# PHOENIXVILLE BOROUGH COUNCIL

Tuesday, October 10, 2023
7:00 PM

## MINUTES

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

I. Pledge of Allegiance/Moment of Silence

II. Roll Call – Borough Manager

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| 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

Sue Meadows, resident and business owner. She explained the survey results the business association presented to the Council. She stated businesses are hurting from the closure and asked that the businesses be included in any further discussions regarding the closure of the 100 and 200 Blocks of Bridge Street.

Carolyn Duffy, resident and business owner. She expressed her concerns about the closure and how it negatively affects the businesses downtown. She hopes that a compromise can be made that reduces the number of times the roads are closed downtown.

Sally Doyle, ReReRe Plastics. She expressed her support of the Ordinance banning single-use plastics.

Ellie Acampora, owner of Ellie's Choice. She asked for at least two members of the Council to meet with the businesses. She feels the Police Department needs support to do their jobs. She would like the streets open with no closure. She stated she feels First Friday has become a joke.

Shawn Cephas, resident and business owner. He stated he would like to see the town focus more on the art community here rather than being a place to come and drink. If we continue to focus on the drinking and restaurants, the town will fail. There are plenty of towns that have restaurants. People come here for the community and the shops.

Jan Swarr, resident. She expressed her concerns about the use of tobacco in town and the cigarette butts all over as they pollute the water. She also stated that as an insurance agent, the open container law being lifted, opens the town to law suits.

Joan Beregi, resident. She stated she would like to see the focus of town be on the arts and not be on the booze town it's become.

Marina Gresham, resident. She expressed her concerns about 22 apartments and not enough parking to accommodate them. She feels the approval of the project will make the quality of life much worse. She wants to make sure it doesn't get approved.

Paul Dungee, resident and business owner. He stated the charm of this town is the shopping district. He feels that PXV inside Out is upside down and it needs to be flushed away.

Chris Kalicki, resident and business owner. She stated her opposition to the proposed apartments at 34 S. Main Street and to the continuation of the street closures. She is happy to meet to discuss the road closures to work on a cooperative solution for everyone.

V. Consent Agenda

A. Approval of the September 12, 2023 Regular Meeting Minutes.

B. Items from Historical and Architectural Review Board:

1. Motion to approve the Certificate of Appropriateness for the sign installation at 6 Main Street as recommended by the HARB 6-0 per their Action Memo of October 3, 2023.

2. Motion to approve the Certificate of Appropriateness for the sign installation at 213 Church Street as recommended by the HARB 5-0 per their Action Memo of October 3, 2023.

C. Items from Finance Committee:

1. Motion to approve the 2023 Pre-Paid dated 8/1/2023 - 7831/2023 in the amount of $1,466,927.60.

2. Motion to approve the 2023 Pre-Paid Credit Card Statement dated 8/1/2023 - 8/31/2023 in the amount of $110,673.79.

3. Motion to approve the 2023 Pre-Paid ACH dated 8/31/2023 in the amount of $41,500.06.

4. Motion to approve Budget Increase 2023-028 in the amount of $185,000 from Water Fund Balance to Water Fund (Water Storage) for costs associated with the Reservoir Project.

5. Motion to approve the Budget Transfer Request 2023-12 in the amount of $25,000 from Solid Waste (Tipping Fees) to Recycling (Tipping Fees) due to increased recycling costs.

6. Motion to approve the Budget Transfer Request 2023-15 in the amount of $10,000 from Participant Recreation (Janitorial Services) to Participant Recreation (Recreation Supplies) due to increase in needed supplies and $8,000 from Participant Recreation (Janitorial Services) to Participant Recreation (Electric) due to increase in electrical costs.

7. Motion to approve the Budget Transfer Request 2023-16 in the amount of $8,000 from Water Treatment (Hypo Gen Load Cell) to Water Treatment (Ammonium Sulfate) due to additional chemicals needed and $4,000 from Water Treatment (Hypo Gen Load Cell) to Water Treatment (Hypo Gen Maint) due to additional maintenance.

8. Motion to approve the proposal from Traffic Planning and Design (TPD) for the Bridge and Starr Streets Extension Project.

9. Motion to adopt a Resolution authorizing the issuance of Borough credit cards to authorized employees.

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

Motion Approved 8-0.

VI. Communications/Council Participation

Ms. Burckley reported the Firebird build has begun at Veterans Memorial Park. Volunteers are needed for the build and always welcome the donation of food for the builders.

VII. Mayor's Report

Mayor Urscheler reported on Andre Thornton Day, Soroptimist Bingo and Field Day.

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.

B. Motion to adopt a Resolution appointing David Petty to the Zoning Hearing Board for the vacant term expiring January 31, 2024.

Ms. Burckley made a Motion to Adopt a Resolution appointing David Petty to the Zoning Hearing Board for the vacant term expiring January 31, 2024. Seconded by Mr. Weiss.

On the Question:

Ms. Burckley stated Mr. Petty did attend the Personnel and Public Safety Committee and was interviewed for the appointment.

Motion Approved 8-0.

IX. New Business

A. Motion to accept Staff's recommendation and award the 2024 Janitorial Contract for Borough Hall and the Recreation Center to City Wide Facility Solutions for a total contract value of $86,423.00 as the lowest responsible bidder.

Ms. Burckley made a Motion to accept the Staff's recommendation and award the 2024 Janitorial Contract for Borough Hall and the Recreation Center to City Wide Facility Solutions for a total contract value of $86,423.00 as the lowest responsible bidder. Seconded by Mr. Weiss.

Motion Approved 8-0.

B. Motion to accept Staff's recommendation and approve a Budget Increase for the purchase of the new locking mechanisms using Fund Balance.

Ms. Burckley made a Motion to accept Staff's recommendation and approve a Budget Increase for the purchase of the new locking mechanisms using Fund Balance. Seconded by Ms. Dugan.

Motion Approved 8-0.

X. Ordinances/Resolutions

A. Motion to adopt a Resolution officially conditionally approving/denying the Preliminary/Final Land Development Plan for the development known as Main Street Lofts III.

Mr. Moore made a Motion to adopt a Resolution officially conditionally approving the Preliminary/Final Land Development Plan for the development known as Main Street Lofts III. Seconded by Ms. Burckley.

On the Question:

Mr. Hasson the architect and Mr. Burke Counsel for the applicant explainedthe applicant is not seeking any waivers for the project and provided general background on the plans for 34 S. Main Street, the Main Streets Lofts.

Mr. Denlinger opened Public Participation on this agenda item.

Public Participation

None

Motion Approved 8-0.

B. Motion to adopt a Resolution conditionally waiving the formal Subdivision and Land Development Ordinance requirements for 802 Township Line Road due to the project's small size and minimal disturbance.

Mr. Moore made a Motion to adopt a Resolution conditionally waiving the formal Subdivision and Land Development Ordinance requirements for 802 Township Line Road due to the project's small size and minimal disturbance. Seconded by Mr. Weiss.

On the Question:

Mr. Denlinger provided the background on the request and why the project qualifies for exemption from the Subdivision and Land Development Ordinance requirements.

Motion Approved 8-0.

C. Motion to adopt a Resolution for Plan Revision for New Land Development for Odessa and Trieste Sewer Tap-ins, Sewer Extension, and Pump Station as required by DEP.

Mr. Moore made a Motion to adopt a Resolution for Plan Revision for New Land Development for Odessa and Trieste Sewer Tap-ins, Sewer Extension, and Pump Station as required by DEP. Seconded by Mr. Weiss.

On the Question:

Mr. Krack explained the Resolution before the Council is required for the development to be able to submit the necessary paperwork to the DEP before the projects can begin construction.

Ms. Dugan asked for clarification that the changes are just for the sewer requirements of the projects.

Mr. Krack confirmed this is for only the sewer requirements and the previous approved plans have not been altered.

Motion Approved 8-0.

D. Motion to adopt a Resolution revising Chapter 22, Subdivision and Land Development, Attachment 1 “Borough Standard Construction Details.”

Ms. Burckley made a Motion to a Resolution revising Chapter 22, Subdivision and Land Development, Attachment 1 “Borough Standard Construction Details.” Seconded by Mr. Weiss.

On the Question:

Mr. Krack provided the background on the Resolution and that when needed, the Council can approve changes to the construction standards included in the Borough's Subdivision and Land Development Ordinance.

Motion Approved 8-0.

E. Motion to adopt a Resolution in support of the Multi-Modal Grant Application to the Pennsylvania Department of Transportation.

Ms. Burckley made a Motion to adopt a Resolution in support of the Multi-Modal Grant Application to the Pennsylvania Department of Transportation. Seconded by Mr. Carminito.

On the Question:

Ms. Getzfread explained Staff will be submitting a grant application to PennDOT for additional funding for the Starr and Bridge Street intersection improvements.

Motion Approved 8-0.

XI. Hearings

A. Pursuant to Section 4-207, Hearing Procedures and Adjudications, of Phoenixville Borough’s Abatable Structure Ordinance, on the Code Enforcement Department’s determination that the structure located at 209 High Street is a public nuisance constituting a danger or hazard to public safety and that said nuisance be abated by demolition or destruction of said structure.

Ms. Burckley made a Motion to open the Public Hearing. Seconded by Mr. Weiss.

Motion Approved 8-0.

Hearing opened 8:25 pm.

Mr. Denlinger provided background on the abatable structure ordinance and added to the record proof of publication and posting of the property for tonight's hearing. He explained the proceedings and called David Boelker, Planning Director and Zoning Officer for the Borough.

Mr. Boelker explained the history of the property, the current conditions at 209 High Street and provided exhibits that were collected to support his testimony.

Questions were asked and answered.

Mr. Denlinger explained that the Council has to wait at least thirty days before rendering its decision. The next Council meeting to render the decision is November 14, 2023.

Ms. Burckley made a Motion to close the Public Hearing. Seconded by Mr. Weiss.

Motion Approved 8-0.

Hearing closed at 8:57 pm.

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

Motion Approved 8-0.

XII. Reports of Committees, Boards, and Commissions

A. Planning Commission - Mr. Moore

Mr. Moore reported the Planning Commission will be meeting twice in October on the 12th and the 19th at 6 pm.

B. Historical and Architectural Review Board – Ms. Dugan

C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner reported Spring City Borough is requesting to join the Phoenixville Regional Planning Commission, East Pikeland has two properties seeking LERTA and a new Aldi is opening up.

D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the programs at the Recreation Center including Snapology, Skate Club, Fundamentals of Tennis and Youth Pickleball and Youth Yoga.

E. Tree Advisory Commission – Ms. Burckley

Ms. Burckley reported the tree removal company ProMark has been experiencing some equipment delays, the commission has an upcoming fall planting, and the RFP for 2024-2026 Tree Removal is being prepared.

XIII. Council Action referred from:

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

1. Motion to authorize the Civil Service Commission to begin the process of developing an Eligibility List for Patrolman for the Phoenixville Police Department.

   Ms. Burckley made a Motion to authorize the Civil Service Commission to begin the process of developing an Eligibility List for Patrolman for the Phoenixville Police Department. Seconded by Mr. Weiss.

   Motion Approved 8-0.

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

1. Motion to approve a Temporary Community Event Application for the Burn off the Bird 5K starting and ending at the Recreation Center on Saturday, November 25, 2023 from 8:30 am to 10:30 am. Franklin Avenue between Grant Street and Fillmore Street and Fillmore Street between Franklin Avenue and Cromby Road to be closed for approximately five minutes each. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

   Mr. Moore made a Motion to approve a Temporary Community Event Application for the Burn off the Bird 5K starting and ending at the Recreation Center on Saturday, November 25, 2023 from 8:30 am to 10:30 am. Franklin Avenue between Grant Street and Fillmore Street and Fillmore Street between Franklin Avenue and Cromby Road to be closed for approximately five minutes each. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured. Seconded by Ms. Dugan.

   Motion Approved 7-0-1. Ms. Burckley abstained due to Conflict of Interest.

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

1. Motion to authorize Borough Staff to draft an Ordinance for the Redistricting of Precincts and Wards, and request the preparation of a verbal description of the boundaries thereof, utilizing precinct scenario #2.

   Mr. Kirkner made a Motion to authorize Borough Staff to draft an Ordinance for the Redistricting of Precincts and Wards, and request the preparation of a verbal description of the boundaries thereof, utilizing precinct scenario #2.

Seconded by Ms. Burckley.

Motion Approved 8-0.

2. Motion to schedule and advertise an Ordinance amending Chapter 22, "Subdivision and Land Development."

   Mr. Kirkner made a Motion to schedule and advertise an Ordinance amending Chapter 22, "Subdivision and Land Development". Seconded by Ms. Burckley.

   Motion Approved 8-0.

3. Motion to schedule and advertise an Ordinance amending Chapter 24 "Taxation, Special," Part 8 "Neighborhood Improvement District."

   Mr. Kirkner made a Motion to schedule and advertise an Ordinance amending Chapter 24 "Taxation, Special," Part 8 "Neighborhood Improvement District." Seconded by Ms. Burckley.

   Motion Approved 8-0.

4. Motion to schedule and advertise an Ordinance amending Chapter 24 "Taxation, Special," Part 4 "Discount and Penalties."

   Mr. Kirkner made a Motion to schedule and advertise an Ordinance amending Chapter 24 "Taxation, Special," Part 4 "Discount and Penalties." Seconded by Ms. Burckley.

   Motion Approved 8-0.

5. Motion to schedule and advertise an Ordinance amending Chapter 5 "Code Enforcement, by adding a new Part 4 "Blasting."

   Mr. Kirkner made a Motion to schedule and advertise an Ordinance amending Chapter 5 "Code Enforcement, by adding a new Part 4 "Blasting." Seconded by Ms. Burckley.

   Motion Approved 8-0.

6. Motion to adopt a Resolution establishing the Borough's Flag Policy.

   Mr. Kirkner made a Motion to adopt a Resolution establishing the Borough's Flag Policy. Seconded by Ms. Burckley.

   Motion Approved 8-0.

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

Mr. Weiss commended the Staff on their thoroughness and hard work regarding the property at 209 High Street.

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 September 12, 2023 to discuss Personnel, Real Estate and Litigation

XVIII. Executive Session – Personnel, Real Estate and Litigation

XIX. Adjournment
9:17pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
October 2023