PHOENIXVILLE BOROUGH COUNCIL

Tuesday, August 8, 2023
7:00 PM

AGENDA

I. Pledge of Allegiance/Moment of Silence

II. Roll Call – Borough Manager

III. Presentations

A. Swearing in of Patrol Officer Brian White.

IV. Public Participation

V. Consent Agenda

A. Approval of the July 11, 2023 Regular Meeting Minutes.

B. Items from Finance Committee:

1. Motion to approve the 2023 Pre-Paid dated 6/1/2023 - 6/30/2023 in the amount of $1,259,576.90.

2. Motion to approve the 2023 Pre-Paid Credit Card Statement dated 6/1/2023 - 6/30/2023 in the amount of $129,293.21.

3. Motion to approve the 2023 Pre-Paid ACH dated 6/30/2023 in the amount of $39,734.60.

4. Motion to approve Budget Increase 2023-022 in the amount of $21,500 from General Fund Balance to Streets Department (Contracted Services) for emergency inlet repairs in various locations.

5. Motion to approve the Budget Transfer Request 2023-08 in the amount of $9,151 from General Capital Project Fund – Streets Department (LED Lights – PW Bldg) to (Mower Attachment) for purchase of New Holland Mower Attachment.

6. Motion to authorize the Borough Manager to sign all grant and purchase documents for the installation of a Bus Shelter.

7. Motion to authorize Staff to order the 2024 Police vehicles in order to reduce the delivery times in 2024.

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, Civil Service Commission, Human Relations Commission, and Tree Advisory Commission.

IX. New Business

A. Motion to approve a conditional offer of employment for Patrol Officer.

B. Review ZHB Application from 209 Gay Street requesting a Variance to change a non-conforming use of a building or structure from an office/medical usage to residential duplex and to determine whether to send the Borough Solicitor to the August 16, 2023 Zoning Hearing Board Meeting.

X. Resolutions/Ordinances

A. Motion to adopt an Ordinance amending Chapter 10, Health and Safety, by adding a new Part 5 "Plastics."

B. Motion to adopt an Ordinance amending Chapter 15, Motor Vehicles.

C. Motion to adopt a Resolution authorizing the sale of a 2001 Pierce Contender Pumper.

XI. Public Hearings

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

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. Motion to reappoint Joel Bartlett to the Historical and Architectural Review Board (HARB) for a new term expiring August 31, 2027.

2. Motion to accept the resignation of Ethan Policastro from the Civil Service Commission.

3. Motion to appoint Mari Wineburg to the Civil Service Commission to fill the unexpired term of January 31, 2028.

4. Motion to adopt a Resolution acknowledging Ethan Policastro's service on the Civil Service Commission.

5. Motion to adopt a Resolution acknowledging Travis Shaw's service on the Tree Advisory Commission.

6. Motion to approve the proposal from GVFTMA regarding a temporary mid-block crosswalk in 100 block of Bridge Street.

7. Motion to adopt a Resolution updating the Borough of Phoenixville Emergency Operations Plan.

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

1. Motion to authorize the Borough Manager and Solicitor to take the necessary actions to transfer the properties and vacate the paper streets in the most economical manner for the MDM Preserve and to place a restriction on the property to remain as permanent open space. Recommended in Committee 3-0.

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

1. No action to report.

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

1. No action to report.

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

1. No 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. Council met in Executive Session on July 13, 2023 to discuss Personnel, Real Estate and Litigation

XVIII. Executive Session – Personnel, Real Estate and Litigation

XIX. Adjournment

Upcoming Meetings:

Parks and Recreation Committee	August 15 – 6:00 pm
Infrastructure Committee	August 15 – 7:00 pm
Recreation Board	August 21 – 6:30 pm
Finance Committee	August 22 – 6:00 pm
Policy Committee	August 22 – 7:00 pm
Planning Commission	August 10 – 6:00 pm
HARB	September 5 – 5:00 pm
Personnel/Public Safety Committee	September 5 – 6:00 pm
Tree Advisory Commission	September 5 – 7:00 pm
Borough Council	September 12 – 7:00 pm

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, July 11, 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	Excused
Ms. Webb	Present
Mr. Weiss	Excused
Mayor Urscheler	Present
Mr. Krack, Borough Manager	Present
Ms. Getzfread, Asst. Borough Manager	Excused
Chief Marshall, Police Chief	Present
Mr. Denlinger, Solicitor	Virtual
Mr. Herron, Solicitor	Present

III. Presentations

A. Presentation by Mackenzie Frees on Augmentative and Alternative Communication (AAC) which is a communication board that helps non-verbal students interact outside. Parks and Recreation Committee recommend Borough Council approve a sign in the All Abilities Playground at Reeves Park which her company Frees Speech would donate.

Mackenzie Frees presented the Augmentative and Alternative Communication(ACC) communication board she is proposing for the Reeves Park All Abilities Playground. The Board is being donated by her company Frees Speech.

Mr. Krack asked if this was a contribution to the Borough or would she be providing the sign.

Ms. Frees clarified she would be providing the sign and would be open to donating signs in other parks and areas in the Borough.

Ms. Burckley explained at the Parks and Recreation meeting that it was discussed that the sign would be vinyl, a permanent installation and talked about what icons would need to be on the sign . She thanked Ms. Frees for her energy and passion for this project. She can't wait to see how it is utilized and her generosity is greatly

appreciated.

Ms. Frees clarified that as the sign is used it can be customized and changed to meet the needs of the users of it at Reeves Park. She further stated the icons could be made bigger if they need to be.

Mr. Ewald asked about the size of the board.

Ms. Frees stated it would be three feet by nine feet.

Mr. Moore stated he really appreciated Ms. Frees' presentation at the Parks and Recreation meeting. He feels it will be another improvement for the All Abilities Playground in one of the busiest parks in the Borough.

B. Motion to accept the donation of an Augmentative and Alternative Communication Sign to the Borough by Frees Speech, to be placed in the All Abilities Playground at Reeves Park, with the content thereon approved by the Borough Parks and Recreation Department.

Mr. Moore made a Motion to accept the donation of an Augmentative and Alternative Communication Sign to the Borough by Frees Speech, to be placed in the All Abilities Playground at Reeves Park, with the content thereon approved by the Borough Parks and Recreation Department. Seconded by Ms. Dugan.

Motion Approved 6-0.

IV. Public Participation

Dennis Fenstermacher, resident. He expressed his concerns about the lack of parking on E. Grant Street. The neighbors at 40 E. Grant have multiple cars in various levels of disrepair, causing them to become a breeding ground for vermin, many of which he has caught to remove from the neighborhood.

William Wettstein, resident of Walnut Street. He expressed his concerns about the available parking in the unit blocks of Walnut and Hall Streets. He made suggestions to change some of the regulations, including reducing the number of passes to two per household with one guest pass, extending the area of Zone A on Walnut and Hall and requiring pass purchasers must hold a PA Drivers' License to be approved.

Mr. Ewald offered for the residents to attend the next Policy Committee meeting on July 25th to discuss the issue.

Ms. Burckley provided her email for the residents to reach out to her directly.

Paul Dungee, resident. He stated he is the gentleman seen protesting outside of Borough Hall as it relates to the flag poles. He commented he has reached out to numerous

Council members, the Mayor and Borough Staff about his feelings about the flag flying. He initially received correspondence, but has heard nothing in quite some time. He is angry and wants the situation addressed. He was promised that a three-pole setup would be looked into and he is hoping this promise will be kept.

Rodney Platt, resident. He stated he is very excited about the plastics ordinance but has concerns about the use of bio-degradable bags. He feels that allowing them is not forcing people to have new habits and that many people will take advantage of buying a plastic bag for 25 cents.

Ty Kiser, resident. He stated he is here in support of his neighbor and the suggested changes to Zone A Parking. His wife is a nurse, she sometimes comes home late at night and has nowhere to park even though she has a parking pass.

Tom Deluca, resident. He expressed his concerns over the budget increase for solicitor fees because of the litigation over the Kindergarten Center Property. He feels the tax payers are footing the bill for both sides with their tax dollars.

V. Consent Agenda

A. Approval of the June 13, 2023 Regular Meeting Minutes.

B. Items from Historical and Architectural Review Board:

1. Motion to approve the Certificate of Appropriateness for the addition/renovation at 101 Buchanan Street as recommended by the HARB 5-0 per their Action Memo of July 11, 2023.

2. Motion to approve the Certificate of Appropriateness for the sign installation at 207-209 Bridge Street as recommended by the HARB 5-0 per their Action Memo of July 11, 2023.

C. Items from Parks and Recreation Committee:

1. Motion to approve a Temporary Community Event Application for the 41st Anniversary Andre Thornton Day at Andre Thornton/C' Jon Saunders Park on Saturday, September 16, 2023 from 1:00 pm to 4:00 pm. North Main Street to be closed between Vanderslice Street and High Street from 10:00 am to 7:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

2. Motion to approve a Temporary Community Event Application for the Bridgetoberfest in the Main and Bridge Street Parking Lot on Friday, October 6, from 5:00pm to 10:00 pm and Saturday, October 7 & Sunday October 8, 2023 from 11:00 am to 10:00 pm. Main and Bridge Street Lot and 100 and 200 Block of Bridge Street to be used consistent with existing street closure. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

3. Motion to approve a Temporary Community Event Application for the Fall Festival and Trunk or Treat Event at the Recreation Center Parking Lot on Saturday, October 28, 2023 from 10:00 pm to 3:00 pm.

D. Items from Finance Committee:

1. Motion to approve the 2023 Pre-Paid dated 5/1/2023 - 5/31/2023 in the amount of $1,140,558.72.

2. Motion to approve the 2023 Pre-Paid Credit Card Statement dated 5/1/2023 - 5/31/2023 in the amount of $102,238.83.

3. Motion to approve the 2023 Pre-Paid ACH dated 5/31/2023 in the amount of $448,367.80.

4. Motion to approve Budget Increase 2023-019 in the amount of $30,000 from Water Fund Balance to Water Distribution (Large Meter Replacement) at Eland Downe and Westridge.

5. Motion to approve Budget Increase 2023-020 in the amount of $23,000 from Water Fund Balance to Water Treatment (Equipment Maintenance & Repair) to replace damaged motor in the High Service Pump.

6. Motion to approve Budget Increase 2023-021 in the amount of $100,000 from General Fund Balance to Legal (General Solicitor) for additional legal costs relating to the K Center property.

7. Motion to approve the Budget Transfer Request 2023-07 in the amount of $15,000 from Water Distribution (Meter Programs) to Water Distribution (Other Repair & Maint Supplies) due to rising cost of materials.

8. Motion to authorize the funding of a Compliance Officer position in Public Works.

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

Motion Approved 6-0.

VI. Communications/Council Participation

Ms. Dugan reported on Mental Health Fun Day held at the Recreation Center in partnership with Phoenixville Hospital, including resources from Chester County that support the local community, yoga, massage, and Reiki to promote good mental health, and Line and Brazilian dancing, table tennis and pickleball to help improve mental and physical health.

Ms. Burckley reported that the Planning Commission donated a memorial bench in honor of the late William 'Bill' Davidson that was dedicated on the Schuylkill River

Trail. She also reported that Mr. and Mrs. Claus will be in town for Christmas in July on the 21st.

Mr. Ewald thanked the Planning Commission and Staff for the unveiling of the bench honoring Bill Davidson. He reported on the passing of former Borough employee Andrew Fabian. He thanked Mr. Fabian for all he did for the Borough and expressed his condolences to his family.

VII. Mayor's Report

Mayor Urscheler reported on events in the Borough, including Juneteenth, Diner en Vert for Ann's Heart, Blobfest, Alianzas de Phoenixville and the upcoming National Night Out on August 1, 2023 at the Recreation Center.

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.

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.

Ms. Burckley made a Motion to recess the Public Meeting and go into the Executive Session to discuss personnel and tonight's Conditional Use determination. Seconded by Ms. Webb.

Recess at 7:38pm.

Return at 8:10 pm.

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

Motion Approved 6-0.

IX. New Business

A. Motion to approve Budget Increase 2023-023 in the amount of $24,800 from Waste Water Fund Balance to Sewer Pumping System (Repair and Maintenance Supplies) for emergency replacement and upgrade of the PLC System at Ashland Street Pumping Station.

Ms. Dugan made a Motion to approve Budget Increase 2023-023 in the amount of $24,800 from Waste Water Fund Balance to Sewer Pumping System (Repair and Maintenance Supplies) for emergency replacement and upgrade of the PLC System at Ashland Street Pumping Station. Seconded by Ms. Burckley.

Motion Approved 6-0.

B. Motion to approve Conditional Offer of Employment for a Patrol Officer.

Ms. Burckley made a Motion to offer the position of Patrol Officer to Brian N White, conditioned upon the completion of the background check, psychological exam and medical clearances. Seconded by Ms. Webb.

Motion Approved 6-0.

X. Resolutions/Ordinances

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

Ms. Burckley made a Motion to adopt an Ordinance - Acceptance of ROW Dedications from 19 E. Grant St. Seconded by Ms. Webb.

Motion Approved 6-0.

XI. Public Hearings

A. Motion to recess the public meeting and reopen 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.

Ms. Burckley made a Motion to recess the public meeting and re-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.. Second by Mr. Moore

Motion Approved 6-0

Hearing opened at 8:13 pm.

Mr. Herron explained the continuation of the hearing from the June 13, 2023 meeting and the next steps the Council can take this evening. He asked Mr. Kajak or Mr. Murray if they had any additional information to present.

Mr. Murray thanked the Council for the opportunity to present the project at last month's Council Meeting.

Ms. Burckley made a Motion to close the Public Hearing and resume the Public

Meeting. Seconded by Ms. Webb.

Motion Approved 8-0.

Hearing closed at 8:15 pm.

B. Motion to approve/deny 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.

Ms. Webb made a Motion to approve the Conditional Use Application for 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 and included all of the conditions for the record. Seconded by Mr. Moore.

Motion Approved 6-0.

Mr. Herron stated a copy of the decision would be mailed to the applicant.

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

D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the various camps and programs available at the Recreation Center including, Snapology, Pickleball, Parents Night Out, Fresh to You Market and the next Blood Drive.

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.”
Ms. Burckley made a Motion to schedule and advertise an Ordinance amending Chapter 10, Health and Safety, by adding a new Part 5 “Plastics.” Seconded by Ms. Webb.

On the Question:

Ms. Dugan stated she stands behind the green initiatives for plastics at grocery stores. She inquired how places selling milkshakes and fountain drinks would adapt to the straw ban.

Ms. Burckley explained some of the alternatives to plastic straws that can be used, including reusable stars that can be purchased along with the drink.

Ms. Dugan asked about the additional cost.

Mr. Ewald stated it's deminimus as most establishments have adopted these practices already.

Mr. Moore asked if this would be applied to any commercial establishment.

Mr. Ewald stated that is the intent of the Ordinance.

Mr. Moore asked if any feedback has been received from the Chamber of Commerce and about business outreach.

Mr. Ewald stated business outreach will be part of the process of implementation.

Mr. Moore asked what department would be handling the outreach and notification.

Mr. Krack stated it would be handled by the Codes Department.

Mr. Moore asked about other ways we could notify the public of the changes.

Mr. Ewald stated it could be included in the Water Bills, the Monthly Newsletter and on Social Media.

Motion Approved 6-0.

2. Motion to schedule and advertise an Ordinance amending Chapter 15, Motor Vehicles.

Mr. Burckley made a Motion to schedule and advertise an Ordinance amending Chapter 15, Motor Vehicles. Seconded by Ms. Webb.

On the Question:

Mr. Krack explained the changes being proposed as well as the addition of Heckle Street to the 2023 Liquid Fuels Road program so that parking can be created in the neighborhood.

Mr. Moore thanked the staff for their hard work to restore some of the parking on Heckle Street.

Motion Approved 6-0

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

8:38 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Ms. Webb.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
July 2023

7/19/2023

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

Planning Commission - 4 Year Term	Appointed	Reappointed	Term Expiration
Debra Johnston	August 12, 2014	March 10, 2020	March 31, 2024
Raffaello DiNapoli	February 14, 2017	April 13, 2021	March 31, 2025
Kristiaan Wiedegreen	July 14, 2015	March 10, 2020	March 31, 2024
Catherine Bianco - Vice Chairperson	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

Zoning Hearing Board - 5 Year Term	Appointed	Reappointed	Term Expiration
Jonathan Steitzer	February 14, 2023		January 31, 2028
Vacant			January 31, 2024
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

Recreation Board - 4 YR Term	Appointed	Reappointed	Term Expiration
Kathy Gill	May 10, 2016	April 14, 2020	April 30, 2024
Robert House	October 11, 2022		April 30, 2024
Ed Lantzy	January 1, 2006	May 11, 2021	April 30, 2025
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

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

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

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

Tree Advisory - 5 Year Term	Appointed	Reappointed	Term Expiration
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
Vacant			
Mary Foote - Chairperson	July 9, 2019		June 30, 2026

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

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

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:

BIODEGRADABLE BAG
Bags made from paper, bamboo, agave, polylactic acid (PLA), or other non-plastic content which are capable of being decomposed by bacteria or other living organisms.

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.

3. Biodegradable 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 8th day of August, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 8th day of August, 2023.

By: _____
Peter J. Urscheler
Mayor

ENACTED this 8th day of August, 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 8th day of August, 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 5-224 "LOADING AND UNLOADING ZONES" AND PART 4, "GENERAL PARKING REGULATIONS," SECTION 15-402, "PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS" 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**
~~Church Street~~	~~North~~	~~From a point 148 feet west of the northwest corner of Main Street. A 15 Minute Parking – Loading Zone, Wednesday to Friday, 9:00 a.m. – 5:00 p.m. sign should be placed at a point on the north side of Church Street facing east.~~
~~Church Street~~	~~South~~	~~From a point 241 feet east of the southeast corner of Gay Street. A 15 Minute Parking – Loading Zone, Monday to Friday, 10:00 a.m. – 4:00 p.m. sign should be placed at a point on the south side of Church Street facing west.~~

SECTION 2.

Chapter 15, "Motor Vehicles and Traffic," Part 4, "General Parking Regulations," Section 15-402 "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**
Franklin Street	Both	Fillmore Street and the northern terminus thereof as it begins the entrance into the park.
Heckle Street	~~Both~~ East	East Emmett Street and Oak Street

SECTION 3.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstituti5nal, 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 4.

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

SECTION 5.

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

PASSED by Borough Council this 8th day of August, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 8th day of August, 2023.

By: _____
Peter J. Urscheler, Mayor

ENACTED, this 8th day of August, 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 8th day of August, 2023.

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

RESOLUTION NO. 2023 –

BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA

A RESOLUTION AUTHORIZING THE SALE AND DISPOSITION OF PERSONAL PROPERTY VALUED ABOVE $2,000.00 PURSUANT TO SECTIONS 1201.2 AND 1201.3 OF THE BOROUGH CODE

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

WHEREAS, the Section 1201.3. of the Borough Code provides an exception to the auction requirement of Section 1201.2 where the Borough sells property to certain entities, including, but not limited to, a county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service, council of government, governmental authority, consortium, cooperative or other similar entity (collectively "Government Agency/Non-Profit"); and

WHEREAS, the Borough is the owner of a 2001 Pierce Contender Pumper with a VIN of 4P1CT02M11A001892, which in the Borough's estimation, is no longer of use to the Borough (the "Fire Engine"); and

WHEREAS, the Borough believes that it is in the best interest to sell the Fire Engine by Fire Line Equipment, LLC, a specialty fire engine broker, ("Fire Line") effective upon the date of the approval of this Resolution, until sold, which sale shall be limited to Government Agency/Non-Profit buyers; and

WHEREAS, based on the terms and conditions of the sale, the final purchase price for the Fire Engine shall include the amount of the purchase price plus a seven percent (7%) buyer's premium paid directly to Fire Line by the purchaser; and

WHEREAS, Borough Council intends to authorize such sale of the Fire Engine by Fire Line to a Government Agency/Non-Profit buyer at a price greater or equal to $60,000.

NOW, THEREFORE, be it resolved as follows:

1. Phoenixville Borough Council hereby authorizes the sale of the Fire Engine immediately by Fire Line Equipment, LLC, with the sale to be complete to a Government Agency/Non-Profit at a price greater or equal to $60,000.

2. Borough Council further authorizes the Borough Manager, Solicitor and Council President to execute any and all documents necessary to effectuate and complete the sale of the Fire Engine to a Government Agency/Non-Profit.

ADOPTED this 8th day of August, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

ENACTED, this 8th day of August, 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 8th day of August, 2023.

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

RESOLUTION 2023 -

BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA

A RESOLUTION OF GRATITUDE FOR THE PUBLIC SERVICE OF ETHAN POLICASTRO AS A MEMBER AND CHAIRPERSON OF THE CIVIL SERVICE COMMISSION FOR THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA.

WHEREAS: Ethan Policastro served diligently and honorably as member and Chairperson of the Civil Service Commission from July 14, 2020 through July 19, 2023; and

WHEREAS: Mr. Policastro provided invaluable and dedicated service to the Phoenixville Civil Service Commission and several Borough Councils during that time; and

WHEREAS: Borough Council wishes to express its most sincere gratitude and appreciation to Ethan Policastro for all of his efforts and commitment to the Borough in performing his dedicated responsibilities over the past three years.

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

PASSED by Borough Council this 8th day of August, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

ENACTED this 18th day of August, 2023.

By: _____
E. Jean Krack
Borough Manger/Secretary

RESOLUTION 2023 -

BOROUGH OF PHOENIXVILLE

A RESOLUTION OF GRATITUDE FOR THE PUBLIC SERVICE OF TRAVIS SHAW AS A MEMBER OF THE TREE ADVISORY COMMISSION FOR THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA.

WHEREAS: Travis Shaw served diligently and honorably as a Member and Chairman of the Phoenixville Tree Advisory Commission from August 11, 2020 to June 30, 2023; and

WHEREAS: Mr. Shaw provided an invaluable service to the Phoenixville Tree Advisory Commission during that time; and

WHEREAS: Borough Council wishes to express its thanks and full appreciation to Mr. Shaw for all of his efforts and commitment to the Tree Advisory Commission while performing his duties.

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

PASSED by Borough Council this 8th day of August, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

ENACTED this 8th day of August, 2023.

By: _____
E. Jean Krack
Borough Manger/Secretary

RESOLUTION 2023 -

BOROUGH OF PHOENIXVILLE

A RESOLUTION FOR ADOPTION OF THE BOROUGH OF PHOENIXVILLE EMERGENCY OPERATIONS PLAN (EOP) FOR THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA.

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C. S. Section 7101 et seq. mandates that municipalities prepare, maintain, and keep current an Emergency Operations Plan (EOP) for the prevention and minimization of injury and damage caused by a major emergency or disaster within this municipality, and

WHEREAS, the Borough of Phoenixville is most vulnerable to natural hazards, including flooding, severe winter weather and hurricanes/tropical storms that may result in loss of life, property, economic hardship and threats to public health and safety, and

WHEREAS, in response to the mandate stated above, the Borough of Phoenixville has updated its EOP to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster, and

WHEREAS, the Borough of Phoenixville has updated its EOP in order to reduce the potential effects of a major emergency or disaster to protect the health, safety, and welfare of the residents of this municipality.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Phoenixville that:

1. The updated Borough of Phoenixville EOP is hereby adopted as the official EOP of the Borough of Phoenixville, and

2. The EOP shall be reviewed eve1y two years to make certain that it conforms with the requirements of the Pennsylvania Emergency Management Services Code and the Chester County Multi-jurisdictional Hazard Mitigation Plan.

PASSED by Borough Council this 8th day of August, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

ENACTED this 8th day of August, 2023.

By: _____
E. Jean Krack
Borough Manger/Secretary

Parks and Recreation Committee Meeting
Tuesday, July 18, 2023
6:00 pm

MINUTES

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

I. Call to Order at 6:05 pm. Ms. Dugan excused.

II. Public Participation on Non-Agenda Items. None

III. Presentations. None

IV. Committee Member Updates/Discussions. None

V. New Business

A. Review and discussion of MDM Preserve Proposal.

Mr. Krack provided background on why the process has taken so long with regard to understanding the method of transferring the various parcels. He also provided background on the process for vacating portions of the adjoining paper streets.

Various questions were asked and answered.

Woodley Humphries asked whether there could be a deed restriction to ensure the property remains permanent open space. Mr. Krack stated that Borough Council could authorize that if they so desired.

Mr. Moore made a Motion to recommend Borough Council authorize the Borough Manager and Solicitor to take the necessary actions to transfer the properties and vacate the paper streets in the most economical manner. Seconded by Mr. Weiss. Motion approved 3-0.

VI Public Participation. None

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

Next Meeting Date: Tuesday, August 15, 2023 at 6:00 pm

Policy Committee Meeting
Tuesday, July 25, 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

David Lutzker expressed his concerns regarding the definition of biodegradable plastic bags and would like to see that change. He stated that he understands Council has done a lot of work to get to this point and that the Green Team would support adoption of the ordinance as written.

III. Presentations – None.

IV. Committee Member Updates/Discussions

Mr. Kirkner asked whether parking over curbs and on sidewalks is allowed? Mr. Krack stated that it was not. Mr. Kirkner expressed his concerns regarding the amount of parking on sidewalks on both Emmet Street and the 300 block of Dayton Street (SR-113). He stated this area would be a good streetscapes project for PennDOT to take on.

V. New Business

A. Discussion regarding developing a policy for the flying of flags at municipal locations.

Mr. Krack reported the Solicitor had previously provided Council background and case law as it relates to the display and recognition beyond that of the U. S. Flag.

Ms. Burckley made a Motion to recommend the Solicitor draft such a Policy for the Committee to review and Council to adopt. Seconded by Mr. Ewald. Motion passed 3-0.

B. Discussion regarding Zone "A" Parking.

Ms. Burckley provided background on information that was provided by William Wettstein a resident of E. Walnut Street regarding Zone "A" parking concerns. Questions were asked and answered. Staff and the Committee will continue to monitor the concerns in questions.

VI. Current Focus Business

A. Enforcement of bans on reproductive health services.

Nothing new to report.

VII Adjournment at 7:20 pm by Ms. Burckley.

Next Meeting Date: Tuesday, August 22, 2023 at 7:00 pm.

INFRASTRUCTURE, TECHNOLOGY, TRANSPORTATION, AND SUSTAINABILITY (ITTS) COMMITTEE MEETING
Tuesday, July 18, 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. Ms. Burckley excused.

II. Public Participation on Non-Agenda Items. None

III. Committee Member Updates/Discussions - None

IV. New Business

A. Flag Pole Replacement at Borough Hall.

Mr. Krack provided background on how this topic arose and how flags are properly flown on single or multiple poles. He also provided background on the space needed to install more than one pole should the Committee want to pursue that.

Based on the cost of adding additional poles, lack of proper location for more than one pole at Borough Hall, and no policy for flying one or more flags, the Committee refers the issue to the Policy Committee to develop a policy on the flying of flags other than the national flag.

V. Infrastructure Updates

A. Engineering Reports (Jan, Apr, Jul, Oct)

Mr. Weiss asked the committee if they had any questions regarding the two reports? There were none.

B. Stormwater Management

Mr. Krack reported the Borough Engineers continue collecting all of the needed data. He is hoping to have at least a draft report by the August meeting.

C. The Phoenix Wheel

Mr. Krack reported the Borough still has a number of things to work out with the site and the engineer needs to develop the bid package before any contracts can be awarded for the project. The main issue remains the Letter of Map Revision (LOMR).

VI. Transportation Updates

A. Starr and Nutt Intersection

Mr. Krack reported the schedule was in the packet. He noted that there is an issue with the traffic signal poles which may not arrive until November. He will check with the contractor to determine if that will cause any specific delays in getting started.

B. Bridge and Starr Street

Mr. Krack reported the Borough is waiting to hear back regarding the County CRP Grant application for $950,000 towards the project. He will reach out to Traffic Planning and Design regarding their proposal for the design and engineering.

C. Paradise and Hall Street

Mr. Krack reported the schedule was in the packet and that the contractor is onsite and have started doing test pits.

He also reported that the Borough responded to the Judge's request for information regarding the Board of View. No date has been set for this.

D. Mowere Road

Mr. Krack reported the owner of the property to secure a small area of ROW along the road asked for the area to be staked out so he can see the actual area of impact. He expects the Borough to 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 the Borough will wait until the housing project is completed to determine the actual area of road that will be needed to match up. He expects that could be in September.

F. French Creek Trail

Mr. Krack reported there was nothing new to report at this time.

G. Train Station

Mr. Krack reported that there was nothing new to report at this time.

H. Bus Shelter on Church Street.

Mr. Krack reported the Borough received the grant of $12,500 from the County to acquire the bus shelter. The shelter cost is $12,750 excluding plan costs. He stated Council had previously given approval for the project several years ago, but the County only finally approved the grant within the past week. The Committee requested the shelter be the same blue color as the downtown street light poles.

VII. Sustainability Updates

A. PXVNEO

Mr. Watson reported the system was restarted and is processing water at this time. This will delay any ribbon cutting event.

B. EV Charging Stations

Mr. Krack reported the lots at Wheatland and Prospect have everything installed, but that we are waiting for PECO to provide meters. No delivery date as of yet.

C. Municipal Building Solar Proposal

Mr. Krack reported the Borough Engineer was working on the plans and that Staff provided the past two years of PECO bills to the engineer.

VIII. Technology Updates

A. Website

Mr. Krack reported that Alexus continues to work on the GIS with a storyboard program that allows great flexibility in showing information on various projects and using the GIS map to show locations.

IX. Public Participation - None

X. Adjournment 7:40 by Mr. Carminito.

Next Meeting Date: Tuesday, August 15, 2023 at 7:00 pm

FINANCE COMMITTEE MEETING
Tuesday, July 25, 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 6/1/2023 - 6/30/2023 in the amount of $1,259,576.90.

Mr. Moore made a Motion to recommend Council approve. Seconded by Mr. Kirkner. Motion passed 4-0.

B. Motion to recommend Borough Council approve the 2023 Pre-Paid Credit Card Statement dated 6/1/2023 - 6/30/2023 in the amount of $129,293.21.

Mr. Kirkner made a Motion to recommend Council approve. Seconded by Mr. Moore. Motion passed 4-0.

C. Motion to recommend Borough Council approve the 2023 Pre-Paid ACH dated 6/30/2023 in the amount of $39,734.60.

Mr. Moore made a Motion to recommend Council approve. Seconded by Mr. Kirkner. Motion passed 4-0.

D. Motion to recommend Borough Council approve Budget Increase 2023-022 in the amount of $21,500 from General Fund Balance to Streets Department (Contracted Services) for emergency inlet repairs in various locations.

Mr. Kirkner made a Motion to recommend Council approve. Seconded by Mr. Moore. Motion passed 4-0.

E. Motion to recommend Borough Council approve the Budget Transfer Request 2023-08 in the amount of $9,151 from General Capital Project Fund – Streets Department (LED Lights – PW Bldg) to (Mower Attachment) for purchase of New Holland Mower Attachment.

Mr. Moore made a Motion to recommend Council approve. Seconded by Mr. Kirkner. Motion passed 4-0.

F. Motion to recommend Borough Council authorize the Borough Manager to sign all grant and purchase documents for the installation of a Bus Shelter.

Mr. Krack provided background on the origination of the program and resulting change to a grant by the County.

Mr. Kirkner made a Motion to recommend Council approve. Seconded by Mr. Moore. Motion passed 4-0.

G. Discussion regarding Borough Fleet – Vehicle Purchases.

Ms. Koza-Lubinsky provided background on the recommendations for vehicle purchases for the remainder of 2023 and into 2024.

Mr. Ewald made a Motion to recommend Council approve the recommendations. Seconded by Mr. Kirkner. Motion passed 4-0.

Mr. Kirkner made a Motion to recommend Council authorize Staff to order the 2024 vehicle now in order to reduce the delivery times in 2024. Seconded by Mr. Ewald. Motion passed 4-0.

V. Adjournment at 6:33 by Mr. Ewald.

Next Meeting Date: Tuesday, August 22, 2023 at 6:00 pm