

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, April 9, 2024

7:00 PM

MINUTES

(Minutes approved by Borough Council on May 14, 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. Kirkner	Present
Mr. Moore	Present
Mr. Strenfel	Present
Mr. Weiss	Present
Mayor Urscheler	Present
Mr. Krack, Borough Manager	Present
Ms. Getzfread, Asst. Borough Manager	Excused
Chief Marshall, Police Chief	Present
Mr. Denlinger, Solicitor	Present

III. Presentations

A. Proclamation to Phoenixville VFW in support of the Borough's Electric Bike Project – Mayor Urscheler

Mayor Urscheler read aloud the Certificate of appreciation to the Ettinger Powell Veterans of Foreign Wars Post #1564

Mr. Don Mahoney shared the Mission of the VFW and thanked the Borough and Community for their support of the VFW.

IV. Public Participation

None.

V. Consent Agenda:

A. Approval of the March 12, 2024 Regular Meeting Minutes.

B. Historical and Architectural Review Board

1. Motion to approve the Certificate of Appropriateness for screening of HVAC equipment as represented in the application for 37 Bridge Street as recommended 5-0 by the HARB in their Action Memo of April 2, 2024.
2. Motion to approve the Certificate of Appropriateness for an addition as represented in the application for 100 Bridge Street as recommended 5-0 by the HARB in their Action Memo of April 2, 2024.
3. Motion to approve the Certificate of Appropriateness for exterior renovations only as represented in the application and not the signage as shown for 238 Bridge Street as recommended 5-0 by the HARB in their Action Memo of April 2, 2024.

C. Items from Personnel and Public Safety Committee

1. Motion to appoint Shawn Cephas to the Human Relations Commission for the open vacancy with term expiring March 31, 2026.
2. Motion to appoint Andrew Hungerbuhler to the Recreation Board for the term expiring April 30, 2028.
3. Motion to reappoint Kathy Gill to the Recreation Board for the term expiring April 30, 2028.

D. Items from Parks and Recreation Committee.

1. Motion to approve a Temporary Community Event Application for First Fridays on Friday, May 3, November 1, and December 6, 2024 from 5:30 pm to 8:30 pm on the 100 and 200 Block of Bridge Street and the Bridge and Main Street Parking Lot. Bridge Street to be closed between Gay Street to Main Street and Main Street to Starr Street from 4:00 to 10:00 pm. The Parking Lot to be closed from 12:00 pm to 10:00 pm on each Friday.
2. Motion to approve a Temporary Community Event Application for the Rhythm and Brews in the Main and Bridge Street Parking Lot on Saturday, June 22, 2024, Saturday, July 27, 2024, Saturday, August 24, 2024 and Saturday, September 28, 2024 from 6:00pm to 9:00 pm. Main and Bridge Street Lot to be used consistent with existing street closure. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.
3. Motion to approve a Temporary Community Event Application for the Blobfest 5K, 10K, and Half Marathon on the Schuylkill River Trail on Sunday, July 14, 2024 from 7:00 am to 11:00 am. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as

Additional Insured.

4. Motion to approve a Temporary Community Event Application for the Phoenixville VegFest in Reeves Park on Saturday, July 27, 2024 from 11:00 am to 5:00 pm. Third Avenue between Main Street and B Street to be closed from 8:00 am to 7:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.
5. Motion to approve a Temporary Community Event Application for the Phoenixville VegFest in Reeves Park on Sunday, July 28, 2024 from 11:00 am to 5:00 pm. Third Avenue between Main Street and B Street to be closed from 8:00 am to 7:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.
6. Motion to approve a Temporary Community Event Application for WuFF Jam 2024 on Saturday, September 14, 2024 from 11:00 am to 5:00 pm in Reeves Park. Third Avenue between Main Street and Starr Street to be closed from 8:00 am to 6:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

E. Items from Finance Committee.

1. Motion to approve the 2024 Pre-Paid dated 2/1/2024 - 2/29/2024 in the amount of \$856,359.37.
2. Motion to approve the 2024 Pre-Paid Credit Card Statement dated 2/1/2024 - 2/29/2024 in the amount of \$35,352.97.
3. Motion to approve the 2024 Pre-Paid ACH dated 2/29/2024 in the amount of \$47,978.90.
4. Motion to approve the waiving of \$9,045.00 in back payments due to the Borough from the Phoenixville Communities That Care.
5. Motion to approve the Phoenixville Borough Zoning Ordinance Update – Additional Work proposal from Gilmore & Associates in the amount of \$7,200 as recommended by the Zoning Task Force.
6. Motion to approve the Bowman proposal for Engineering Design Services for Phase 2 of the Paradise Street Improvement Project in the lump sum amount of \$174,090.

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

Motion Approved 8-0.

VI. Communications/Council Participation

Ms. Burckley reminded the public of the upcoming 175th Birthday Celebration for the Borough on April 20, 2024 at the Recreation Center.

Mr. Kirkner expressed his thanks to Tom DeLuca, Dave Boelker and the Codes Department staff for their quick response to the concerns at the Valley Forge Railways property at 410 Vanderslice Street. He stated after Mr. DeLuca brought the concern to Public Participation on March 12, 2024 the property has been cleaned up, the illegal cars removed and the area fenced in so no more parking is allowed on the property.

VII. Mayor's Report

Mayor Urscheler reported on the recent visit to the area by Congresswoman Chrissy Houlahan. He stated she visited with the non-profits, businesses and the Phoenixville Police Department. He thanked Congresswoman Houlahan for her efforts to bring 11.5 Million Dollars of funding to this region. He reminded the public of the upcoming events in town including Walk a Mile in her Shoes on April 13, 2024, a public meeting of the Schuylkill River Passenger Rail Authority at Borough Hall on April 15, 2024 at 3 pm and the 81st Annual Dogwood Festival will be held on May 14-18, 2024.

VIII. Public Hearings

- A. Continued hearing on the Conditional Use Application from ROCKET AMUSEMENT INC., which proposes to operate a skill game room with Pennsylvania skill machines in the first floor of the existing building in 313 Bridge Street as an Entertainment Hall use, in addition to maintaining the existing apartment residential uses on the upper floors of the existing building.

Ms. Burckley made a Motion to recess the public meeting and re-open the hearing on the Conditional Use Application from ROCKET AMUSEMENT INC., which proposes to operate a skill game room with Pennsylvania skill machines in the first floor of the existing building in 313 Bridge Street as an Entertainment Hall use, in addition to maintaining the existing apartment residential uses on the upper floors of the existing building. Seconded by Mr. Weiss.

Motion Approved 8-0.

Hearing opened at 7:16 pm.

Mr. Denlinger explained the continuation of the hearing from the March 12, 2024 meeting and the next steps the Council can take this evening. He entered an additional exhibit to the record.

Ms. Burckley made a Motion to close the Public Hearing and resume the Public

Meeting. Seconded by Mr. Weiss.

Motion Approved 8-0.

Hearing closed at 7:18 pm.

Ms. Burckley made a Motion to recess into Executive Session to discuss the conditional use application for 313 Bridge Street. Seconded by Mr. Weiss.

Motion Approved 8-0.

Meeting recessed at 7:18 pm

Council returned at 7:45 pm.

Ms. Burckley made a Motion to resume the public meeting. Seconded by Mr. Weiss.

Motion Approved 8-0.

Mr. Denlinger stated the purpose of Executive Session was to discuss exercising Council's quasi-judicial deliberation of Rocket Amusement's conditional use application, discussing a matter of personnel and affecting strategy related to the labor relations related to the potential combining of the Sanitation and Streets Department Superintendent position, and discussing a matter of strategy related to labor relations and negotiation with collective bargaining units regarding retention and recruitment of employees.

- B. Motion to approve/deny the Continued Conditional Use Application from ROCKET AMUSEMENT INC., which proposes to operate a skill game room with Pennsylvania skill machines in the first floor of the existing building in 313 Bridge Street as an Entertainment Hall use, in addition to maintaining the existing apartment residential uses on the upper floors of the existing building.

Ms. Burckley made a Motion to deny the Conditional Use Application from ROCKET AMUSEMENT INC., which proposes to operate a skill game room with Pennsylvania skill machines in the first floor of the existing building in 313 Bridge Street as an Entertainment Hall use, in addition to maintaining the existing apartment residential uses on the upper floors of the existing building. Seconded by Mr. Strenfel.

Motion Approved 8-0.

Mr. Denlinger stated a copy of the decision would be mailed to the applicant in accordance with the Municipal Planning Code.

- C. Hearing on Conditional Use Application from Nutt Road LP – 1000 Schuylkill Road which proposes to add a restaurant with a drive-through to the property, in addition to the existing self-storage facility and the proposed coffee shop and carwash uses.

Ms. Buckley made a Motion to recess the Public Meeting and open the Conditional Use Hearing for Nutt Road LP – 1000 Schuylkill Road which proposes to add a restaurant with a drive-through to the property, in addition to the existing self-storage facility and the proposed coffee shop and carwash uses. Seconded by Mr. Weiss.

Motion Approved 8-0.

Mr. Denlinger opened the Conditional Use Hearing at 7:46 pm.

Mr. Denlinger explained the process of the hearing and the location of the project requesting the Conditional Use.

Mr. Denlinger explained the hearing will be continued until May 14, 2024 at 7 pm, at which time the Council can render their decision.

Mr. Weiss made a Motion to recess the Conditional Use Hearing and resume the Public Meeting. Seconded by Ms. Burckley.

Motion Approved 8-0.

Hearing recessed at 8:42 pm

IX. 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, 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.

X. New Business

- A. Motion to accept Staff's recommendation to award the 2024 Tree and Stump Removal Contract to Davidheiser Construction Services for a total contract value of \$76,400.00 as the lowest responsible bidder.

Mr. Weiss made a Motion to accept Staff's recommendation to award the 2024 Tree and Stump Removal Contract to Davidheiser Construction Services for a

total contract value of \$76,400.00 as the lowest responsible bidder. Seconded by Ms. Burckley

Motion Approved 8-0.

XI. Resolutions/Ordinances

- A. Motion to adopt a Resolution acknowledging Debra Johnston for her ten years of service on the Planning Commission.

Ms. Burckley made a Motion to to adopt a Resolution acknowledging Debra Johnston for her ten years of service on the Planning Commission. Seconded by Mr. Weiss.

Motion Approved 8-0.

Mr. Ewald read aloud the Resolution for the record and thanked Ms. Johnston for her service to the Borough.

- B. Motion to adopt a Resolution acknowledging Kristiaan Wiedegreen for his nine years of service on the Planning Commission.

Ms. Burckley made a Motion to adopt a Resolution acknowledging Kristiaan Wiedegreen for his nine years of service on the Planning Commission. Seconded by Mr. Weiss.

Motion Approved 8-0.

Mr. Ewald read aloud the Resolution for the record and thanked Mr. Wiedegreen for his service to the Borough.

- C. Motion to adopt a Resolution to Appoint Tax Collection Committee (TCC) Delegates to the Chester County Tax Collection Committee.

Ms. Burckley made a Motion to adopt a Resolution to Appoint Tax Collection Committee (TCC) Delegates to the Chester County Tax Collection Committee. Seconded by Mr. Weiss.

Motion Approved 8-0.

- D. Motion to adopt an Ordinance amending Chapter 24 "Taxation, Special," Part 8 "Neighborhood Improvement District"

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

Motion Approved 8-0.

- E. 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. Strenfel.

Motion Approved 8-0.

XII. Reports of Committees, Boards, and Commissions

- A. Historical and Architectural Review Board – Ms. Dugan
- B. Planning Commission - Mr. Moore
- C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner reported the Commission will hold it’s first in person meeting since the Covid-19 Pandemic began in March 2020 on April 24, 2024 at the Schuylkill Township Building.

- D. Recreation Board – Ms. Dugan

Ms. Dugan stated the 175th Birthday Celebration for the Borough will be held on April 20, 2024 at the Recreation Center from 5:30 pm to 8:00 pm with the Fireworks display to begin at dusk. She reported on the upcoming camps and programs at the Recreation Center including Parents Night Out, Snapology, Yoga for adults and youths, Mental Health Awareness Day, Facetime Theater, Jump Start sports and various Pickleball tournaments. She encouraged the public to view all of the offerings on the Borough’s Website.

- E. Tree Advisory Commission – Mr. Carminito

Mr. Carminito reported planning for the fall planting has begun, the Spring planting is still ongoing and the Commission has discussed potential ideas for Arbor Day.

- F. Human Relations Commission – Ms. Burckley

Ms. Burckley reported the Commission may be losing a member due to relocation out of the Borough and reminded the public the next meeting will be held at the Recreation Center on May 1, 2024.

XIII. Council Action referred from:

A. Personnel and Public Safety Committee – Ms. Burckley

1. Consider request from Jonathon Luff for appointment to the Zoning Hearing Board for the open vacancy with term expiring January 31, 2027, by adoption of a Resolution.

No action taken as Mr. Luff rescinded his application.

2. Consider request from Carolyn Treglia for appointment to the Zoning Hearing Board for the open vacancy with term expiring January 31, 2027, by adoption of a Resolution.

Ms. Burckley made a Motion to appoint Carolyn Treglia to the Zoning Hearing Board for the open vacancy with term expiring January 31, 2027, by adoption of a Resolution. Seconded by Mr. Kirkner.

Motion Approved 8-0.

3. Consider request from Jennifer Chandler for appointment to the Tree Advisory Commission for the open vacancy with term expiring June 30, 2028.

Ms. Burckley stated she has not been able to contact the applicant and would not be making a motion to appoint until she has had the opportunity to speak with Ms. Chandler.

4. Motion to approve the consolidation of the Sanitation Department and Streets Department Superintendent positions and create an administrative assistant position to support the single Superintendent position.

Ms. Burckley made a Motion to approve the consolidation of the Sanitation Department and Streets Department Superintendent positions and create an administrative assistant position to support the single Superintendent position. Seconded by Mr. Strenfel.

Motion Approved 8-0.

5. Motion to approve Borough staff to explore ways to improve the Borough's recruitment and retention of employees, and negotiate on said topic with employment groups as deemed advisable.

Ms. Burckley made a Motion to approve Borough staff to explore ways to improve the Borough's recruitment and retention of employees, and negotiate on said topic with employment groups as deemed advisable. Seconded by Mr. Strenfel.

Motion Approved 8-0.

B. Parks and Recreation Committee – Mr. Moore

1. No Action to report.

C. Policy Committee – Mr. Carminito

1. Motion to schedule and advertise an Ordinance amending Chapter 4, “Buildings,” “Part 4 “Abatable Structures.”

Mr. Carminito made a Motion to schedule and advertise an Ordinance amending Chapter 4, “Buildings,” “Part 4 “Abatable Structures.” Seconded by Mr. Strenfel.

Motion Approved 8-0.

2. Motion to schedule and advertise an Ordinance amending Chapter 15, “Motor Vehicles and Traffic.”

Mr. Carminito made a Motion to schedule and advertise an Ordinance amending Chapter 15, “Motor Vehicles and Traffic.” Seconded by Mr. Strenfel.

Motion Approved 8-0.

3. Motion to schedule and advertise an Ordinance amending Chapter 27, “Zoning,” “Part 3 “Zoning Districts.”

Mr. Carminito made a Motion to schedule and advertise an Ordinance amending Chapter 27, “Zoning,” “Part 3 “Zoning Districts.” Seconded by Ms. Burckley.

On the Question:

Mr. Denlinger explained the Ordinance allows for the reassignment of Conditional Use Hearings to go before the Zoning Hearing Board rather than before the Borough Council to be approved or denied.

3. Motion to adopt revised Phoenixville Borough Council Procedural Rules and Regulations.

Mr. Carminito made a Motion to adopt revised Phoenixville Borough Council Procedural Rules and Regulations. Seconded by Ms. Burckley.

On the Question:

Mr. Denlinger explained the changes to the policy are to ensure they are in accordance with the applicable laws and includes new policies related to Executive Session.

Motion Approved 8-0.

D. Infrastructure/Technology/Transportation/Sustainability Committee – Mr. Weiss

1. No Action to Report.

E. Finance Committee – Ms. Dugan

1. Motion to approve Staff's recommendation to award The Square at Bridge and Main design project to Ground Reconsidered in the amount of \$76,000.

Mr. Carminito made a Motion to approve Staff's recommendation to award The Square at Bridge and Main design project to Ground Reconsidered in the amount of \$76,000. Seconded by Ms. Burckley.

On the Question:

Ms. Dugan expressed her concerns with the loss of parking for the downtown if this lot is converted into a public park. She stated the biggest and most frequent complaint she receives is the lack of parking available in the downtown. She stated she does not think it is a good idea to eliminate parking.

Ms. Burckley stated the concept of the Square at Bridge and Main was discussed at Parks and Recreation as well as with a focus group including members of the downtown business community. She stated she feels there is potential to add more parking to the downtown and the square adds more benefits to the businesses downtown.

Mr. Strenfel stated he feels this is putting the cart before the horse and that he intends to vote No on the proposal.

Mr. Moore shared the timeline for the process for the Square at Bridge and Main and the decision making process and wanted to clarify that what is before the Council tonight is just this design proposal and not a decision to actually convert the lot to a gathering space. He stated he does have concerns with the loss of parking and the ease of access the lot provides to the downtown and its visitors.

Mr. Kirkner stated he agrees with Mr. Moore that the decision tonight is not to vote to convert the parking lot however, he doesn't feel we should be spending \$76,000 dollars to get the answer if the lot should be converted. He stated there are more pressing projects the Borough needs to invest funds in like Mowere Road realignment and the parking issues that exist on Emmett Street (SR 113) between Franklin Avenue and Dayton Street. He stated he will be voting No on this item.

Mr. Weiss stated he feels this is a piece of information the Council needs along with the Parking Study to help make the right decision. The proposal will provide a tangible idea of the potential of the lot and will, in his opinion, provide something a little nicer downtown for the resident and visitors of the Borough.

Mr. Ewald stated he wants the opportunity to see the design concept and see where it can take us. He stated many of the people moving to town are doing so because of the walkability to the downtown and he believes the project is just more added benefit to our residents.

Yes – Ms. Burckley, Mr. Carminito, Mr. Ewald & Mr. Weiss.

No - Ms. Dugan, Mr. Kirkner, Mr. Moore, & Mr. Strenfel.

Mr. Ewald asked Mayor Urscheler for his vote to break the tie.

Mayor Urscheler voted Yes.

Motion Passes 5-4.

2. Motion to adopt a Resolution authorizing the filing of an application for funding under the FY 2023 Staffing for Adequate Fire and Emergency Response (SAFER) grant program.

Ms. Dugan made a Motion to adopt a Resolution authorizing the filing of an application for funding under the FY 2023 Staffing for Adequate Fire and Emergency Response (SAFER) grant program. Seconded by Ms. Burckley.

Motion Approved 8-0.

XIV. Public Participation

Nancy Thomas, resident and Diversity in Action Board member. She stated she is here tonight to address the Council on the increased fees for the Juneteenth Celebration on Sunday June 16, 2024. She read aloud a statement from the Diversity in Action Advisory Board and explained that this is an event put on by a non-profit and the increase of fees

will make it impossible to afford to hold the free public event.

Kris Keller of Orion Communities. She thanked the Council for their service to the community and echoed the concerns presented by Ms. Thomas. She read aloud a message from Theresa Thornton of Black Light Projects regarding the increase in fees for services for the Andre Thornton Day Celebration as well as the requirement for a building permit for the tent at the event that has been set up since 2018 without a permit required. She read aloud a message from Nina Guzmán of Alianzas de Phoenixville regarding the added expense caused by the requirement of additional porta potties when in previous years the bathrooms at Reeves Park have been more than sufficient as well as the parking costs for the roadway to accommodate the three food trucks that come to the event. She asked again for meeting with Borough Staff, the non-profit community and the businesses in town to discuss and come to some solution for these increased fees that may prevent some events from continuing.

XV. Communications/Council Participation

XVI. Staff Reports are in the packets.

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

XVII. Adjournment

9:25 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
April 2024