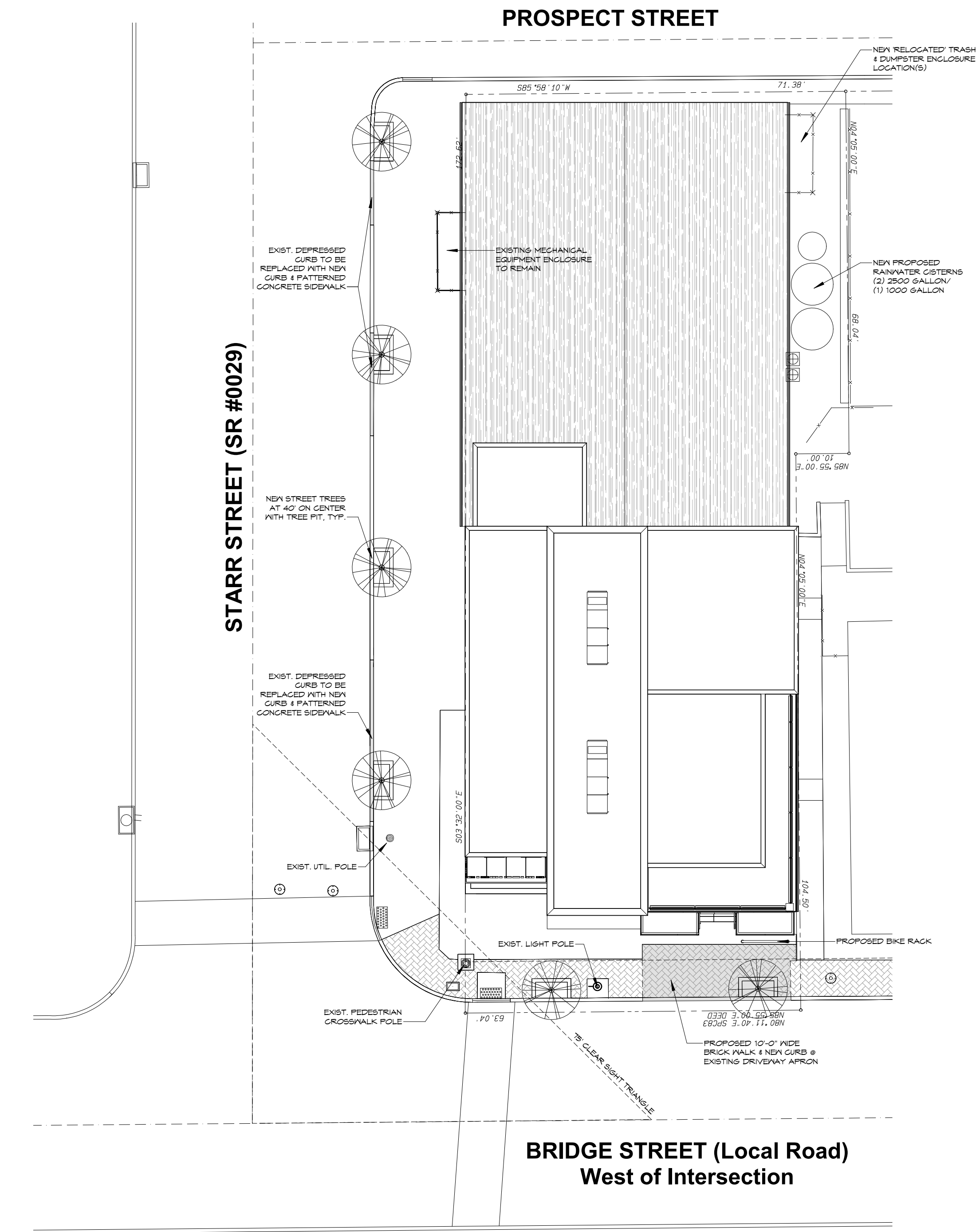


Bank across from Bluebird – Bridge & Starr Streets

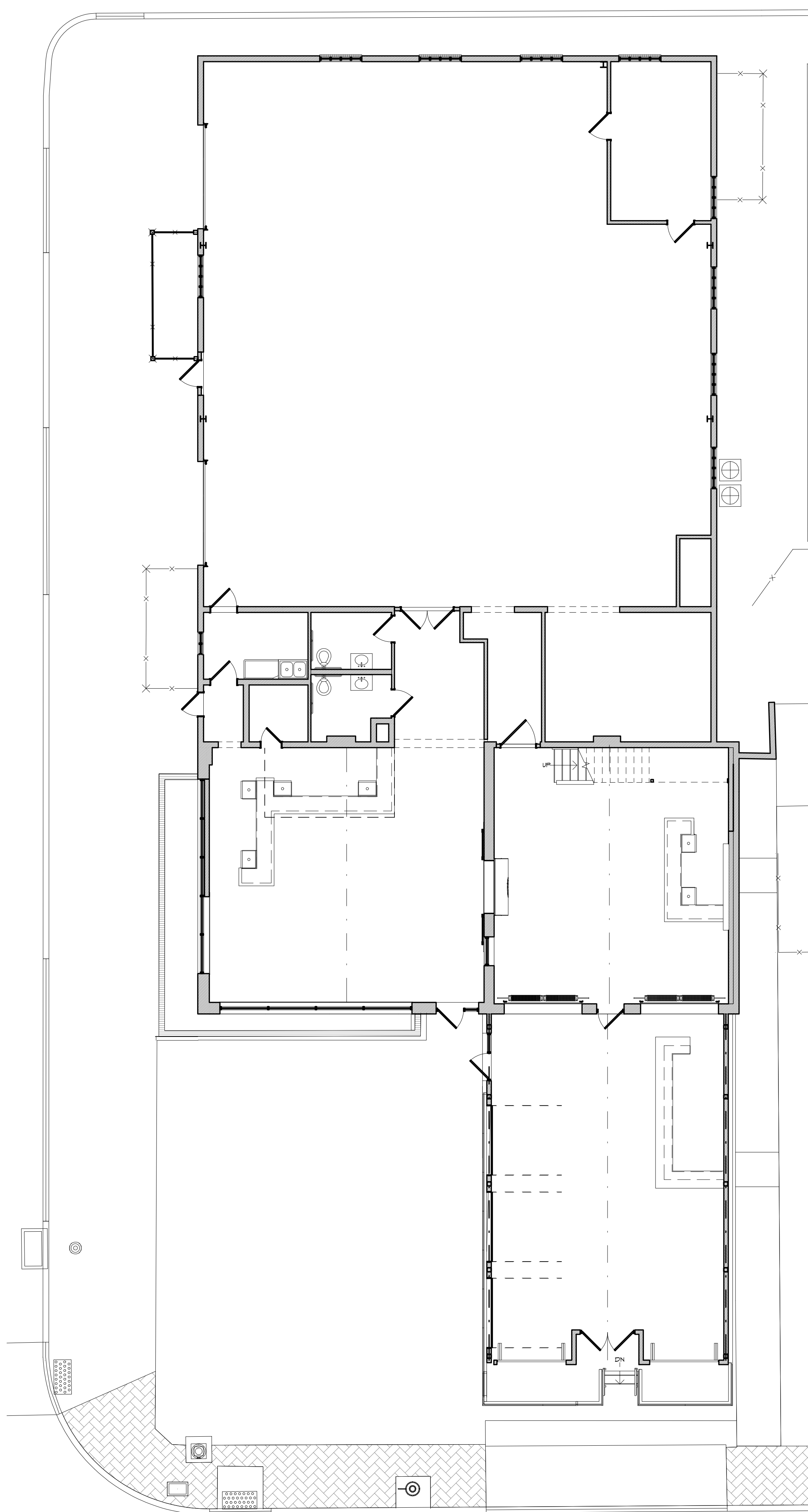




Intersection of Bridge Street & Church Avenue – 1 block from Bluebird



1 PLAN - SITE  
SCALE: 1/16" = 1'-0"



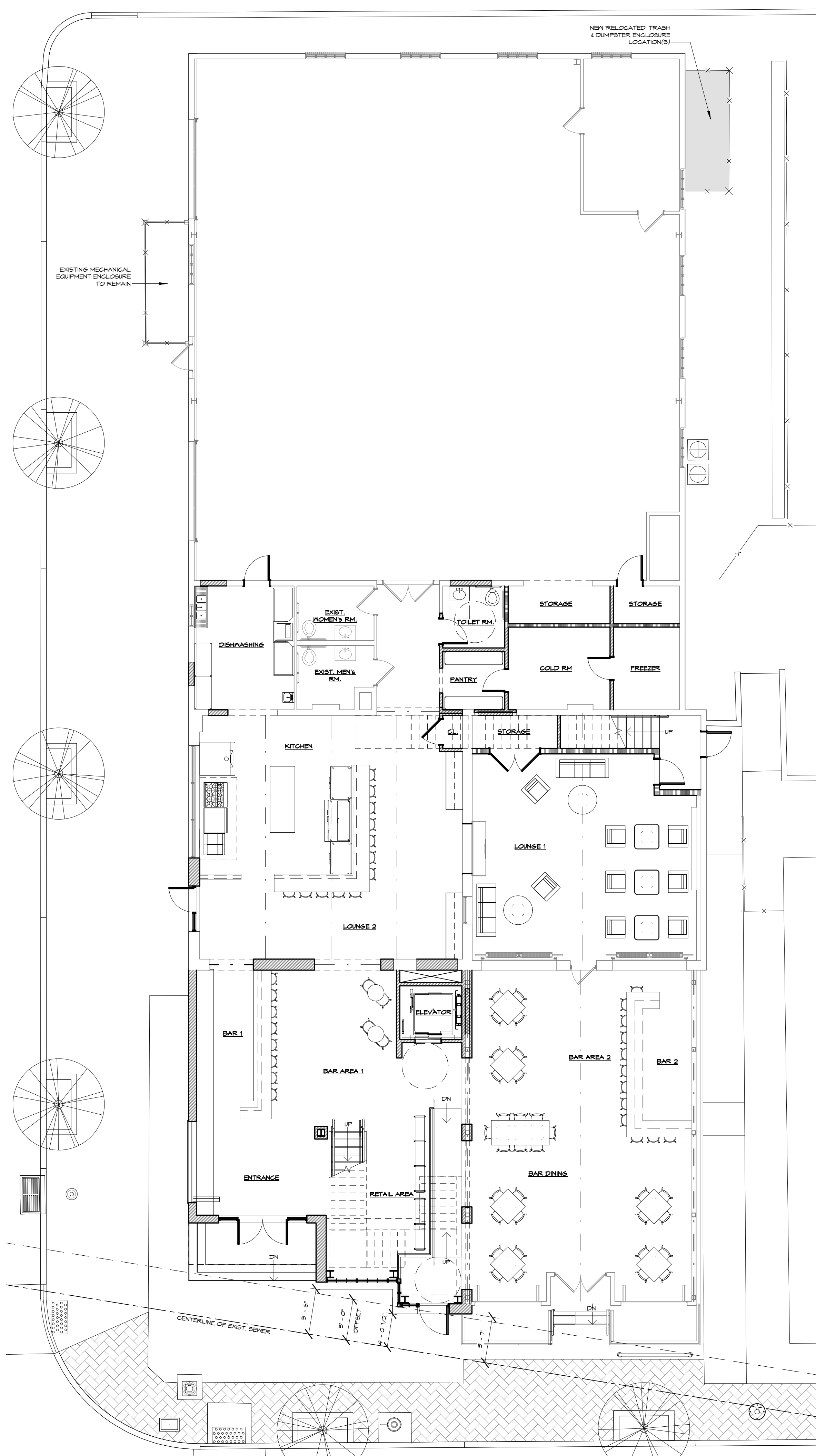
2 PLAN - EXISTING - FIRST FLOOR  
SCALE: 1/8" = 1'-0"

|                                                       |                                                                                                                                      |                     |                  |                 |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------|-----------------|
| ARCHITECTURAL<br>SITE & EXISTING<br>FIRST FLOOR PLANS | PROJECT NO:<br>220117                                                                                                                | PROJECT MGR: PJS    | DRAWN BY: MRK    | CHECKED BY: PJS |
|                                                       | DATE:                                                                                                                                | SCALE: As indicated | PROJECT MGR: PJS | DRAWN BY: MRK   |
| DRAWING NO:<br><b>SK-1</b>                            | ADDITION & RENOVATION FOR:<br><b>BLUEBIRD DISTILLING</b><br>100 Bridge Street, Phoenixville, PA 19460<br>The Borough of Phoenixville |                     |                  |                 |
| PROGRESS PRINT<br>NOT FOR CONSTRUCTION                |                                                                                                                                      |                     |                  |                 |

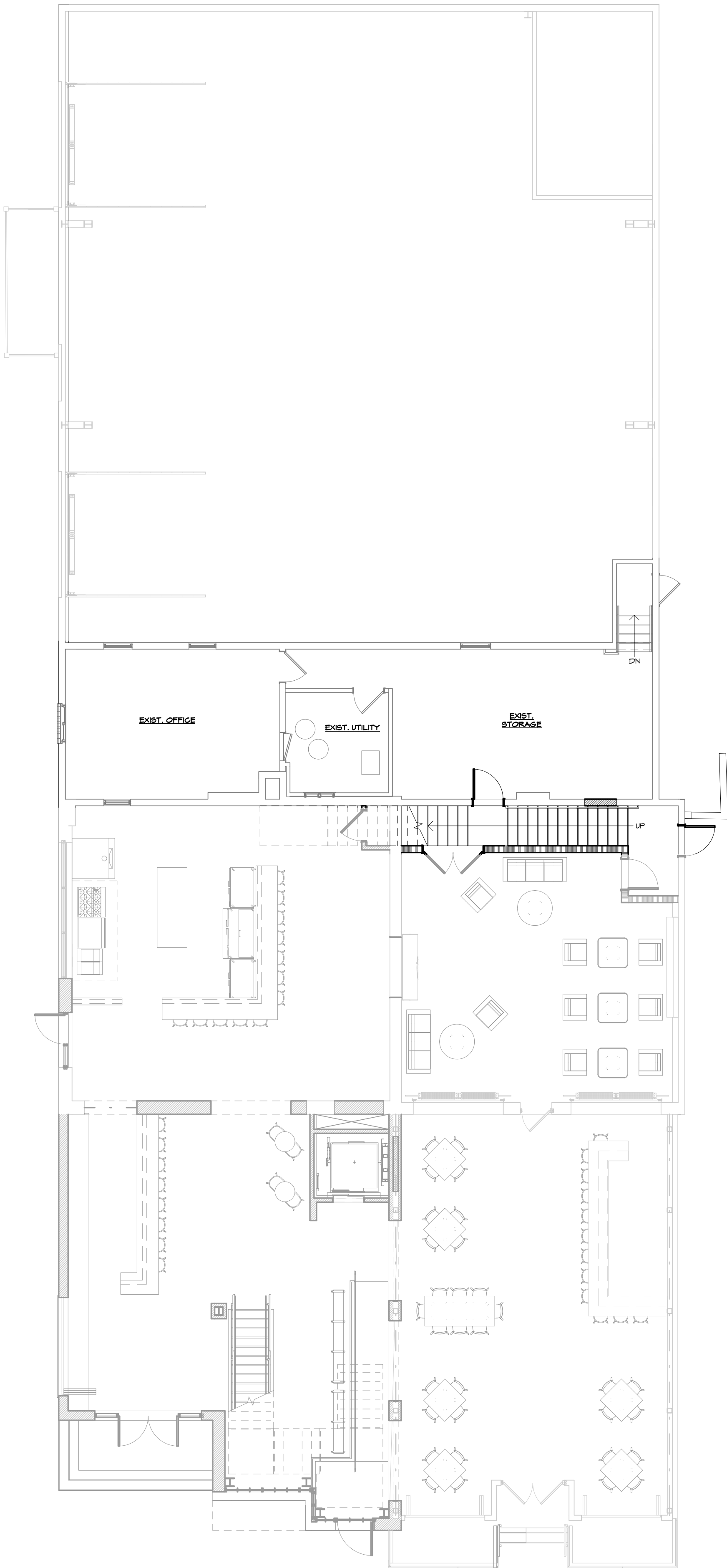
ARCUS  
DESIGN GROUP  
ARCHITECTS, INC.  
101 Church Street, Suite 10  
Phoenixville, PA 19381  
610-490-9900  
www.arcusdg.com



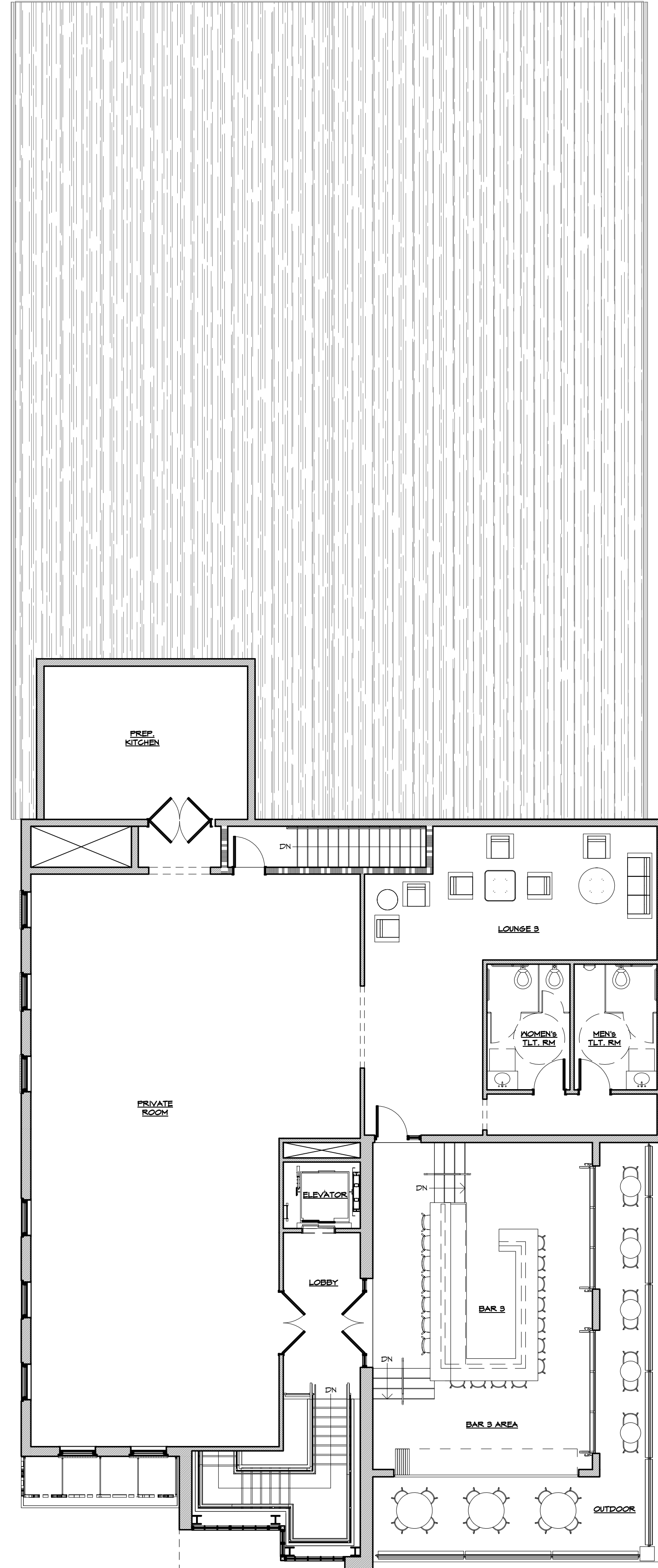
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C:\blue 2017\052017 - Bluebird Distilling (R) - proposed\SK-2.dwg



1 PLAN - PROPOSED - FIRST FLOOR  
SCALE: 1/8" = 1'-0"



2 PLAN - PROPOSED - MEZZANINE  
SCALE: 1/8" = 1'-0"



3 PLAN - PROPOSED - SECOND FLOOR  
SCALE: 1/8" = 1'-0"

ARCUS  
DESIGN GROUP  
ARCHITECTS, INC.  
101 Church Street, Suite 10  
Phoenixville, PA 19383  
610-447-9900  
www.arcusdg.com

ADDITION & RENOVATION FOR:  
**BLUEBIRD DISTILLING**  
100 Bridge Street, Phoenixville, PA 19460  
The Borough of Phoenixville

|              |              |
|--------------|--------------|
| PROJECT NO:  | 220117       |
| SCALE:       | 1/8" = 1'-0" |
| PROJECT MGR: | PJS          |
| DRAWN BY:    | MRK          |
| CHECKED BY:  | PJS          |

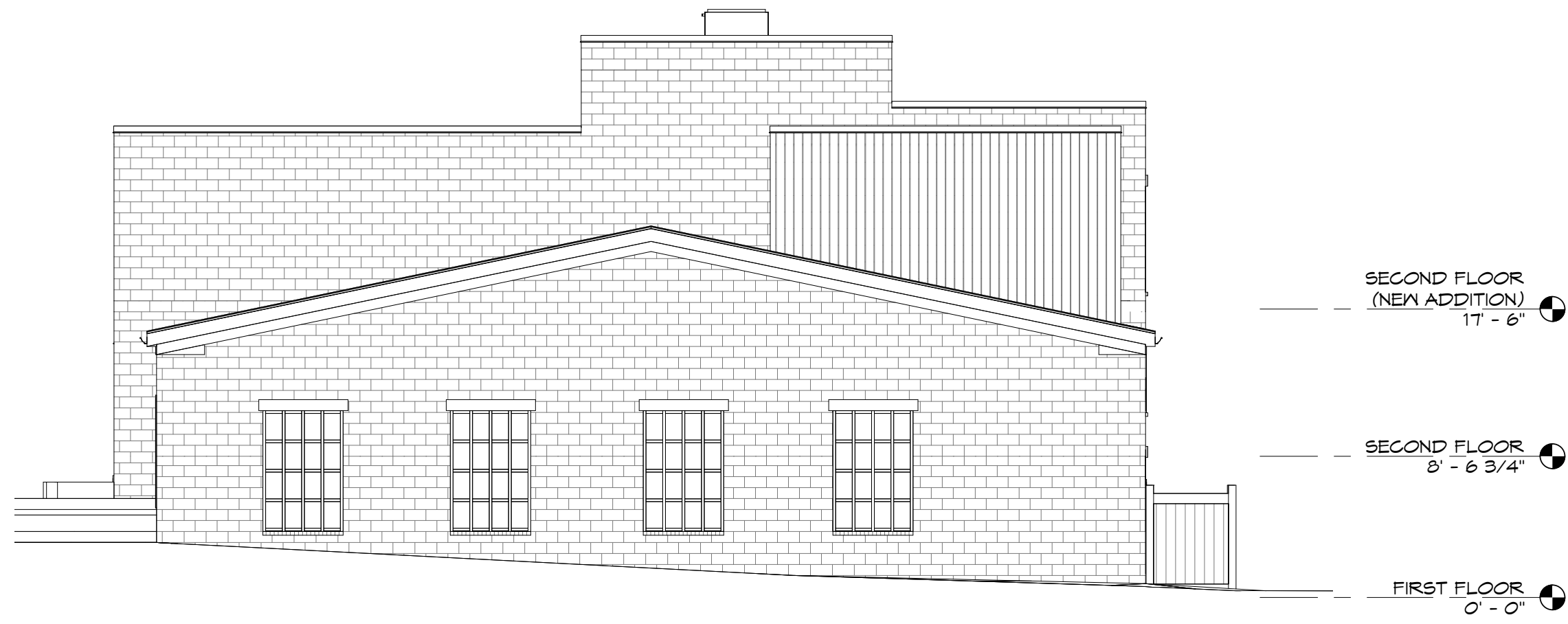
ARCHITECTURAL  
FIRST MEZZANINE &  
SECOND PROPOSED  
FLOOR PLANS  
DRAWING NO:  
**SK-2**

PROGRESS PRINT  
NOT FOR CONSTRUCTION





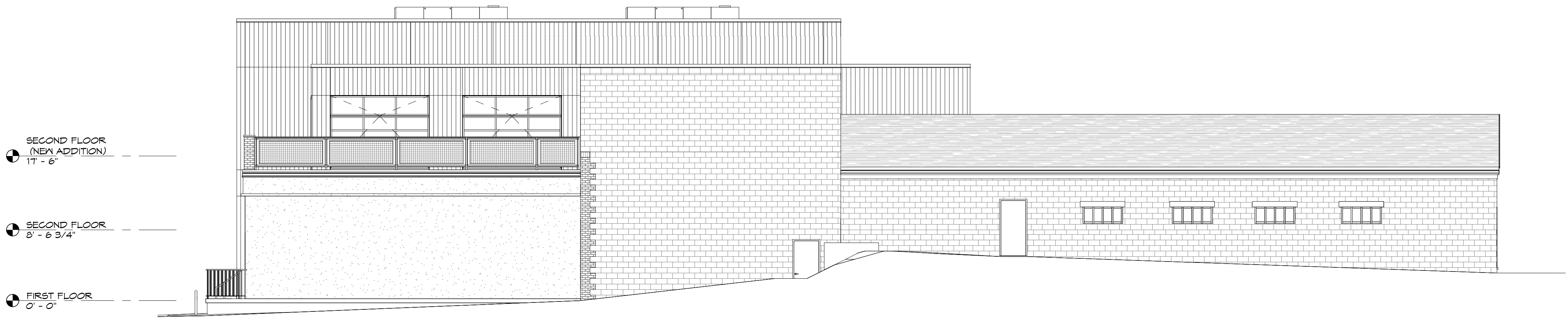
1 ELEVATION - PROPOSED - NORTH  
SCALE: 1/8" = 1'-0"



2 ELEVATION - PROPOSED - SOUTH  
SCALE: 1/8" = 1'-0"



3 ELEVATION - PROPOSED - EAST  
SCALE: 1/8" = 1'-0"



4 ELEVATION - PROPOSED - WEST  
SCALE: 1/8" = 1'-0"





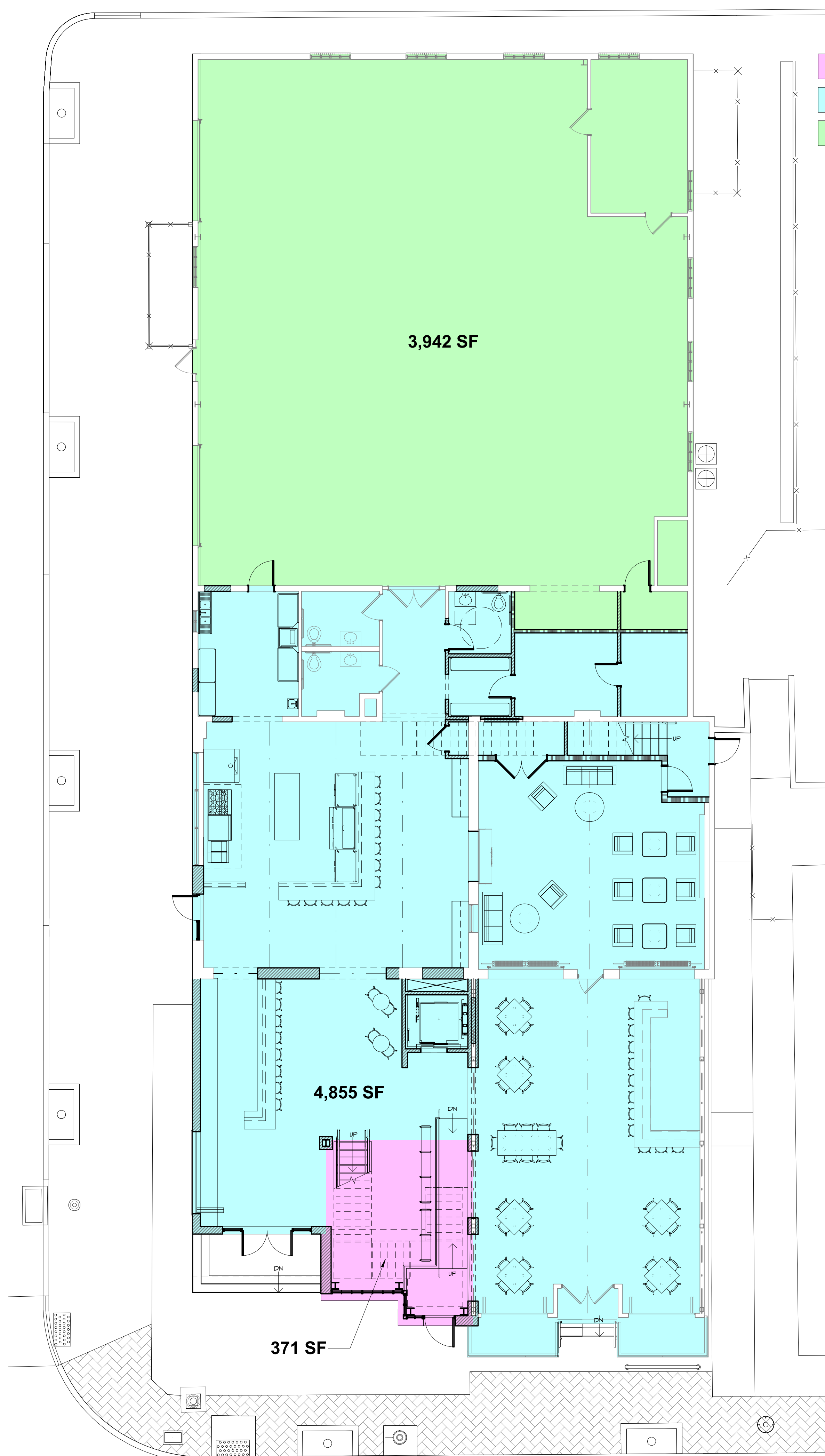
1  
SK-4  
PERSPECTIVE - EXTERIOR  
SCALE: N.T.S.



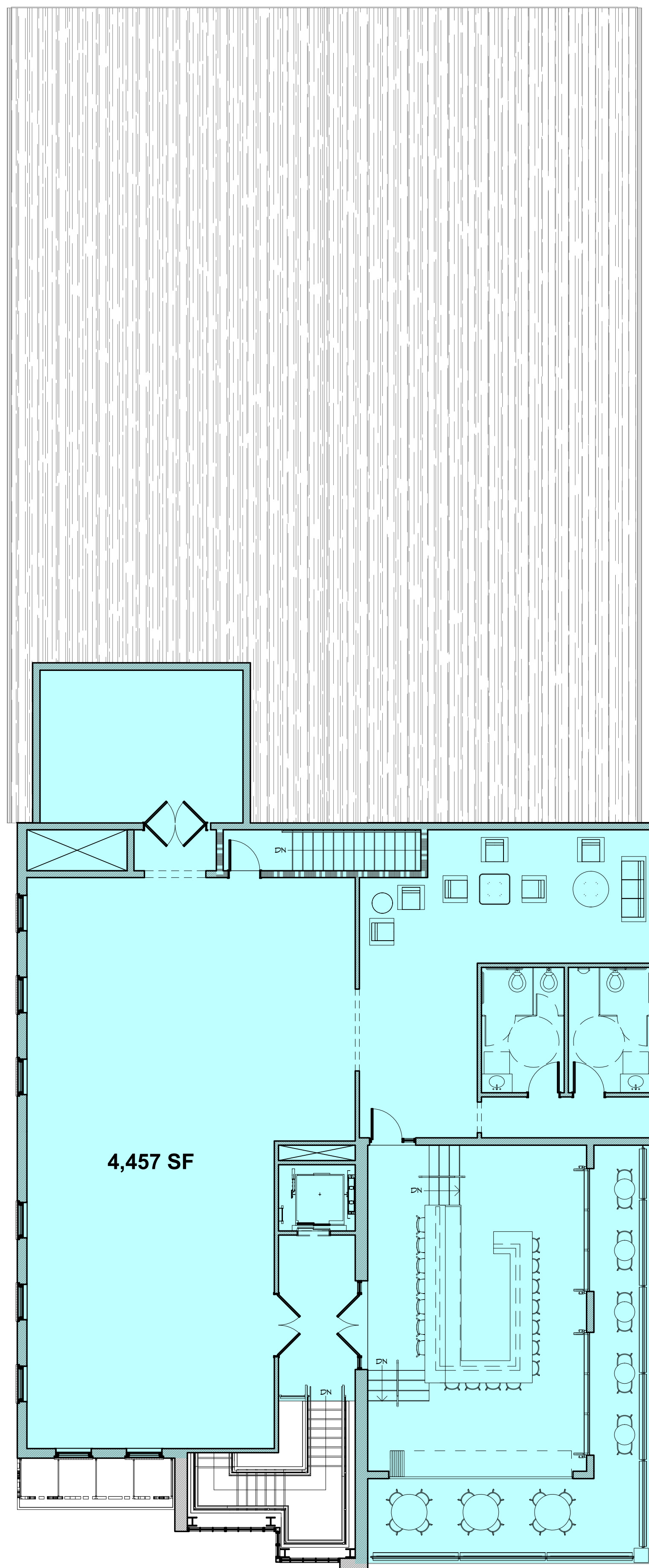
2  
SK-4  
PERSPECTIVE - EXTERIOR  
SCALE: N.T.S.



5/1/2023 3:19:58 PM  
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- B: BUSINESS
- A-2: ASSEMBLY
- F-1: FACTORY



- A-2: ASSEMBLY

1  
SK-5

PLAN - USE & OCCUPANCY LOAD - FIRST FLOOR  
SCALE: 1/8" = 1'-0"

2  
SK-5

PLAN - USE & OCCUPANCY LOAD - SECOND FLOOR  
SCALE: 1/8" = 1'-0"

ARCHITECTURAL  
FIRST & SECOND  
FLOOR USE &  
OCCUPANCY PLANS  
DRAWING NO:

SK-5

DATES:  
PROJECT NO:  
220117  
SCALE: 1/8" = 1'-0"

PROJECT MGR: PJS

DRAWN BY: MRK

CHECKED BY: PJS

PROGRESS PRINT  
NOT FOR CONSTRUCTION

ADDITION & RENOVATION FOR:

**BLUEBIRD DISTILLING**

100 Bridge Street, Phoenixville, PA 19460  
The Borough of Phoenixville

**ARCUS**  
DESIGN GROUP  
ARCHITECTS, INC.  
101 Church Street, Suite 10  
Phoenixville, PA 19380  
610-449-9900  
www.arcusdg.com





| EXISTING BUILDING               |          |             |
|---------------------------------|----------|-------------|
| SPACE                           | AREA     | OCCUPANCY   |
| <u>EXISTING FIRST FLOOR</u>     |          |             |
| EXISTING AREAS                  | 2,766 SF | 229 PERSONS |
| <u>EXISTING MEZZANINE FLOOR</u> |          |             |
| EXISTING OFFICE                 | 312 SF   | 3 PERSONS   |
| TOTAL                           | 3,068 SF | 232 PERSONS |
|                                 |          |             |
| PROPOSED BUILDING               |          |             |
| SPACE                           | AREA     | OCCUPANCY   |
| <u>FIRST FLOOR</u>              |          |             |
| ENTRANCE                        | 113 SF   | 1 PERSONS   |
| BAR 1                           | 182 SF   | 3 PERSONS   |
| BAR 1 AREA                      | 963 SF   | 51 PERSONS  |
| RETAIL AREA                     | 231 SF   | 3 PERSONS   |
| BAR 2                           | 89 SF    | 2 PERSONS   |
| BAR 2 AREA                      | 114 SF   | 16 PERSONS  |
| BAR DINING                      | 784 SF   | 52 PERSONS  |
| LOUNGE 1                        | 677 SF   | 45 PERSONS  |
| LOUNGE 2                        | 375 SF   | 53 PERSONS  |
| KITCHEN                         | 352 SF   | 2 PERSONS   |
| DISHWASHING                     | 181 SF   | 1 PERSONS   |
| <u>MEZZANINE FLOOR</u>          |          |             |
| OFFICE                          | 312 SF   | 3 PERSONS   |
| <u>SECOND FLOOR</u>             |          |             |
| PRIVATE ROOM                    | 1,552 SF | 103 PERSONS |
| PREP. KITCHEN                   | 296 SF   | 2 PERSONS   |
| LOUNGE 3                        | 537 SF   | 35 PERSONS  |
| BAR 3                           | 57 SF    | 2 PERSONS   |
| BAR 3 AREA                      | 366 SF   | 50 PERSONS  |
| OUTDOOR                         | 333 SF   | 22 PERSONS  |
| SUB-TOTAL (FIRST FLOOR)         | 3,461 SF | 229 PERSONS |
| SUB-TOTAL (MEZZANINE FLOOR)     | 312 SF   | 3 PERSONS   |
| SUB-TOTAL (SECOND FLOOR)        | 3,131 SF | 214 PERSONS |
|                                 |          |             |
| TOTAL                           | 6,904 SF | 446 PERSONS |

ADDITION & RENOVATION FOR:

## BLUEBIRD DISTILLING

100 Bridge Street, Phoenixville, PA 19460  
The Borough of Phoenixville

**ARCUS**  
DESIGN GROUP  
ARCHITECTS, INC.

101 Church Street, Suite 10  
Malvern, Pennsylvania 19355  
610.458.9900 Fax: 610.647.2883  
[www.arcusdg.com](http://www.arcusdg.com)

|                                                                             |                                                                        |  |  |  |                       |
|-----------------------------------------------------------------------------|------------------------------------------------------------------------|--|--|--|-----------------------|
| ARCHITECTURAL<br>FIRST & SECOND<br>FLOOR PLANS &<br>OCCUPANCY LOAD<br>PLANS | DATES:                                                                 |  |  |  | PROJECT NO:<br>220111 |
|                                                                             |                                                                        |  |  |  | SCALE: As Indicated   |
|                                                                             |                                                                        |  |  |  | PROJECT MGR: PJS      |
|                                                                             |                                                                        |  |  |  | DRAWN BY: MRK         |
|                                                                             |                                                                        |  |  |  | CHECKED BY: PJS       |
| DRAWING NO. SK-6                                                            | <div> <div>PROGRESS PRINT</div> <div>NOT FOR CONSTRUCTION</div> </div> |  |  |  |                       |
|                                                                             | 05-11-2023                                                             |  |  |  |                       |







**Personnel and Public Safety Committee Meeting**

**Monday, June 5, 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). Deputy Chief Dixon – 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.

Ms. Burckley noted receipt of the reports and asked if there were any questions or additional information to provide.

Chief Brazunas reported that 16 of the 18 Part Time employees had completed all of the requirement to become Borough employees.

B. Motion to recommend the Finance Committee authorize the funding of a Compliance Officer position in Public Works.

Mr. Watson provided additional background on the need for such a position based on continually increasing regulatory requirements at both the water and waste water plans.

Ms. Burckley made a Motion to recommend the Finance Committee authorize funding the position. Second by Mr. Weiss. Motion passed 2-0.

C. Review Sign Request – Brower Street

Ms. Burckley noted the information provided by the Police Department and agrees with their conclusion that a sign would not be warranted. With no further discussion or action by the Committee, the application is deemed a denial.

D. Discuss WTP position.

Mr. Krack stated that there was Staff discussion regarding adding an Assistant Superintendent position to the water treatment plant, but that if Council concurs with the addition of the Compliance Officer position, it would give more time to review whether a need for both exists. No further action was requested of the Committee.

E. Review C & C Proposal

Mr. Krack provided background on previous efforts to review salary and compensation across all staff levels. He reported that the HR Department asked the company to provide a proposal to give Staff and Council a review of what a professional report would provide should there be a desire to review salary and compensation at a later time.

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

Ms. Burckley expressed to the public the need to continually fill these needed positions.

V. Current Focus Business

A. PXV Inside Out

Ms. Getzfread reported on the first two weekends and how successful they were. She reported that feedback from merchants was that they would like to see the opening occur at the beginning of May next year.

B. Emergency Management.

Mr. Krack reported that he has been updating the information and would call a meeting of the EOC to review the updates.

A. Community Policing

Nothing new to report.

VI. Public Participation - None

VII. Executive Session - None

VIII. Adjournment at 6:40 pm by Mr. Weiss.

Next Meeting Date: Monday, July 3, 2023 at 6:00 pm.

**Parks and Recreation Committee Meeting**  
**Monday, May 15, 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 6:00 pm
- II. Public Participation on Non-Agenda Items - None
- III. Presentations - None
- IV. Committee Member Updates/Discussions

Ms. Gibbons reported the Mountain Bike Park would hold a ribbon cutting on Thursday, June 1 and open house on Saturday, June 3.

- V. New Business

- A. Motion to recommend Borough Council approve a Temporary Community Event Application for the Rhythm and Brews in the Main and Bridge Street Parking Lot on Saturday, June 24, 2023, Saturday, August 19, 2023 and Saturday, September 16, 2023 from 6:00pm to 10:00 pm. Main and Bridge Street Lot to be used consistent with existing street closure. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council to approve the Temporary Community Event Application. Seconded by Mr. Weiss. Motion approved 4-0

- B. Motion to recommend Borough Council approve a Temporary Community Event Application for the Blobfest 5K, 10K, and Half Marathon on the Schuylkill River Trail on Sunday, July 16, 2023 from 7:00 am to 11:00 am. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council to approve the Temporary Community Event Application. Seconded by Mr. Weiss. Motion approved 4-0

- C. Motion to recommend Borough Council approve a Temporary Community Event Application for the Phoenixville VegFest in Reeves Park on Saturday, August 5, 2023 from 12:00 pm to 5:00 pm. Third Avenue between Main Street and Starr Street to be closed from 9:00 am to 7:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council to approve the Temporary Community Event Application. Seconded by Mr. Weiss. Motion approved 4-0



- D. Motion to recommend Borough Council approve a Temporary Community Event Application for the Phoenixville VegFest in Reeves Park on Sunday, August 6, 2023 from 12:00 pm to 5:00 pm. Third Avenue between Main Street and Starr Street to be closed from 9:00 am to 7:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Weiss made a Motion to recommend Borough Council to approve the Temporary Community Event Application. Seconded by Ms. Dugan.

On the Question: Mr. Weiss asked whether there would be a refund if the rain date was not used. Ms. Getzfread responded that the current policy is to not refund.

Motion approved 4-0

VI Public Participation - None

VII. Adjournment at 6:09 pm

Next Meeting Date: Tuesday, June 20, 2023 at 6:00 pm

**Policy Committee Meeting  
Tuesday, May 23, 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 7:00 pm

II. Public Participation

Stephen Lutfy stated his concerns regarding lighting from a neighboring property on his property on Dianna Drive. He stated that he has yet to receive a viable answer to his questions from the Code Director.

David Saneck stated that the road lighting on Dewey Drive was out.

David Lutzker stated the he appreciates the Borough putting forth the ordinance on Plastics. He would like to see additional information on plastic cutlery, plastic cups and better definitions regarding single use and reusable plastic bags.

III. Presentations - None

IV. Committee Member Updates/Discussions

Mr. Kirkner stated that the Codes Director has provided appropriate responses to the lighting concerns and that sometimes those are in fact the final responses and no further explanations are necessary.

V. New Business

A. Motion to recommend Borough Council schedule and advertise an Ordinance amending Chapter 10, Health and Safety, by adding a new Part 5 Plastics.

Mr. Ewald made a Motion to recommend Borough Council schedule and advertise the ordinance. Seconded by Ms. Burckley.

On the question:

Mr. Ewald stated that the current proposed ordinance is a good start on the reduction of plastics. He does not see the need to add anything at this time but that Council has a good history of monitoring these things and has previously

made adjustments to ordinances in the past and would likely do the same in this instance.

Ms. Burckley stated that she too agrees with Mr. Ewald and that this is a chance for the Borough to move forward but also leaving room to expand as they learn more.

Motion passed 3-0.

VI. Current Focus Business

A. Discussion regarding HARB/Sign review and approval.

The Committee determined this could be removed from the Agenda as the Zoning Ordinance Task Force would be reviewing this as they work to update the Zoning Ordinance.

B. Enforcement of bans on reproductive health services.

VII Adjournment at 7:35 by Ms. Burckley.

Next Meeting Date: Tuesday, June 27, 2023 at 7:00 pm.

## **ORDINANCE 2023 -**

### **AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF PHOENIXVILLE, AS AMENDED, CHAPTER 10, "HEALTH AND SAFETY," BY ADDING A NEW PART 5 "PLASTICS".**

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

**Section 1.** Chapter 10, "Health and Safety" is hereby amended by adding a new  
Part 5 "Plastics" it in its entirety:

#### **Part 5                      PLASTICS**

##### **§ 10-501        Purpose and Intent.**

The purpose of this Part is to encourage consumers and Commercial Establishments within the Borough to help reduce the use and environmental impact of single-use plastics by promoting the use of reusable bags, utilizing alternatives to single-use plastic straws, training employees to ask consumers first before providing a single use plastic item, and substituting other biodegradable products for polystyrene containers.

##### **§ 10-502        Definitions.**

For purposes of this Part, the following definitions shall apply:

#### **BOROUGH**

The Borough of Phoenixville.

#### **COMMERCIAL ESTABLISHMENT**

Any person, corporation, partnership, business venture, vendor, or retail sales establishment located within the Borough that regularly sells, rents, or provides food, merchandise, goods, or materials, whether perishable or nonperishable, for direct use or consumption and not for resale, whether or not for profit, including, but not limited to: restaurants (eat-in and/or take-out food), food trucks, farmers' markets, bars, hospitals, pharmacies, convenience and grocery stores, seasonal and temporary businesses or markets, service stations, delicatessens, retail stores, delivery services, or other similar nonresidential uses.



**COMPLIANT BAG**

The following:

1. Recyclable Paper Bag.
2. A Reusable Bag.

**COMPLIANT STRAW**

A straw or drink stirrer made from paper, bamboo, agave, or other non-plastic content.

**CONSUMER**

Any person, organization, or entity receiving goods or services from a Commercial Establishment.

**POST-CONSUMER RECYCLED MATERIAL**

A material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle.

**PRODUCT BAG**

A very thin bag without handles used as follows inside a Commercial Establishment:

1. A bag used to package bulk items such as fruit, vegetables, nuts, grains, or candy, such as a produce bag;
2. A bag used to contain or wrap meats or fish; to contain unwrapped prepared foods or bakery goods;
3. A bag used solely to contain live animals, such as fish or insects sold in a pet store;
4. A bag sold in packaging containing multiple bags and packaged at the time of manufacture of the bag; or
5. A bag to contain or wrap flowers, potted plants, or similar items; or to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level.

**DISTRIBUTE or PROVIDE**

The vending, sale, giving, deployment, or delivering for any purpose of a single-use carry-out plastic bag, a single-use plastic straw, or polystyrene container whether or not incident to the sale, vending, or production of any merchandise or beverage.

**POLYSTYRENE CONTAINER**

A nonrecyclable plastic disposable food or drink container made of synthetic resin of polystyrene (one example is known as Styrofoam®) which is for single use and intended for serving or transporting ready-to-eat food or beverages. This definition includes cups, plates, trays, bowls, and hinged or lidded containers, but does not apply to cup lids.

**RECYCLABLE**

Material that can be sorted, cleansed and reconstituted using available recycling programs for the purpose of reusing the altered or converted waste for use in new materials.

**RECYCLABLE PAPER BAG**

A paper bag that meets all of the following criteria:

1. Is 100% recyclable;
2. Contains no old growth fiber;
3. Contains a minimum of 40% post-consumer recycled fiber; and
4. Displays the word "recyclable" in a highly visible manner on the outside of the bag, and is labeled with the name of the manufacturer, the location (country) where manufactured, and the percentage of post-consumer recycled content in an easy-to-read size font.

**REUSABLE BAG**

A bag that meets all of the following criteria:

1. Is designed and manufactured to withstand repeated uses over time;
2. Is made of cloth, fabric, cornstarch, or other non-plastic material that is specifically designed and manufactured for multiple reuses;
3. Is machine washable or can be cleaned and disinfected regularly; and
4. Has the capability of carrying a minimum of 18 pounds.

**SINGLE-USE CARRY-OUT PLASTIC BAG**

A bag that is made predominantly of plastic and is made using a blown-film extrusion process, provided at the check-out stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment. A single-use plastic carry-out bag shall not include any of the following:

1. Product bags;
2. Laundry or dry-cleaner bags, including bags provided by hotels to guests to contain wet or dirty clothing;
3. Bags used to contain a newspaper for home delivery;
4. Bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags or pet waste bags; or
5. Any bags provided for use by a Commercial Establishment operated by the Commonwealth of Pennsylvania, or otherwise provided by a federal, Commonwealth, or local government agency.

### **SINGLE-USE PLASTIC STRAW OR STIRRER**

A straw which is made predominantly of plastic and which is primarily intended for a single use. The term shall also include a plastic stirrer, a device used to mix beverages, intended for a single use, and made predominantly from plastic. The term single-use plastic straw or stirrer shall not include straws or stirrers composed of non-plastic materials, such as bamboo, sugar cane, agave, wood, or paper. The term single-use plastic straw or stirrer shall not include straws provided under any of the following circumstances:

1. When provided with a beverage on private property used as a residence.
2. When provided by a state, federal or local government agency.
3. When packaged with beverages prepared and packaged outside of the Borough, provided such beverages are not altered, packaged or repackaged within the Borough.
4. When provided as an assistance device to reasonably accommodate a disability.

### **STRAW**

A tube designed or intended for transferring a beverage from its container to the mouth of the drinker by suction or for the stirring of a beverage.

§ 10-503      **Single-Use Carry-Out Plastic Bags Restricted.**

1.      Restrictions on Single-Use Carry-Out Plastic Bags.

Except as provided in this section, beginning March 1, 2024, no Commercial Establishment or operator shall provide a single-use carry-out plastic bag to a consumer at the check-out, stand, cash register, point of sale, or other point of departure for the purposes of transporting food or merchandise out of the Commercial Establishment.

2.      Permitted Bags.

A.      A Commercial Establishment may make available for sale to a consumer, a recyclable paper bag for a mandatory, uniform charge of \$0.10 per recyclable paper bag.

- (1)      Any charge for a recyclable paper bag shall be separately stated on a receipt provided to the consumer at the time of sale and shall be identified as the "paper carry-out bag charge" thereon.
- (2)      All monies collected by a Commercial Establishment for the sale of recyclable paper bags under this section may be retained and used by the Commercial Establishment for any lawful purpose.
- (3)      All Commercial Establishments must post within such Commercial Establishment signage clearly indicating the per bag charge for recyclable paper bags.
- (4)      No Commercial Establishment shall rebate or otherwise reimburse a consumer any portion of the charge required in this Subsection 10-503.2.A, except as provided in Subsection 10-503.2.A(5) below. Any waiver of the charge by the Commercial Establishment or any reimbursement in any form to a consumer for any portion of the charge for the provision of a recyclable paper bag is a violation of this section.
- (5)      A Commercial Establishment which collects a charge for a recyclable paper bag shall exempt a consumer from the fee when that consumer uses an electronic benefits transfer (EBT) card or is using a payment card or voucher issued by the Supplemental Nutrition Assistance Program (SNAP) or Special Supplemental Nutrition Program for Women, Infants and Children (WIC).



- B. A Commercial Establishment may make available for sale a reusable bag to a consumer, for a fee not less than ten cents (\$0.10) per bag. The requirements of Section 10-503.2 applicable to recyclable paper bags shall further apply to any supplied reusable bags.

3. Signage Requirement.

- A. From the effective date of this Part through February 29, 2024, Commercial Establishments shall be required to post at all check-out stands, cash registers, points of sale, or other points of departure from the Commercial Establishment, conspicuous signage which shall:
  - (1) Inform consumers, patrons, or users of the Commercial Establishment that single-use carry-out plastic bags will no longer be provided by the Commercial Establishment as of the date the prohibition begins;
  - (2) State the mandatory, uniform charge per bag for any compliant bag that will be provided by the Commercial Establishment;
  - (3) Provide the date such charges for compliant bags will begin to be collected;
  - (4) Explain what types of bags and uses are impacted; and
  - (5) Provide any other information the Borough may require by regulation.

4. Permitted Bags and Carry-Outs.

- A. Nothing in this section shall be construed to prohibit consumers, patrons, or users of the Commercial Establishment from:
  - (1) Using bags of any type that the consumers, patrons, or users of the Commercial Establishment bring to the Commercial Establishment for their own use or
  - (2) Carrying away from the Commercial Establishment by other means any items that are not placed in a bag provided by the Commercial Establishment.
- B. Nothing in this section shall be construed to prohibit the retail sale of compliant bags to consumers, patrons and users of the Commercial Establishment.

§ 10-504      **Prohibition Against Single-Use Plastic Straws and Polystyrene Food Containers.**

1.      Beginning March 1, 2024, Commercial Establishments are prohibited from providing single-use plastic straws or polystyrene containers to a consumer, customer, patron, or user of the Commercial Establishment under any circumstance, unless subject to an exemption. The prohibition set forth in this section shall not apply to single-use plastic straws or polystyrene containers as follows:
  - A.      Where multiple single-use plastic straws or polystyrene containers are grouped and sold in a single package, which package was prepared and sealed by the manufacturer of such items at the time of their manufacture;
  - B.      Where an individual single-use plastic straw or polystyrene container is included as a part of a pre-packaged product where such single-use plastic straw or polystyrene containers is ancillary to the primary products, and such package was prepared and sealed by the manufacturer of such items at the time of their manufacture; or
  - C.      Are ultimately sold to consumers for business use.

§ 10-505      **Exemptions.**

1.      Borough Council may, in its sole discretion, upon written request of a Commercial Establishment, exempt a Commercial Establishment from the requirements of this Part for a period of not more than one year from the effective date upon a finding by the Council that the requirements of this section would cause undue hardship to the Commercial Establishment. Borough Council may make a finding of undue hardship only in the following circumstances or situations, and any exemptions that may be provided by the Council pursuant hereto may, in the Council's discretion, contain conditions:
  - A.      The Commercial Establishment has a unique circumstance or situation such that there are no reasonable alternatives to single-use carry-out plastic bags, single-use plastic straws, or polystyrene containers;
  - B.      Compliance with the requirements of this section would deprive a Commercial Establishment of a legally protected right;
  - C.      Additional time is necessary in order to draw down an existing inventory held by the Commercial Establishment of single-use carry-out plastic

bags, single-use plastic straws, or polystyrene containers and a request for relief pursuant to this Subsection 10-505.1.C is submitted to the Borough within 180 days from the effective date of this Ordinance.

**§ 10-506      Enforcement and Penalties.**

1. The Borough Manager or their designee(s) shall have the primary responsibility for enforcement of this Part.
2. Failure of any Commercial Establishment, to comply with the provisions of this Part or any section thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay fines as set forth in this section, plus costs.
3. If the Borough Manager or their designee(s) determines that a violation under this section has occurred, and such violation is the first such violation of the Commercial Establishment noted hereunder, the Borough Manager or their designee(s) shall issue a written warning ("written warning") to the Commercial Establishment which shall notify the Commercial Establishment that the violation has occurred. No other written warning of any kind shall be required at any time under this Part.
4. If the Borough Manager or their designee(s) determines that a violation under this section has occurred, and such violation occurs after the Commercial Establishment has been previously warned pursuant to the preceding paragraph, then the first such violation subsequent to the written warning ("first violation") shall be punishable by a fine not to exceed \$250.
5. Each violation of the Commercial Establishment subsequent to the first violation and occurring within 12 months of the first violation ("initial twelve-month period") shall be punishable by a fine not to exceed \$500.
6. For the purposes of this section, a new twelve-month period will begin on the one-year anniversary of the most recent violation ("subsequent twelve-month period"). The first violation to occur after each subsequent twelve-month period shall be punishable by a fine not to exceed \$250 with each subsequent violation punishable by a fine not to exceed \$500.
7. The Borough may institute suits, in equity or at law, to restrain, prevent, or abate a violation of this section. Such proceedings may be initiated before any court of competent jurisdiction. The expense of such proceedings shall be recoverable from the violator in any manner as may now or hereafter be provided by law.

**Section 2.** 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, sections or parts hereof. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 3.** All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

**Section 4.** This Ordinance shall become effective upon enactment as provided by law.

**PASSED** by Borough Council this 11th day of July, 2023.

By: \_\_\_\_\_  
Jonathan M. Ewald  
President, Borough Council

**APPROVED** by the Mayor, this 11th day of July, 2023.

By: \_\_\_\_\_  
Peter J. Urscheler  
Mayor

**ENACTED** this 11th day of July, 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 11th day of July, 2023.

By: \_\_\_\_\_  
E. Jean Krack  
Borough Manager/Secretary



**INFRASTRUCTURE, TECHNOLOGY, TRANSPORTATION, AND SUSTAINABILITY (ITTS)  
COMMITTEE MEETING  
Monday, May 15, 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 7:00 pm
- II. Public Participation on Non-Agenda Items - None
- III. Committee Member Updates/Discussions - None
- IV. New Business - None
- V. Infrastructure Updates
  - A. Engineering Reports (Jan, Apr, Jul, Oct)  
Nothing new to report this month.
  - B. Stormwater Management  
Mr. Krack reported the Borough Engineers were in the field collecting all of the needed data and expects they will have a report and map for the next meeting in June.
  - C. The Phoenix Wheel  
Mr. Krack reported the Borough is working through the contract documents with the Department. He also reported that Staff met with Barbara Cohen \*SRHC) and her consultant for reconstructing the wheel. He provided them with the many things the Borough still had to do and an estimated timeline before any work under the auspices of the contract could be conducted.
- VI. Transportation Updates
  - A. Starr and Nutt Intersection  
  
Mr. Krack reported there was a Request for Information (RFI) regarding a stormwater inlet which needed verification as to whether it was in the project area or not which would determine how the repair would be fixed. He noted that the Notice to Proceed was still being estimated as the middle of July.
  - B. Bridge and Starr Street  
  
Mr. Krack reported the Borough submitted a CRP Grant application to the County for \$950,000 towards the project. In his meeting with the Commissioner, he emphasized the important of this intersection towards the proposed Amtrak train station location.

C. Paradise and Hall Street

Mr. Krack reported the Paradise Street Project was now out to bid. Bids are due back by June 8 and a recommendation should be ready for Borough Council decision at their June 13 meeting. He also reported that the owner of 425 Bridge Street had filed for a Board of View regarding the just compensation provided for the ROW area the Borough acquired.

D. Mowere Road

Mr. Krack reported that he is working with the Borough Engineer and Solicitor to secure a small area of ROW along the road. He stated that in earlier conversations with the owner of the property, that they were willing to work amicably with the Borough. He expects the letter and exhibits to go out later this week. He also noted there were utility issues that currently have a pretty long lead time. He expects once these items are completed later this year, the Borough could put the project out to bid over the winter and be positioned to start construction in early Spring 2024.

E. North Street

Mr. Krack reported that the survey information is being finalized for the needed ROW area and that he will work with the Borough Engineer and Solicitor to prepare the needed letters and exhibits for the various property owners.

F. French Creek Trail

Mr. Krack reported the information regarding the loss of creek bank area due to Hurricane IDA created the need to acquire additional space. A meeting with Tague Lumber owners is scheduled for Wednesday. He also noted the Borough submitted a grant request to DCNR to make repairs to the bank area and that the estimated cost is near \$500,000. This will be discussed with the property owners as well.

G. Train Station

Mr. Krack reported that no new information was available at this time although he was aware a meeting was being planned for June and would advise of when that is known.

VII. Sustainability Updates

A. PXVNEO

Mr. Watson reported the system went through an initial start up on May 1. The system shutdown due to various programming issues with several of the sensors. Our team is working with the folks in Switzerland to resolve those and anticipates a new start up in the next couple of weeks. This of course will delay any ribbon cutting event. He also noted that the conveyor system should arrive in the second week of June. This will aid in the storage and transfer of the Hydrochar.

B. EV Charging Stations

Mr. Krack reported All Phase would be on site in the next day or so to start trenching for the conduit for EV stations in the Borough parking lot. He also noted that a second set of conduit would be placed in the trench so that utilities for the area of The Wheel project would have them available.

C. Municipal Building Solar Proposal

Mr. Krack reported the Borough Engineer was working on the plans as approved in their proposal. Once the information is gathered, Staff can then look for funding opportunities to install the system.

VIII. Technology Updates

A. Website

Nothing new to report.

B. Microphone System

Ms. Getzfread provided background on the myriad of problems associated with the current microphone system and gave information on the proposal to replace the system.

Ms. Burckley made a Motion to recommend the proposal go to the Finance Committee for consideration and approval of the funding as a Budget Increase. Seconded by Ms. Webb. Motion passed 4-0.

IX. Public Participation - None

X. Adjournment 7:40 by Ms. Burckley.

Next Meeting Date: Tuesday, June 20, 2023 at 7:00 pm

**FINANCE COMMITTEE MEETING**  
**Tuesday, May 23, 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 6:00 pm
- II. Public Participation - None
- III. Committee Member Updates/Discussions - None
- IV. New Business
  - A. Motion to recommend Borough Council approve the 2023 Pre-Paid dated 4/1/2023 - 4/30/2023 in the amount of \$1,703.506.85.  
  
Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald. Motion passed 4-0.
  - B. Motion to recommend Borough Council approve the 2023 Pre-Paid Credit Card Statement dated 4/1/2023 - 4/30/2023 in the amount of \$92,273.06.  
  
Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald. Motion passed 4-0.
  - C. Motion to recommend Borough Council approve the 2023 Pre-Paid ACH dated 4/30/2023 in the amount of \$31,486.24.  
  
Mr. Kirkner made a Motion to recommend approval. Seconded by Mr. Ewald. Motion passed 4-0.
  - D. Motion to recommend Borough Council approve the Budget Increase 2023-16 in the amount of \$42,582.00 from General Fund Balance to General Capital Project Fund (Council Chamber Microphone Upgrade) to acquire a new microphone system for Borough Council Chambers.  
  
Mr. Ewald made a Motion to recommend approval. Seconded by Mr. Kirkner. Motion passed 4-0.
  - E. Motion to recommend Borough Council approve the Budget Increase 2023-17 in the amount of \$9,760.00 from Waste Water Fund Balance to Waste Water Sewer Treatment (HTC Biosolids Construction) for training on the new Schwing Pump.



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

On the Question: Mr. Watson provided background on the necessity to have such training.

Motion passed 4-0.

- F. Motion to recommend Borough Council adopt a Resolution to designate and appropriate funding for Borough Council initiatives using ARPA Funds.

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

On the Question: Mr. Krack provided background on the Resolution and the process for allocating the ARPA for various Borough capital projects.

Motion passed 4-0.

- G. Update on the use and reimbursement of PCCD Grant of \$309,889 for the "Cody Records Management & equipment."

Ms. Koza-Lubinsky provided background information on the use of the funds over a two year period. She also stated that there was no match for this funding. Mr. Krack asked whether there would need to be a budget line item in 2024 for software licensing. Ms. Koza-Lubinsky stated she believed the annual amount was approximately \$6,000 and would be included in the 2024 budget.

- V. Adjournment at 6:16 by Mr. Kirkner.

Next Meeting Date: Tuesday, June 27, 2023 at 6:00 pm