PHOENIXVILLE BOROUGH COUNCIL

Tuesday, August 8, 2023
7:00 PM

MINUTES

(Minutes approved by Borough Council on September 12, 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	Virtual
Chief Marshall, Police Chief	Present
Mr. Denlinger, Solicitor	Virtual
Mr. Herron, Solicitor	Present

III. Presentations

A. Swearing in of Patrol Officer Brian White.

Chief Marshall introduced Officer Brian White and provided a brief biography of his accomplishments.

Mayor Urscheler swore in Officer White as a Patrolman with the Phoenixville Police Department.

IV. Public Participation

Sue Meadows, resident and owner of Generations Toy Store. She expressed her concerns about the plastic bag ban and cited the sections of the Ordinance that will negatively affect the businesses in town. She presented the bags she currently uses and stated some have recycled paper on them and some don't. She hopes the Council can table this until the business owners can work with the Borough on the Ordinance.

Becky McCarron, resident. She stated that she feels the ban is a governmental overreach and believes businesses should voluntarily make the decision for their businesses. She does not want to see the businesses downtown punished and objects to the ban.

Alan Fegley, Superintendent of PASD. He provided an update on the Kindergarten

Center and asked the Council to amend the Zoning Ordinance to allow for the Toll Brothers proposed development that includes the remediation of the adjacent property they have purchased, the property being offered for additional green space, and the construction of an education center for the Borough.

Susan Turner, President of the PASD Board. She asked the Council to help move the proposed project for the Kindergarten Center property forward and stop the spending on legal fees. She stated the proposed development is a win for all sides and provides a two acre public park for the community.

Woodley Humphreys, resident. She expressed her gratitude to Moskowitz's for the offer of property to Borough for the creation of the MDM Nature Preserve.

Lucy Graham, ReReRe plastics representative and resident. She thanked the Council for creation of the Plastics Ordinance and she asked the Borough to look into options for bio-degradable bags that will actually degrade as current ones do not degrade in the landfills.

Susan Doyle, ReReRe plastics representative and resident. She is excited about the Plastics Ordinance. Environmentalists are never perfect, but moving forward with the ordinance will begin to make changes. She sees the majority of the plastic bag problem comes from grocery stores agreeing to start using bio-degradable bags.

Rodney Platt, resident and Green Team member. He stated the use of bio-degradable bags for takeout should be required with no exceptions. He feels the printing on the recyclable bags is not necessary and he feels that Phoenixville should lead the way on issues like plastic bags.

David Lutzker, resident and President of the Green Team. He stated members of the Green Team, Phoenixville Area Transition and ReReRe Plastics are very happy and pleased the Ordinance is on the agenda tonight and you have supporters and support from these three groups. He agrees there are reasons to table the Ordinance tonight. They include community outreach, and an optional 10 cent fee for bags and a bio-degradable bag solution that will work as current ones do not degrade in the landfill.

Reverend Charles Coppedge, Grimes AME Church. He stated he had heard from Diversity in Action about some unpleasant experiences at the Recreation Center. He related the experience he had at the center when he and his family visited the center. He stated that initially when staff was asked about a tour and use of the gym, they were told the gym couldn't be used at that time but they were able to give them a tour. He witnessed the staff talking and after it was realized he was the nephew of Don Coppedge, they were granted use of the gym for his grandchildren. He stated there is clearly an issue of equality at the center and he feels they should treat everyone equally.

Tim Dougherty, resident and representative for Diversity In Action. He stated that Diversity in Action is here in solidarity with the Church for equality at the Recreation

Center. He read aloud a letter from Gwynne Hagee, the President of Diversity, that included their beliefs that the center needs to provide more accessibility to the center for all people, that it has more inclusive programs and look into hiring a person of color to promote inclusiveness at the center.

Dr, David Saneck, resident. He asked about the Zoning update meetings and about a light that's been out behind the houses on 500 Block of Franklin Street. He is hoping the light can be repaired as it has not worked for some time.

Tom DeLuca, resident. He stated he assumes the MDM Preserve is for an area past Taylor Street Park and he is offering his support for this decision and feels it will be a good asset to the community.

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.

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

Motion Approved 7-0.

VI. Communications/Council Participation

Ms. Dugan read aloud a statement regarding the plastic bag ordinance. She expressed

her concerns with the proposed ordinance and about the effect on business owners who will have to spend more to comply. She stated that the installation of solar panels on the Borough-owned properties, the EV Charging Stations and PHXNEO are more impactful on the environment and are fiscally beneficial.

Ms. Burckley thanked the community members, our Police Department and the Town Watch for a very successful National Night Out and she reported that VegFest was held in Reeves Park on Saturday, August 5th. She thanked Delaware Valley Veg and all the organizers for a successful event.

Mr. Kirkner replied to Dr. Saneck's question about the street light behind the 500 block of Franklin and that it is in the queue to be repaired. He stated he appreciates everyone who came forward tonight to speak about the Plastic Bag Ordinance and the potential issues at the Recreation Center.

VII. Mayor's Report

Mayor Urscheler stated he hopes for kind and respect dialogues to ensure concerns can be addressed and everyone's voice can be heard. He reported on Alianzas 13th Annual Diversity Festival in the Main and Bridge Parking lot, National Night out and First Friday. He thanked the first responders and the Town Watch and congratulated the Colonial Theatre on a successful Blob Fest.

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.

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. 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.

Mr. Krack explained the ZHB request for 209 Gay Street, specifically removing the unused Dr's Office space in the building and reverting it back to a housing unit. He does not believe the Solicitor will be needed at the hearing.

Ms. Burckley made a Motion to not recommend the Solicitor attend the Zoning Hearing Board Meeting. Seconded by Mr. Moore.

Motion Approved 7-0.

X. Resolutions/Ordinances

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

Mr. Kirkner made a Motion to adopt an Ordinance amending Chapter 10, Health and Safety. Seconded by Mr. Weiss.

On the Question:

Mr. Kirkner stated that he made the motion to open discussion on the item. He believes the comments earlier this evening are salient and he sees areas where the Policy Committee could do more work, specifically areas of the language. For example, the charge for the bag and is it really enforceable? He stated the committee will meet in two weeks and he encouraged the public and businesses to attend for more discussion.

Ms. Burckley agrees some more discussion is needed but she does not want to discredit the work already done. She stated she spoke with many individuals today and heard their concerns. She believes it should be discussed more at the next Policy Meeting.

Mr. Carminito agrees, given the points brought up tonight, he believes this should be sent back to the Policy Committee.

Mr. Moore asked about the legality of the Council and Borough approving such an Ordinance.

Mr. Herron explained it does fall under the Health and Safety Ordinance in place in the Borough. It is the same if another Ordinance was changed. It falls under the heading of Public Safety.

Mr. Krack explained that under the Borough Code this is allowed. The only risk is that the Borough could be sued.

Mr. Moore asked about the success of similar Ordinances in communities surrounding us.

Mr. Krack explained sending this back to the Policy Committee will allow for the language to be cleaned up and allow time for Staff to research similar ordinances and their success and failures.

Mr. Kirkner would be interested in seeing how the Borough of Media handled their Ordinance and he agrees the state should be handling this issue but he is aware

they will not.

Mr. Kirkner made a Motion to Table. Seconded by Ms. Dugan.

Motion to Table Approved 7-0.

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

Ms. Burckley made a Motion to adopt an Ordinance amending Chapter 15, Motor Vehicles. Seconded by Mr. Weiss.

On the Question:

Mr. Moore asked about Public Hearings for Ordinances.

Mr. Krack explained the streamlined process for ordinances and stated the amendments are for the removal of some loading zones and adding additional parking on Heckle Street so that they will be ordained by the time the work is done on Heckle to expand it.

Motion Approved 7-0.

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

Mr. Weiss made a Motion to adopt a Resolution authorizing the sale of a 2001 Pierce Contender Pumper. Seconded by Ms. Burckley.

Motion Approved 7-0.

XI. Public Hearings

XII. Reports of Committees, Boards, and Commissions

A. Planning Commission - Mr. Moore

No Action to Report.

B. Historical and Architectural Review Board – Ms. Dugan

No Action to Report.

C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner stated there was no meeting last month.

D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the programs available at the Recreation Center including T Bird T-ball, Science Explorers, Youth Basketball, Sew Much Fun, Yoga and Co-

Ed Volleyball.

E. Tree Advisory Commission – Ms. Burckley

Ms. Burckley stated she wants to recognize and commend Alexus Strunk for her hard work with the commission. Although Ms. Strunk has been with the Borough for a short time, she has greatly improved the process for the tree requests and has worked with the Arborist to oversee the pruning and removal of the Borough's tree inventory. The Commission is very impressed with her commitment to her job and her dedication to the Borough Trees.

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.

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

   Motion Approved 7-0.

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

   Ms. Burckley made a Motion to accept the resignation of Ethan Policastro from the Civil Service Commission. Seconded by Mr. Weiss.

   Motion Approved 7-0.

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

   Ms. Burckley made a Motion to appoint Mari Wineburg to the Civil Service Commission to fill the unexpired term of January 31, 2028. Seconded by Mr. Weiss.

   Motion Approved 7-0.

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

   Ms. Burckley made a Motion to adopt a Resolution acknowledging Ethan Policastro’s service on the Civil Service Commission. Seconded by Mr. Moore.

   Motion Approved 7-0.

Mr. Ewald read the Resolution aloud for the record.

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

   Ms. Burckley made a Motion to adopt a Resolution acknowledging Travis Shaw's service on the Tree Advisory Commission. Seconded by Ms. Dugan.

   Motion Approved 7-0.

   Mr. Ewald read the Resolution aloud for the record.

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

   Ms. Burckley made a Motion to approve the proposal from GVFTMA regarding a temporary mid-block crosswalk in 100 block of Bridge Street. Seconded by Mr. Weiss.

   On the Question:

   Mr. Krack explained the mid-block crossing has been long talked about and would be located at the Great American Pub and the entrance to the Phoenix Village Apartments. The Delaware Valley Regional Planning Commission approved a safer streets grant to GVFTMA, who chose Phoenixville as a location for the grant funding. The Borough will only provide the manpower to create the temporary crossing. The installation will eliminate some parking. All of the signage and the four-foot ramp needed for the crossing will come from the funding. He stated it will be done after the PXV Inside Out season and will be installed on the last weekend when the road is closed.

   Mr. Ewald asked if the study showed the need for a permanent mid-block crossing, Council could still determine the final location.

   Mr. Krack explained the Council could look at a different location but, Council needs to be mindful of how far east or west it would be moved because of the existing crosswalks and traffic signals.

   Mr. Moore asked how many parking spaces would be lost.

   Mr. Ewald confirmed the approximate number of spaces lost will be three on a temporary basis.

   Mr. Moore stated that if it works we could lose three parking spots permanently.

   Mr. Ewald stated that is true.

Ms. Burckley explained this is temporary. However, public safety was discussed and not having a pedestrian struck could be worth the loss of three parking spaces.

Motion Approved 6-1. Ms. Dugan voting No

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

Ms. Burckley made a Motion to adopt a Resolution updating the Borough of Phoenixville Emergency Operations Plan. Seconded by Mr. Weiss.

On the Question:

Ms. Burckley explained that this is an update of the plan and minor changes were made.

Mr. Ewald asked if this needed to be done annually or semi-annually.

Mr. Krack explained the update of the plan will be every three to four years since people at the county etc. change and the plan will need to be updated as personnel changes.

Motion Approved 7-0.

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.

Mr. Moore commended the Recreation Department for all they do for the community. After listening to Ms. Dugan's report, we are light years ahead of everyone and the energy and activity you encounter at the Recreation Center is amazing to me.

Mr. Moore made a 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. Seconded by Mr. Weiss.

On the Question:

Mr. Ewald asked if the permanent open space requires a deed restriction and

is that something the Borough would have to complete.

Mr. Krack explained we do have a couple of deed restrictions on a few of the parks. For example, Andre Thornton Park and Fisher Park because the Borough acquired funding from DCNR and most recently deed restrictions on Pat Nattle Field on what the Borough can do there. This is not uncommon. In this case, the Borough would get the deeds from the property owner during the property transfer and the Borough would vacate the street. Staff and the Solicitor would complete a deed consolidation and place the restriction on the property at that time. He explained this is the first step in what will be a slow process and the Council would have to approve the transfer of the properties after all the details are ironed out.

Mr. Moore expressed his support of the project and he thanked Dave and Marion Moskowitz for offering the property to the Borough as well as the support we have received from the Fillmore Village HOA.

Mr. Krack explained the Borough would not be paving this property, this will truly be more of a nature trail. The trail itself would be more of a natural trail and not an expressway from areas of the Borough to the Schuylkill River Trail.

Mr. Kirkner asked if Taylor Street Park would be part of the deed consolidation.

Mr. Krack explained Taylor Park would be separate from the preserve, so the Borough would not encumber Taylor Street Park and the vacated street should the Borough wish to make improvements to the park.

Mr. Ewald asked if the property is undevelopable wetlands.

Mr. Krack stated he would not classify it as wetlands even though some of the land is wet. It's just an undevelopable property.

Motion Approved 6-1. Ms. Dugan voting No.

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

Dennis Fenstmacher, resident. He read aloud a letter addressing his concerns on E. Grant Street. He stated that the burnouts and shining lights on adjacent properties have ceased. However, there still remains intentional parking to block other people from access to street parking and vehicles that are in extreme disrepair.

Molly Kotes, resident. She thanked the Council for improving the sustainability of the Borough but she feels more work needs to be done. Small improvements can make a difference and if no one has the courage to stand up, the state will not take action either.

Carol Boucie, resident. She expressed her concerns about the cross walk and the intersection at Market Street and Church Alley. If improvements like speed humps, flashing lights or restrictions on left turns were in place, more people would use that crosswalk and the second one would not be needed.

Dr. David Saneck, resident. He thanked Mr. Kirkner for the information on the street light repair and he asked about the Zoning Rewrite meetings.

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

8:39 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
August 2023