

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, September 12, 2023

7:00 PM

MINUTES

(Minutes approved by Borough Council on October 10, 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 Present
 - 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
- III. Presentations
- IV. Public Participation

Dennis Fenstermacher, resident. He provided an update on the parking situation on E. Grant Street. The cars at 40 E. Grant Street have been reduced from six to four, there have been no more burnouts on the street and the resident in question has only been seen speeding once. He thanked the Police and Staff for addressing the issues and hopes he will continue to see improvements to E. Grant Street's parking problems.

John Pearson, Upper Providence Township Supervisor. He stated he is attending this evening to ask for the Borough's support for the Wall That Heals. The 3/4th replica of the Vietnam Veterans Memorial is going on tour and will be coming through the area this October. The wall will travel through the Borough and he is personally notifying all of the surrounding municipalities and townships that it will travel through. He is seeking volunteers and sponsorships to support the wall's visit to our area.

Paul Dungee, resident. He spoke about the recent court cases he has had relating to his protest at Borough Hall. He appeared in court after the unpleasant encounters and wanted to thank Officer Dobry for his support and professionalism when dealing with himself and the defendants. He is hoping that more can be done to stop the harassment he has received and he would like to see a resolution to the flag issue at Borough Hall.

Jane Dugdale, resident. She invited the Council and Staff to attend the French and

Pickering Creeks Conservation Trust presentation on Open Space Preservation as a Tool to Manage Extreme Weather Impacts at the Recreation Center on October 5, 2023 from 9am to 12pm.

Neal Spiker, resident. He expressed his concerns about the water pressure on Franklin Avenue. He stated he has reached out to the Staff but his pressure remains at 25 PSI when it should be closer to 55 PSI. He would like to know what is being done to address the situation.

Jason Camillo, resident. He stated he is happy to see the sidewalk on Paradise Street is being addressed along with the roadwork being done. He expressed concern about the lack of places a single individual out walking their dog can go in the downtown for a restroom. He stated that since dogs are not allowed in restaurants, it's impossible to find a place to go when a bathroom is needed. He is hoping more options can be offered in the downtown.

V. Consent Agenda

A. Approval of the August 8, 2023 Regular Meeting Minutes.

B. Items from Parks and Recreation Committee:

1. Motion to approve a Temporary Community Event Application for the Shoes 'N Brews 26.2 km using the Schuylkill River Trail under the Veteran's Memorial Gay Street Bridge on Sunday, October 1, 2023 from 9:30 am to 12:00 noon. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
2. Motion to approve a Temporary Community Event Application for the BBQ Throwdown Competition at the Bridge and Main Street Parking Lot on Saturday, October 28, 2023 from 2:00 pm to 5:00 pm. Bridge and Main Street Parking Lot to be closed from 5:00 am to 7:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
3. Motion to approve the Borough's Planning consultant proposal for deed research and deed plotting for 25 parcels associated with the PennDOT ROW as recommended in the Borough Manager's Memorandum.

C. Items from Finance Committee:

1. Motion to approve the 2023 Pre-Paid dated 7/1/2023 - 7/31/2023 in the amount of \$1,033,263.90.
2. Motion to approve the 2023 Pre-Paid Credit Card Statement dated 7/1/2023 - 7/31/2023 in the amount of \$102,652.26.
3. Motion to approve the 2023 Pre-Paid ACH dated 7/31/2023 in the amount of \$35,968.83.

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

Motion Approved 8-0.

VI. Communications/Council Participation

Mr. Burckley reported the Firebird build has begun at Veteran's Field for this year's festival on December 9, 2023. She congratulated the Blues Festival organizers for the successful return of the Blues Festival at Reeves Park and on October 7, 2023 Ann's Heart will be hosting a Youth Community Service Retreat sponsored by the Jaycees and Soroptimist Club of Phoenixville.

Mr. Moore shared his appreciation with Staff for the successful grant awards for the realignment of Mowere Road and the Bridge and Starr Street improvements. He stated this weekend would be busy for events downtown and in Reeves Park, including Andre Thornton Day, Wuff Jam, and Rhythm and Brews.

VII. Mayor's Report

Mayor Urscheler welcomed the new teacher and new Superintendent Melissa 'Missy' McTiernan to the Phoenixville Area School District. He reported on the many events in town, including the recent Blues Festival and the upcoming Movie in the Park, and Yeager's Fall Festival. He thanked the Junior ROTC and First Responders for their 110 Stair Climb in remembrance of the 911 tragedy and sent his condolences to the family of Gwynne Hagee on her recent passing.

VIII. Appointments

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

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. Seconded by Ms. Weiss.

Motion Approved 8-0.

The meeting recessed at 7:38pm.

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

Motion Approved 8-0.

The meeting resumed at 7:45 pm.

IX. New Business

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

Ms. Burckley made a Motion to offer the position of Patrol Officer to Chase Rondeau, conditioned upon the completion of the background check, psychological exam and medical clearances. Seconded by Mr. Weiss.

Motion Approved 8-0.

- B. Motion to appoint Matthew McCloskey of Barry Isett & Associates as the BCO representative to the HARB and further accept his Proposal for Professional Services to provide such representation.

Ms. Dugan made a Motion to appoint Matthew McCloskey of Barry Isett & Associates as the BCO representative to the HARB and further accept his Proposal for Professional Services to provide such representation. Seconded by Mr. Kirkner.

On the Question:

Mr. Moore asked if additional funding would be needed for his attendance at the meetings.

Mr. Krack explained the role of BCO is currently held by a member of Borough Staff and after discussing it, Staff felt it would be better if the process was managed by an outside entity. After reaching out to BIA Staff, they found that they have a BCO that does this for other municipalities, so we requested a proposal. After reviewing the dollar amount, we feel we can manage the cost through the application process and the budget.

Mr. Ewald asked about the duration of the agreement and if it doesn't work out.

Mr. Krack stated that it is in place until it isn't needed, there is no guaranteed length of time.

Mr. Moore asked about payment if HARB doesn't have a meeting.

Mr. Ewald stated meeting attendance is required for payment.

Ms. Dugan stated she supports this decision and feels they will provide more help to HARB.

Motion Approved 8-0.

- C. Motion to accept Staff recommendation to award the 2024 chemical bids.

Ms. Burckley made a Motion to accept Staff's recommendation to award the 2024 chemical bids. Seconded Mr. Kirkner.

On the Question:

Mr. Krack read the total bid awards aloud as follows.

1. Liquidated Alum Sulfate - 45,000 Gal - Thatcher Company of New York, Inc in the amount of \$59,413.50.
2. Hydrofluorosilicic Acid- 1200 Gal - Univar Solutions in the amount of \$6,000.00
3. Potassium Permanganate 55.125 LB Pails - 80 - Brenntag Northeast in the amount of \$11,760.00.
4. Zinc Orthophosphate -8 Tons - Coyne Chemical in the amount of \$28,133.33.
5. Hydrated Lime-1 Ton Lots - Univar Solutions in the amount of \$799.00.
6. Soda Ash - 38 (Ton) - Brenntag Northeast in the amount of \$26,600.00.
7. Ammonium Sulfate - 10 (Ton) - Univar Solutions in the amount of \$17,290.00
8. Brine Salt - 60 (Ton) - No Bids were received. Staff will procure the Brine Salt from a CoStars approved vendor.

Motion Approved 8-0.

- D. Motion to approve a tentative Collective Bargaining Agreement pending ratification from the Phoenixville Police Department.

Ms. Burckley made a Motion to approve a tentative Collective Bargaining Agreement pending ratification from the Phoenixville Police Department. Seconded by Ms. Webb.

Motion Approved 8-0.

- E. Motion to authorize the continued engagement of Manko Gold Katcher Fox LLP to provide environmental and energy legal services related to the PXVNEO project.

Mr. Kirkner made a Motion to authorize the continued engagement of Manko Gold Katcher Fox LLP to provide environmental and energy legal services related to the PXVNEO project.. Seconded by Ms. Burckley.

Motion Approved 8-0.

- X. Resolutions/Ordinances

- A. Motion to adopt a Resolution authorizing the 2024 Minimum Municipal Obligation (MMO) for uniform and non-uniform pension plans.

Ms. Burckley made a Motion to adopt a Resolution authorizing the 2024 Minimum

Municipal Obligation (MMO) for uniform and non-uniform pension plans.
Seconded by Mr. Weiss.

Motion Approved 8-0.

XI. Public Hearings

XII. Reports of Committees, Boards, and Commissions

A. Planning Commission - Mr. Moore

Mr. Moore reported the Planning Commission is reviewing two projects currently and the next meeting is this Thursday, September 14, 2023 at 6:00pm.

B. Historical and Architectural Review Board – Ms. Dugan

1. Motion to approve the Certificate of Appropriateness for the demolition of 245 Taylor Alley as recommended by the HARB 6-0 per their Action Memo of September 6, 2023.

Ms. Dugan made a Motion to approve the Certificate of Appropriateness for the demolition of 245 Taylor Alley. Seconded by Mr. Weiss.

On the Question:

Ms. Dugan stated that she asked for this item to not be included in the Consent Agenda in the event her fellow Council members had any questions about the demolition.

Mr. Ewald asked if anyone had questions for the applicant's attorney.

Ms. Burckley asked if the reconstruction of the property would go through the HARB and the Planning Commission.

Mr. Krack confirmed they would.

Motion Approved 8-0.

C. Phoenixville Regional Planning Committee – Mr Kirkner

Mr. Kirkner reported on the current discussions at the Regional Planning Commission including the plans for an Amazon location that have been withdrawn, the Charlestown Townships planned property acquisition, and he reported to the commission on the out of left field presentation from the Alan Fegley and Susan Turner of the Phoenixville Area School District.

D. Recreation Board – Ms. Dugan

Ms. Dugan reported the many activities and camps at the Recreation Center,

including AARP Driver Safety Training, Open Gym, Snapology, Skateboard Club, Sew Much Fun, and Youth Yoga. She reminded the public to visit the Borough Website for more information.

E. Tree Advisory Commission – Ms. Burckley

Ms. Burckley reported that TAC is preparing for the fall volunteer planting and Alexis from Borough Staff has been plotting the locations for the contract planting. At the most recent meeting, the commission and Borough Arborist reviewed Planning Commission plans submitted to them. She addressed this misconception that ProMark is removing trees to fulfill a contract. This is not true. The Borough Arborist works with Staff to determine the location of trees that are in need of removal based on his assessment of the tree.

XIII. Council Action referred from:

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

Ms. Burckley reminded the public of the various openings on the Zoning Hearing Board, Human Relations Commission, Civil Service Commission, Tree Advisory Commission and the Historical Architectural Review Board.

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

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

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

Mr. Weiss stated he wished to celebrate and congratulate Staff on the successful submission and award of the PennDOT MTF for the Mowere Road realignment and the CRP Chester County Grant for the Intersection of Bridge and Starr.

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

1. Motion to approve the proposal from McMahon Associates to complete a feasibility study regarding Church Street traffic and circulation.
Recommended in Committee 3-1.

Mr. Weiss made a Motion to the proposal from McMahon Associates to complete a feasibility study regarding Church Street traffic and circulation.
Seconded by Mr. Moore.

On the Question:

Ms. Dugan stated she does not support spending the money on a study to show what could possibly be done on the 100 Block of Church Street. She is concerned about losing eight parking spots in the area with all the new projects going up.

Mr. Kirkner asked where the funding will come from.

Mr. Ewald stated it would come from the General Fund.

Mr. Moore explained why he voted in favor of the funding of the study. He stated it would be important to know what can be done and finds it odd that the 200 and 300 blocks of Church are two-way and the 100 block is not.

Ms. Burckley stated she had a lot of questions during the committee session. Since this is in her ward, living in the area and volunteering there, she does not want to jump forth with a decision regarding Church Street with some data to support it.

Mr. Weiss stated there are some subtleties when it comes to the 100 block of Church and he thinks it's important to study the area as the road does have some narrowing on it and to make an informed decision funding the study is needed.

Motion Approved 7-1. Ms. Dugan voting No.

Mr. Ewald stated the Policy Committee will meet at 6 pm and Finance will meet at 7pm until the budget process is complete.

XIV. Public Participation

Ms. Hilly asked about the Regional Round table and when the information on the Zoning Ordinance Rewrite will be published to the website.

XV. Communication/Council Participation

XVI. Staff Reports

A. Manager

1. Regional Round Table participation.

Mr. Krack explained the history of the Round Table. It was formed by Upper Providence Township to continue discussion with surrounding municipalities. Last year we met almost exclusively about EMS Service. The meetings will now focus on regional issues like MS4 requirements and regional grant opportunities. Mr. Krack stated Staff would be attending and he invited anyone from the Council to attend.

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 August 8, 2023 to discuss Personnel, Real Estate and Litigation

XVIII. Executive Session – Personnel, Real Estate and Litigation

XIX. Adjournment

8:15 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
September 2023