

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, July 11, 2023

7:00 PM

MINUTES

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

I. Pledge of Allegiance/Moment of Silence

II. Roll Call – Borough Manager

Mr. Ewald, President	Present
Ms. Burckley, Vice President	Present
Mr. Carminito	Present
Ms. Dugan	Present
Mr. Moore	Present
Mr. Kirkner	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 6-0.

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 straws that can be purchased along with the drink.

Ms. Dugan asked about the additional cost.

Mr. Ewald stated it's de minimus 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