

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, April 11, 2023

7:00 PM

MINUTES

(Minutes approved by Borough Council on May 9, 2023)

I. Pledge of Allegiance/Moment of Silence

II. Roll Call – Borough Manager

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

Mr. Ewald made a Motion to move Agenda item D under IX. New Business to XI. Hearings as item B to allow for Council to recess into Executive Session to discuss the Conditional Use Hearing and Personnel. Seconded by Ms. Burckley.

Motion Approved 7-0.

III. Presentations

IV. Public Participation

Dennis Fenstermacher, resident. He asked about the installation of parking stall lines being placed on Grant Street similar to the ones at the intersection of Fillmore and Dayton Street. They continue to struggle with parking on his block and they are looking for any help they can get to make parking easier for himself and his neighbors.

Keely Wrigley, co-owner of LuLu Gifterie and Boutique. She expressed her concerns about the removal of available parking in the lot at Bridge and Main Street and the creation of a town square in its place. She stated the lot is at 80 percent capacity on the weekends and it is vital for visitors and shoppers in the downtown community. She suggested that the lot be transformed in a way that would be temporary so it could be utilized both as a town square and a parking lot, something like a pop-up park, and she asked that Council consider the plans previously discussed for updating the streetscapes of Main Street, including bump outs and lighting similar to those in the 100 and 200

blocks of Bridge Street.

V. Consent Agenda

A. Approval of the March 14, 2023 Regular Meeting Minutes.

B. Items from Parks and Recreation Committee:

1. Motion to approve a Temporary Community Event Application for the Borough of Phoenixville Fireworks display at Pat Nattle Field on Sunday, July 2, 2023 from 6:00 pm to 10:30 pm. Fillmore Street to be closed from Franklin Avenue to South Street from 6:00 pm to 10:00 pm.
2. Motion to approve a Temporary Community Event Application for the 37th Annual Phoenixville Run 5K and 10K Running Races from Reeves Park to the Schuylkill River Trail on Saturday, October 28, 2023 from 7:30 am to 11:30 am. Second Avenue to be closed between B Street and Starr Street from 7:00 am to 12:00 noon. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
3. Motion to approve a Temporary Community Event Application for the Patriotic Celebration at Reeves Park on Friday, May 26, 2023 from 9:30 am to 12:00 noon. No parking on the north side Third Avenue between B Street and Main Street from 830 am to 12:00 noon to allow school buses to park.

C. Items from Personnel and Public Safety Committee:

1. Consider request from Christopher Book for appointment to the Human Relations Commission for the vacant term expiring March 31, 2026. Ms. Burckley made a Motion to approve the Consent Agenda. Seconded by Mr. Weiss.

Motion Approved 7-0.

VI. Communications/Council Participation

Ms. Burckley reported on the end of the Code Blue Center at Ann's Heart and reminded the public that services are still available to anyone needing assistance to find services. She stated April is Child Abuse Awareness Month and Barnstone Art will be hosting their annual fundraiser to continue their mission to help children who have suffered childhood trauma. Lastly, she stated the Dogwood Festival is scheduled for May 17, 2023 to May 20, 2023.

Mr. Kirkner reported the Phoenixville Social Concerns Committee are hosting the 29th Annual Prayer Breakfast on April 15, 2023 at 7:45 am where they will present the Emma Valentine Compassion Award to Theresa Thornton.

Mr. Ewald stated the Borough was the recipient of the Chairman's Award at the Phoenixville Area Chamber of Commerce Awards Dinner for the Recreation Center and

Fire Station projects. He explained there is a new parking lot opening on Church Street at the former Fire Station location. The opening of the lot is tentatively scheduled for April 24, 2023. This parking lot provides 46 more spaces in the downtown and will have a kiosk for cash payments and use the Passport Parking App for payment with credit cards. Lastly, he stated the Borough will be the recipient of the Public Sector Leadership Award from GVFTMA for their hard work and dedication to pedestrian access throughout the Borough.

VII. Mayor's Report

Mayor Urscheler reported on various events in the Borough, including the Fire Department's Meet the Easter Bunny event, the 15th anniversary of Diving Cat Studios, Meals on Wheels, The Recreation Department and Communities That Care Easter Egg Hunt and he reminded the public that Brown's Cow will be opening for the season on April 15, 2023.

VIII. Appointments

- A. Call for Residents interested in being appointed to various Boards and Commissions. Current vacancies exist on the Zoning Hearing Board, Recreation 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.

IX. New Business

- A. Motion to approve the Budget Increase 2023-04 in the amount of \$182,490.00 from Restricted Fund Balance to General Capital Project Fund (Demolition of 177 Church Street) for the demolition of 177 Church Street.

Ms. Dugan made a Motion to approve the Budget Increase 2023-04 in the amount of \$182,490.00 from Restricted Fund Balance to General Capital Project Fund for the demolition of 177 Church Street. Seconded by Ms. Burckley.

On the Question:

Mr. Kirkner asked if the project had to go out to bid.

Mr. Krack explained Staff used the Keystone Procurement Network to perform the work and that bidding was not required.

Motion Approved 7-0.

- B. Motion to approve the Budget Increase 2023-05 in the amount of \$200,000.00 from Parking Fund Balance to Parking (177 Church St Mill & Pave) for the Milling and Paving of 177 Church Street.

Ms. Dugan made a Motion to approve the Budget Increase 2023-05 in the amount of \$200,000.00 from Parking Fund Balance to Parking (177 Church Street Mill & Pave) for 177 Church Street. Seconded by Mr. Moore.

Motion Approved 7-0.

- C. Motion to authorize the Borough to participate in the Commonwealth of Pennsylvania's portion of the national opioid liability settlement with Teva, Allergan, CVS, Walgreens, and Walmart, and the completion of any necessary documentation to implement the Borough's participation by the Borough staff, Council President and the Solicitor.

Ms. Dugan made a Motion to Authorize the Borough to Participate in the Commonwealth of Pennsylvania's portion of the national opioid liability settlement with Teva, Allergan, CVS, Walgreens, and Walmart, and the completion of any necessary documentation to implement the Borough's participation by the Borough staff, Council President and the Solicitor. Seconded by Mr. Weiss.

On the Question:

Mr. Denlinger explained the settlement process and how the funding is distributed. He further explained that by participating in the settlement the Borough agrees to give up the right to sue individually.

Motion Approved 7-0.

X. Resolutions/Ordinances

- A. Motion to adopt a Resolution in support of the submission of a Chester County Department of Community Development 2022-2023 Community Revitalization Program grant application for the reconstruction of the intersection of Bridge Street and Starr Street.

Ms. Burckley made a Motion to adopt a Resolution in support of the submission of a Chester County Department of Community Development 2022-2023 Community Revitalization Program grant application for the reconstruction of the intersection of Bridge Street and Starr Street. Seconded by Mr. Carminito.

On the Question:

Mr. Ewald explained the grant cycle is now a two-year cycle.

Mr. Moore asked if the intersection improvement is on just Borough roads or part State roads as well.

Mr. Krack explained the intersection is 50 percent Borough road and 50 percent State road.

Mr. Moore asked if the Borough is responsible for just 50 percent of the design.

Mr. Krack explained the project will go through PennDOT.

Mr. Ewald stated the intersection in question was initially part of the plan for the design of 99 Bridge Street. The improvement will add a fourth leg to the intersection as well as additional turning lanes and pedestrian access to the historic train station.

Mr. Krack explained the project is expected to cost over \$2 million. Currently the Borough has \$751,000.00 in reserved funds, an MTF grant of \$600,000.00 and is applying to the County for \$950,000.00 in additional funding.

Motion Approved 7-0.

- B. Motion to adopt a Resolution in support of the submission of a Chester County Department of Community Development 2022-2023 Community Revitalization Program grant application for the conversion of the existing Bridge and Main Street Parking Lot into a park and gathering location.

Mr. Weiss made a Motion to adopt a Resolution in support of the submission of a Chester County Department of Community Development 2022-2023 Community Revitalization Program grant application for the conversion of the existing Bridge and Main Street Parking Lot into a park and gathering location. Seconded by Mr. Moore.

On the Question:

Mr. Ewald stated this was discussed in Infrastructure and since this is now a two-year grant cycle, this application will allow us to get ahead of the project for possible design and concept for the parking lot.

Ms. Burckley stated she has received some questions about this application and she reiterated this Resolution is just to allow Staff to apply for potential funding.

Mr. Krack explained Staff communicated with the County about this round of grant funding and proposed the Square at Main and Bridge. They encouraged us to apply and get an application in front of them for this grant round.

Ms. Getzfread explained if Staff does not apply for this round, the next time for application submissions will be 2025. Should the county open a second round in 2024 those municipalities that did not apply in 2023 will be ineligible.

Mr. Krack stated it is important to apply for all the funding round and if needed a

change of scope can be submitted should the Council decide not to move ahead with the Main and Bridge Street Lot.

Ms. Burckley thanked Mr. Krack and Ms. Getzfread for the great information on the grant process and residents interested in following the process for the project will continue to be discussed at the Infrastructure meeting.

Mr. Kirkner asked why we would apply for something we might not do.

Mr. Ewald stated it is up to the Council to approve or not approve.

Mr. Kirkner asked about the match number not being in the Resolution.

Mr. Krack stated the match would be no more than \$250,000. The key point is to keep our options open. The staff is presenting this tonight so that the Borough does not miss out on grant funding and then have to wait until 2025 to go to the County for funding.

Mr. Kirkner explained the history of the acquisition of the property after it was no longer WT Grants and he asked if the parcel is deed restricted. He stated that people do not like it when they are given something and then it's taken away, especially parking.

Mr. Moore stated the creation of the new lot with more parking will help the downtown business and he feels applying leaves the Council with a lot of options. Not applying leaves us no options.

Motion Approved 6-1. Mr. Kirkner voting No.

- C. Motion to adopt a Resolution in support of the submission of a Department of Conservation and Natural Resources (DCNR)-C2P2 grant application for the "Phoenixville-French Creek Trail Extension."

Ms. Burckley made a Motion to adopt a Resolution in support of the submission of a Department of Conservation and Natural Resources (DCNR)-C2P2 grant application for the "Phoenixville-French Creek Trail Extension." Seconded by Mr. Weiss.

On the Question:

Mr. Moore asked if this is the extension of the trail that connects to Paradise Street and the Fire Station.

Mr. Krack explained the extension and the current site conditions, including the need to repair fall away on the creek embankment during Hurricane Ida. This grant focuses on the repair of the embankment to re-stabilize the trail area.

Ms. Getzfread stated that staff did apply for a special round of DCNR funding last year and was denied as the project was too small. This application is for the normal round of funding and now, with the increase of scope, staff believes this application will be found more favorable.

Motion Approved 7-0.

- D. Motion to adopt a Resolution Temporarily Permitting Outdoor Sales of Food and Merchandise of Existing Businesses on the 100 and 200 Block of Bridge Street during warm weather weekends.

Mr. Weiss made a Motion to adopt a Resolution Temporarily Permitting Outdoor Sales of Food and Merchandise of Existing Businesses on the 100 and 200 Block of Bridge Street during warm weather weekends. Seconded by Mr. Carminito.

On the Question:

Mr. Moore asked if the Resolution runs parallel with the Phoenixville Inside Out that was already approved.

Ms. Getzfread explained this goes hand in hand with the inside out permit and allows the sales by businesses outside of their commercial spaces.

Motion Approved 7-0.

XI. Hearings

A. Conditional Use

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

Ms. Burckley made a Motion to recess the public meeting and re-open the hearing of the Conditional Use Application for Hardware Landlord, LP. Seconded by Mr. Weiss.

Motion Approved 7-0.

Hearing opened at 7:45 pm.

Mr. Denlinger explained the continuation of the hearing from March 14, 2023 meeting and the next steps the Council can take this evening. He asked Mr. Andersen if he had any additional information to present.

Mr. Andersen stated he did not.

Ms. Burckley made a Motion to close the Public Hearing and recess to Executive Session to discuss the Conditional Use and Personnel matters. Seconded by Mr. Weiss.

Motion Approved 7-0.

Recess to Executive Session at 7:50 pm.

Return from Executive at 8:18 pm.

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

Motion Approved 7-0.

2. Motion to approve/deny Conditional Use Application from Hardware Landlord, LP and Arnold Andersen for an Automobile Sales & Services (Pep Boys) at the property located at 700 Nutt Road, Suite 540.

Mr. Carminito made a Motion to approve the Conditional Use Application for Hardware Landlord, LP at 700 Nutt Road, Suite 540 and included all of the conditions for the record. Seconded by Mr. Weiss.

On the Question:

Mr. Ewald asked the applicant to consider improving the sidewalks and line stripping near the business for better pedestrian access.

Motion Approved 7-0.

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

- B. Motion to take action on Borough personnel employment status.

Ms. Burckley made a Motion to approve the resignation of Officer Knapp upon the terms and conditions of a Settlement Agreement, subject to the negotiation and recommendation of terms by Borough Labor Counsel, and further approving Borough Counsel President to execute any documents necessary to affect the same. Seconded by Mr. Weiss.

Motion Approved 7-0.

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 reported the committee was informed of plans for a new Wawa at White Horse and Nutt Roads. They also sent a letter of consistency review for a new elementary school on Hares Hill Road in East Pikeland.

- D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the programs at the Recreation Department, including blood pressure testing, safe sitter programs and self-defense classes. She encouraged residents interested in programs to check the Borough's Website for participation information.

- E. Tree Advisory Commission – Ms. Burckley

Ms. Burckley stated the spring tree planting is scheduled for April 22, 2023 and a Dogwood Tree will be planted at Reeves Park after the Dogwood festival, bringing back the tradition from years past.

XIII. Council Action referred from:

- A. Personnel and Public Safety Committee (**Burckley**, Webb, and Weiss)
 - 1. Any Item removed from the Consent Agenda.
- B. Parks and Recreation Committee (**Moore**, Carminito, Dugan, Weiss)
 - 1. Any Item removed from the Consent Agenda.
- C. Policy Committee (**Kirkner**, Burckley, and Ewald)
 - 1. No Action to Report.
- D. Infrastructure, Technology Transportation & Sustainability Committee - (**Weiss**, Burckley, Carminito, and Webb)
 - 1. No Action to Report.
- E. Finance Committee (**Dugan**, Ewald, Kirkner, and Moore)
 - 1. No Action to Report.

XIV. Public Participation

Stephen Lutfy, resident. He asked who he could contact about an issue he is having with a neighboring property. The Codes Department stated they found no violations and he

has been unable to reach them as he feels the issue has merit.

Mr. Ewald provided Mr. Lutfy with his Borough email.

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 Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
April 2023