

**PHOENIXVILLE BOROUGH COUNCIL**

Tuesday, December 12, 2023

7:00 PM

**MINUTES**

(Minutes approved by Borough Council on January 9, 2024)

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

A. Swearing in of Patrol Officer Chase Rondeau – Mayor Urscheler.

Chief Marshall introduced Officer Chase Rondeau and provided a brief biography of his accomplishments.

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

IV. Public Participation

Sally Doyle, resident and member of ReReRe Plastics. She stated she is here in support of the adoption of the Plastics Ordinance. She stated she attended many of the Policy Committee meetings and she appreciates all the hard work put into the Ordinance and working with the businesses to bring this item back to the Council Agenda for approval.

Rodney Platt, resident and member of Phoenixville Area Transition. He stated he is in support of the Plastics Ordinance and he thanked the Policy Committee and the Council for their conscientiousness and mindful work.

David Lutzker, resident and President of the Green Team. He summarized the Ordinance to encourage consumers in commercial establishments within the borough to reduce the use of single-use plastic bags and replace them with reusable bags. It is a great goal and

he is glad the Borough is here with the Plastics Ordinance.

Lucy Graham, resident and member of ReReRe Plastics. She stated she is reiterating what the others have said in support of the ordinance. We're hoping that the plastics ordinance will be approved tonight and we really appreciate the work that you've done on it. We're really happy that Phoenixville Borough is a community that is taking this step and acting as a model for other communities around us.

V. Consent Agenda

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

B. Items from Parks and Recreation Committee:

1. Motion to approve the Eagle Scout Proposal from Troop 58 Life Scout Ian Cockerham. The Proposal is for repair/refurbishment of lighting at Reeves Park Veterans Memorial. Some landscape upgrades will be included.

C. Items from Finance Committee:

1. Motion to approve the 2023 Pre-Paid dated 10/1/2023 – 10/31/2023 in the amount of \$2,030,626.08.
2. Motion to approve the 2023 Pre-Paid Credit Card Statement dated 10/1/2023 - 10/31/2023 in the amount of \$109,553.57.
3. Motion to approve the 2023 Pre-Paid ACH dated 10/31/2023 in the amount of \$38,669.30.
4. Motion to approve Budget Increase 2023-032 in the amount of \$7,613 from General Fund Balance to Fire Protection – New Vehicle for additional costs to outfit Fire Chief's new truck.
5. Motion to adopt a Resolution eliminating member payments to the Police Pension Plan Fund for the Calendar Year 2024.

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

Motion Approved 8-0.

VI. Communications/Council Participation

Mr. Ewald made a minor clarification of item B from the Parks and Recreation Committee. Ian Cockerham's proposal for Reeves Park has been approved and the Council looks forward to the refurbishment.

Mr. Kirkner spoke about the recent passing of Pasquale "Pat" Nattle, Sr. He described the hard work and dedication Pat gave to the Borough. He spoke about his 40-year friendship with Mr. Nattle and of his time working for the borough in the Public Works Department and as President of the Rec Board. Mr. Nattle was a life-long resident of Phoenixville who dedicated himself to the town, his family and friends. He sent his condolences to his family and stated he would be missed.

Ms. Burckley thanked Ms. Webb for her service on Borough Council, as this is her last meeting and for her continued help with the 175 Celebration plans for the Borough. She reported on Mrs. Claus' activities this holiday season including the tree lighting and the Police Association's annual Shop with a Cop. She thanked the Borough Staff, the Phoenixville Jaycees and the Firebird Committee for the work on the festival and reported on the record number of attendees.

Ms. Webb thanked the Council members and Borough Staff for all the help you guys have given me while being on this side of the podium. I can truly tell everyone every single person up here cares just so much about this town and really just wants what's best for it. She thanked the residents who come to all the meetings because she knows everyone has so much passion for Phoenixville.

Mr. Ewald thanked Ms. Webb as well. He stated his appreciation for her enthusiasm and willingness to step up midterm to serve the Borough.

## VII. Mayor's Report

Mayor Urscheler reported on the events in town, including the mid-block crosswalk ribbon cutting in the 100 Block of Bridge Street, Joy of Socks receiving their 1 millionth pair of socks donated, the Firebird film at the Colonial Theatre, and he wished a Happy 100th Birthday to resident Jacqueline Taglieber.

Ms. Burckley made a Motion to recess into Executive Session. Seconded by Mr. Weiss.

Motion Approved 8-0.

Recess at 7:33 PM

Return at 7:42 PM

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

Motion Approved 8-0.

Mr. Denlinger stated the Executive Session was to discuss personnel.

## VIII. Appointments

A. Call for Residents interested in being appointed to various Boards and

Commissions. Current vacancies exist on the 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.

- B. Motion to accept the resignation of Nicholas Kraynak from the Civil Service Commission.

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

Motion Approved 8-0.

- C. Motion to appoint Beth Burckley to the vacant position on the Civil Service Commission.

Mr. Weiss made a Motion to appoint Beth Burckley to the vacant position on the Civil Service Commission. Seconded by Ms. Webb.

On the Question:

Mr. Kirkner stated there is no compensation for the Civil Service Commission.

Motion Approved 7-0-1. Ms. Burckley Abstained

#### IX. New Business

- A. Motion to schedule and advertise the Borough Council Reorganization Meeting for January 2, 2024 at 6:00 pm.

Ms. Burckley made a Motion to schedule and advertise the Borough Council Reorganization Meeting for January 2, 2024 at 6:00 pm. Seconded by Ms. Webb

Motion Approved 8-0.

- B. Motion to schedule and advertise the 2024 meetings of Borough Council and various Boards, Commissions, and Committees.

Ms. Burckley made a Motion to schedule and advertise the 2024 meetings of Borough Council and various Boards, Commissions, and Committees. Seconded by Ms. Webb.

Motion Approved 8-0.

- C. Motion to approve the 2024 General Fund and Enterprise Funds Budget.

Ms. Dugan made a Motion to approve the 2024 General Fund and Enterprise

Funds Budget. Seconded by Mr. Kirkner.

On the Question:

Mr. Ewald thanked the Borough Staff for the hard work that led up to this moment.

Ms. Dugan stated it had been especially hard to get everything approved on the budget but the Staff succeeded. It has been a joy to work with the Staff on the 2024 Budgets.

Mr. Moore thanked the public for their participation at the Finance Committee meetings.

Motion Approved 8-0.

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

Ms. Burckley made a Motion for Council to approve the Honorable Discharge due to disability, effective immediately, of Officer Hakeem Lee/Officer Badge #63 and approval of a service connected disability pension for this officer subject to the terms and conditions outlined in the Police Pension Plan, and further approving Borough Counsel President or the Borough Manager to execute any documents necessary to effect the same. Seconded by Mr. Weiss.

Motion Approved 8-0.

- E. Motion to approve the Brandywine Valley SPCA Animal Protective Services Division Full Service Contract - 5 Year Agreement

Ms. Burckley made a Motion to approve the Brandywine Valley SPCA Animal Protective Services Division Full Service Contract - 5 Year Agreement. Seconded by Ms. Webb.

On the Question:

Mr. Denlinger stated he reviewed the contract and some changes were made. He stated its a standard contract.

Motion Approved 8-0.

- X. Resolutions/Ordinances

- A. Motion to adopt an Ordinance for the 2024 Tax Levy.

Ms. Dugan made a Motion to adopt an Ordinance for the 2024 Tax Levy. Seconded by Mr. Weiss.

Motion Approved 8-0.

- B. Motion to adopt an Ordinance Redistricting of Wards/Precincts.

Mr. Kirkner made a Motion to adopt an Ordinance Redistricting the Wards/Precincts. Seconded by Ms. Burckley.

On the Question:

Mr. Denlinger explained the history of the Ordinance being previously approved and the need for the Borough to address the Precincts. He stated the new maps redefine the Wards as well as the Precincts as required from the 2020 Census numbers in the Brough.

Mr. Ewald thanked Remington Vernick Engineers for their work on the GIS maps and stated this mapping will be good for the next ten years.

Mr. Moore encouraged the residents to verify their wards and poling places as some of the shift of Wards and Precincts may affect them in the upcoming elections.

Motion Approved 8-0.

- C. 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.

Motion Approved 8-0.

- D. Motion to adopt an Ordinance changing the name of a Borough Street.

Mr. Weiss made a Motion to adopt an Ordinance changing the name of a Borough Street. Seconded by Ms. Burckley.

Motion Approved 8-0.

- E. Motion to adopt a Resolution Authorizing the purchase of certain Chester County owned Real Estate located at 13 Railroad Street.

Mr. Kirkner made a Motion to adopt a Resolution Authorizing the purchase of certain Chester County-owned Real Estate located at 13 Railroad Street. Seconded by Ms. Burckley.

On the Question:

Mr. Ewald asked about the purchase price.

Mr. Denlinger explained Chester County dissolved its redevelopment authorities. So the borough has been maintaining this property for a couple of years now and

now Chester County has offered to sell the property to the borough for \$1.00.

Motion Approved 8-0.

- F. Motion to adopt a Resolution authorizing the reimbursement of the Phoenixville Volunteer Firefighters Relief Association for ten percent (10%) of the equipment installed on Ladder 65 and Engine 65-2 in the event of the divestiture thereof by the Borough.

Ms. Burckley made a Motion to adopt a Resolution authorizing the reimbursement of the Phoenixville Volunteer Firefighters Relief Association for ten percent (10%) of the equipment installed on Ladder 65 and Engine 65-2 in the event of the divestiture thereof by the Borough. Seconded by Mr. Weiss.

On the Question:

Mr. Krack explained the relief association over the years has outfitted fire trucks with equipment and this Resolution provides them with reimbursement of 10% of the monies spent.

Motion Approved 8-0.

XI. Hearings

XII. Reports of Committees, Boards, and Commissions

A. Planning Commission - Mr. Moore

- 1. Motion to adopt a Resolution officially conditionally approving/denying the Preliminary/Final Subdivision and Land Development Plan for the development known as 197 Bridge Street Expansion.

Mr. Moore made a Motion adopt a Resolution officially conditionally approving the Preliminary/Final Subdivision and Land Development Plan for the development known as 197 Bridge Street Expansion . Seconded by Ms. Burckley.

On the Question:

Mr. Denlinger explained this project is to add additions to the existing second and third floors and add a fourth floor to create new residential apartments in addition to the existing ones. As a part of the development, the applicant has agreed to some streetscape improvements. In order to increase the walkability and ADA compliance of the sidewalk along Main Street, the applicants went before the Planning Commission several times and received a recommendation for approval. One of the conditions in the draft approval Resolution includes compliance with the HARB decision since this is a matter of land development, Mr. Denlinger asked the applicant if they wished

to address the Council or if anyone had any public comment.

Public Comment

None.

Mr. Denlinger stated the applicant indicated they did not want to address the Council.

Ms. Dugan expressed her concerns about the addition of the new apartments in the downtown as it relates to available parking for these units.

Motion Approved 6-2. Ms. Dugan and Mr. Kirkner voting No.

B. Historical and Architectural Review Board – Ms. Dugan

Ms. Dugan stated she has nothing to report.

C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner stated the committee will be resuming public meetings in 2024.

D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the programs at the Recreation Center, including the blood drive on December 18, 2023, the Safe Sitter program, yoga, flag football and pickleball clinics.

E. Tree Advisory Commission – Ms. Burckley

Ms. Burckley reported on the fall tree planting and thanked the Boy Scouts for their assistance.

XIII. Council Action referred from:

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

Ms. Burckley congratulated Officer Rondeau on his appointment to the Police Department.

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.

Mr. Kirkner made a Motion to schedule and advertise an Ordinance

amending Chapter 10, Health and Safety, by adding a new Part 5 Plastics. Seconded by Mr. Weiss.

On the Question:

Mr. Kirkner indicated there may need to be a minor adjustment to the Ordinance as it relates to the requirement for signage in December and an effective date of January.

Mr. Krack stated the intention was to say they had until December 31, 2024, to put everything in place and then, on January 1, 2025 it would become effective.

Mr. Kirkner stated in paragraph one the effective date is January 1, 2025 so the wording may need minor editing for clarification.

Mr. Carminito asked if the vote tonight is to approve the Ordinance or just advertise it.

Mr. Ewald stated it is to advertise the amendment.

Mr. Carminito stated the business owners would still have time to review the final draft.

Mr. Ewald stated they would have time to review it before the January 9, 2024, meeting. Many of the businesses attended the last two Policy Committee meetings and have commented on the Ordinance.

Ms. Burckley commented that the advertising of the ordinance makes the changes more public. The Borough Staff is working on educational documents for the public and businesses and we as good stewards of the community, can spread the word on the upcoming requirements for the reduction of plastic bag usage in town. Mr. Carminito and I attended the community round table at the Colonial theater and we and other members of the Council can continue to engage the community. She asked Mr. Kirkner and Mr. Ewald if it would be appropriate to discuss the educational materials for the public at the next meeting in January.

Mr. Carminito stated he thinks it would be helpful to get the draft out to the business owners and receive feedback from them before we approve the Ordinance.

Ms. Dugan stated she understands this is only to schedule, but this is something she feels needs to be handled at the state level. She thinks the idea of each county, borough or township having their own regulations makes it confusing, and it won't work out when you have all of this patchwork of

differing laws.

Mr. Kirkner stated this Ordinance has gone through a long and thorough review process, and he wanted to thank Ms. Burckley and Mr. Ewald for sticking with it. He also thanked Mr. Boelker and Mr. Krack for their hard work in researching other ordinances and, finally, he thanked the public for their continued support of the Plastics Ordinance. He stated we have made it to this point and, while I agree with Ms. Dugan that it should be at the state level, I am also aware they won't take up a state wide ban on plastics.

Mr. Ewald stated it is a small step we can take like other communities before us, and until the state gets on board with allowing for such a ban, this is the way municipalities will have to address the issue.

Mr. Carminito asked if we would have to vote on this at the January meeting since we are just seeing the final draft now. Is this something we can vote on at the February meeting, so we can have more time to review the final draft?

Mr. Denlinger explained we have to schedule and advertise for a certain date and my understanding of the motion is to schedule for the January 9, 2024, meeting. If a member of the Council wishes to make a different motion from the current one, they could do so or the motion maker and second could amend the motion. Once the Ordinance is advertised, the Council would have to act at the January 9, 2024, meeting.

Ms. Dugan thinks that advertising for February may be the right thing to do as we are coming into the Christmas shopping season and the business's focus is elsewhere.

Mr. Carminito agrees with Ms. Dugan, businesses are not focused on the Plastic Bag Ordinance right now.

Mr. Ewald understands the concerns but at this point we have discussed this Ordinance more than we discussed the \$34 million dollar budget we just passed. He feels after six meetings every shop owner has seen this ordinance in some iteration.

Mr. Carminito stressed that this version has only been finalized as of two weeks ago.

Ms. Burckley asked if this change happened would it affect the implementation date.

Mr. Carminito asked if Mr. Kirkner would be willing to amend his motion to the February Council meeting.

Mr. Moore asked if the Ordinance would have to be passed at the hearing on January 9, 2024.

Mr. Denlinger stated the enactment of the Ordinance does not require a hearing and, yes, you are not required to act. The Council could if they choose to table the ordinance after it is advertised. However, if the item is tabled it will need to be re-advertised for the Council to act.

Mr. Kirkner stated he did not wish to amend the motion, taking it to February means changes could be made, and those actions would push this back even further and have a negative impact on the timeline in the current Ordinance enactment.

Mr. Denlinger stated, Mr. Kirkner makes a good point. Whether this is advertised in January or February. It will be the version that is before you tonight.

Mr. Moore stated he thinks the committee process needs to be respected, and we can move forward with advertising the ordinance for January.

Ms. Burckley stated she can see both sides, and she appreciates Mr. Carminito's dedication to making sure the businesses are aware of this change.

Mr. Kirkner stated this is the second time this Ordinance has been before the Council. The changes in tonight's document steamed from the many meeting held to discuss the ordinance at the Policy Committee.

Motion Approved 6-2. Mr. Carminito and Ms. Dugan voting No.

2. Motion to authorize a letter to the state Representatives seeking legislation to give municipalities the ability to regulate Games of Chance.

Mr. Kirkner made a Motion to authorize a letter to the state Representatives seeking legislation to give municipalities the ability to regulate Games of Chance. Seconded by Ms. Burckley.

On the Question:

Mr. Denlinger explained the loophole in the state regulations as it relates to games of chance versus games of skill not being clearly defined.

Mr. Krack explained the letter and noted the letter would be written to refer to a game of skill and not of chance.

Mr. Denlinger stated this is a hot topic in the court system right now.

Motion Approved 8-0.

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

- 1. No additional action to report.

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

- 1. No additional action to report.

XIV. Public Participation

David Lutzker, resident. He asked if the Phoenixville Regional Planning Commission would consider hybrid meetings that allow remote attendance as well as in person.

XV. Communication/Council Participation

Mr. Kirkner stated the Phoenixville Regional Planning Commission does not have the capability to host hybrid meetings.

XVI. Staff Reports

- A. Manager
- B. Police
- C. Fire
- D. Planning and Codes
- E. Public Works
- F. Finance
- G. Human Resources

XIX. Council met in Executive Session on November 14, 2023 to discuss Real Estate and Litigation

XVII. Executive Session – Personnel, Real Estate and Litigation

XVIII. Adjournment

8:31pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack  
Borough Manager

Transcribed by: Jennifer Logan  
Administrative Assistant  
December 2023