PHOENIXVILLE BOROUGH COUNCIL
Tuesday, June 11, 2024
7:00 PM

MINUTES
(Minutes approved by Borough Council on July 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	Excused
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	Present
Chief Marshall, Police Chief	Present
Mr. Denlinger, Solicitor	Present

III. Presentations

A. Honor Officer Peter Karpovich – Mayor Urscheler

Chief Marshall read aloud Letter of Commendation for Life-Saving Award for Officer Peter Karpovich. He stated the Phoenixville Police Department believes in the recognition of officers, their actions, and the outstanding efforts and service to our community and their fellow officers. In keeping with this belief, the Department commends you for outstanding effort you displayed during the past week on June 6, 2024.

Mayor Urscheler presented Officer Karpovich with his commendation and life saving bar for his uniform.

Mayor Urscheler stated we're very fortunate, as we often say here in the community, to have such extraordinary police officers and First Responders and some of our police officers have gathered here tonight to celebrate. He thanked Officer Karpovich and stated his actions afforded he and Chief Marshall the extraordinary opportunity to celebrate just the incredible work that our police officers do here in our community by responding to over 13,000 calls a year. The

Phoenixville community is fortunate the Phoenixville Police Officers are there on probably the worst day of many people's lives, but also, they can be there on the best day too. And with every opportunity, they bring dignity and respect and honor. We are grateful for that and for all of their contributions.

B. 2023 Audit – Dale Umbenhauer, Maille, LLP.

Mr. Dale Umbenhauer, Audit Principle for Maille, LLP. presented the 2023 Audit of the Borough's Financial position.

C. Motion to accept the 2023 Audit as presented.

Ms. Burckley made a Motion to accept the 2023 Audit as presented. Seconded by Mr. Weiss.

Motion Approved 7-0.

IV. Public Participation – None

Mr. Ewald stated "Immediately before this evening's Council Meeting the Council met an Executive Session to engage in Attorney/Client, privileged advice and discussion related to Phoenixville Hospital LLC's real estate tax assessment appeals and to litigation related to 100 School Lane, and to discuss matters of personnel related to the Police Department"

V. Consent Agenda:

A. Approval of the May 14, 2024 Regular Meeting Minutes.

B. Historical and Architectural Review Board

1. Motion to approve/deny the Certificate of Appropriateness for business signage for 238 Bridge Street as recommended by the HARB in their Action Memo of June 3, 2024.

2. Motion to approve/deny the Certificate of Appropriateness for HVAC screening for 35 Bridge Street as recommended by the HARB in their Action Memo of June 3, 2024.

C. Items from Personnel and Public Safety Committee.

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

D. Items from Finance Committee.

1. Motion to approve the 2024 Pre-Paid dated 4/1/2024 - 4/30/2024 in the amount of $1,146,643.33.

2. Motion to approve the 2024 Pre-Paid Credit Card Statement dated 4/1/2024 - 4/30/2024 in the amount of $46,957.82.

3. Motion to approve the 2024 Pre-Paid ACH dated 4/30/2024 in the amount of $39,506.57.

4. Motion to approve Staff's recommendation to write-off four accounts in the total amount of $809.44.

5. Motion to approve the Proposal for Engineering Services for the survey of the Sanitary Sewer within the Norfolk Southern ROW in the amount of $29,695.00.

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

Motion Approved 7-0.

VI. Communications/Council Participation

Ms. Burckley extended her thanks to the Borough Staff, Public Works Department and Phoenixville Fire Department for a very successful Dogwood Parade and Festival. She stated the parade this year was the easily run due to all the hard work leading up to Saturday's parade and it was a wonderful job done.

VII. Mayor's Report

Mayor Urscheler reported on events in the Borough including the 45th Anniversary Celebration for the Phoenixville Senior Center, the ribbon cutting for 260 Bridge Café, the Kiwanis Patriotic Celebration, and the opening of Kuntao Martial Arts in the former Hospital Thrift Shop. He congratulated the Graduating Class of 2024 and the rising 8th graders and rising 5th graders at Phoenixville Area School District. He thanked Senator Bob Casey, Representative Chrissy Houlahan, Senator Carolyn Comitta, Senator Katie Muth, Representative Danielle Friel-Otten, Representative Paul Friel and County Commissioner Marion Moskowitz for joining us in the Borough to celebrate Chester County Pride.

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.

IX. New Business

A. Motion to award the Mowere Road Realignment Project contract to Construction Masters Services, LLC for a Base Bid in the amount of $1,804,997.50 and Alternate Bid No. 1 in the amount of $100,540.00 for a Total Bid amount of $1,905,537.50 as the lowest responsible bidder as recommended by the Borough Engineer.

Mr. Moore made a Motion to award the Mowere Road Realignment Project contract to Construction Masters Services, LLC for a Base Bid in the amount of $1,804,997.50 and Alternate Bid No. 1 in the amount of $100,540.00 for a Total Bid amount of $1,905,537.50 as the lowest responsible bidder as recommended by the Borough Engineer. Seconded by Mr. Carminito.

On the Question:

Mr. Moore asked if the Total Bid amount is an increase over the original estimates for the Mowere Road Project.

Mr. Krack explained there will be a need to utilize ARPA funds to bridge the gap in cost from the grants received and the Total Bid amount. He stated the number is roughly $600,000.00 above the original amount which was not really a surprise since the bid was delayed due to potential utility needs for the project and bidding the project later in the season.

Mr. Moore asked about a timeline for the reconstruction and closure of Mowere Road.

Mr. Krack explained the Notice to Proceed will be sent to Construction Masters Services, LLC on June 12, 2024. Staff and the Borough Engineer will have to meet to have discussion and a pre-construction meeting with CMS, LLC. Contact will be made with SEPTA as well as the both PECO Gas and PECO Electric. Once a schedule is in place staff will reach out to the surrounding residents to notify them of the closures involved with construction on Mowere Road. The project may involve a complete closure and staff will be stating that construction will need to be completed before the Firebird Festival in early December.

Mr. Moore asked if the construction would interfere with school bus routes and if this will have to be addressed with the school district.

Mr. Krack confirmed the buses may have to be rerouted.

Mr. Moore thanked Mr. Krack and Staff for all of their perseverance on this project. He stated it has been a passion of his to address this roadway and just this past Saturday had a resident question him about the repair of Mowere Road.

Mr. Ewald stated as Council Members, each of us has a project they champion and for a project to actually succeed it needs that champion. He stated Mr. Moore has been the champion on this and he expressed his happiness Mr. Moore has been the squeaky wheel, making sure this project didn't come off of the Agenda and it will be a great improvement to the roadway infrastructure.

Mr. Kirkner asked if the scope of work would include sidewalk improvements.

Mr. Krack explained sidewalks will be installed from French Creek Townhomes, at Needle Street and come down the creek side of the road with sidewalks and connect to Westridge Estates. He stated a crosswalk will be installed to allow Northridge Village to connect to the new sidewalks, a signalized crosswalk will be placed at the Schuylkill River Trail Crossing. The project will upgrade the stormwater management, relocate some underground gas lines, relocate above ground power lines. Finally, Staff realized by going a little bit farther the project would reach Township Line Road as part of the scope, Mowere Road will be milled and resurfaced from Northridge Village and Westridge Estates locations out to Township Line Road, so it'd be a smooth, complete paving from the top at Needle all the way out to Township Line Road.

Mr. Kirkner clarified the sidewalk would connect Needle Street to the Schuylkill River Trail.

Mr. Krack confirmed the sidewalk will run from Needle Street to the Trailhead at Mowere Road.

Mr. Carminito asked if the road closure will be in effect for the duration of the construction.

Mr. Krack explained Staff will know more about closures on Mowere Road after the Pre-Con Meeting, along with the discussion of closures the utilities will need to be addressed so that every aspect of the project is done in one fell swoop. The goal is to not go into 2025 with the project incomplete, opportunities will have to be discussed for access to Veterans Memorial Park and for residents living near the construction area.

Mr. Carminito stated he once resided on the Northside of town and this is a significant improvement for the residents in that area. He thanked Mr. Moore for keeping the project moving and stated he is very excited to see this project finally come to fruition.

Mr. Moore explained that after discussing Mowere Road with Staff he learned the

construction of the road was not properly built. It is essentially a county road with overlays on it and this is why it will have to be shut down to be reconstructed properly.

Motion Approved 7-0.

B. Motion to approve the Settlement Agreement of the assessment appeal matter identified as Chester County Court of Common Please docket no. 23-09353-AB, between Phoenixville Hospital, LLC, the Chester County Board of Assessment Appeals, the Phoenixville Area School District and the Borough, establishing an agreed property valuation for real estate taxation purposes.

Ms. Burckley made a Motion to approve the Settlement Agreement of the assessment appeal matter identified as Chester County Court of Common Please docket no. 23-09353-AB, between Phoenixville Hospital, LLC, the Chester County Board of Assessment Appeals, the Phoenixville Area School District and the Borough, establishing an agreed property valuation for real estate taxation purposes. Seconded by Mr. Weiss.

On the Question:

Mr. Denlinger explained there's been an ongoing dispute about the real estate taxes associated with the Phoenixville Hospital property located 140 Nutt Road. Throughout the process the Borough has followed the school district's lead since they receive the lion's share of the real estate tax assessment money. For the years 2018, through 2021 the courts found in the favor of the district and the borough and the Phoenixville Hospital has since appealed their subsequent real estate tax assessments as to both value and exempt status. While the exempt status litigation remains active, this settlement would allow for an agreed value of the property in the amount of $67.1 million, which relates to an annual assessment value of $24,156,000. The Borough and the Chester County Board of Assessment are both also parties to litigation, so the Borough must agree to any settlement. and after speaking with council for the district and discussing it with the Borough Manager Mr. Denlinger is recommending the Council approves this proposed settlement.

Motion Approved 7-0.

X. Public Hearings

XI. Resolutions/Ordinances

A. Motion to adopt an Ordinance amending Chapter 13, “Licenses,” “Part 7 “Peddlers, Transient Retailers, Handbills, Advertising, and Banners.”

Ms. Berkley made a Motion to adopt an Ordinance amending Chapter 13,

"Licenses," "Part 7 "Peddlers, Transient Retailers, Handbills, Advertising, and Banners." Seconded by Mr. Strenfel.

On the Question:

Mr. Moore asked if this Ordinance permits and or restricts political solicitations or canvassing.

Mr. Denlinger explained the Borough cannot prohibit peddling, soliciting, canvassing that type of thing because it's protected by the 1st Amendment right to freedom of speech. However, the Borough can put reasonable regulations around it, and after reviewing the current ordinance it needs updating as it relates to the time periods shown in case law to be appropriate.

Mr. Moore asked for clarification on the prohibiting of political canvasing on Sundays.

Mr. Denlinger confirmed Sundays are prohibited for any type of peddling, soliciting, and canvassing.

Mr. Moore asked if a license is required for peddling, soliciting, and canvassing.

Mr. Denlinger indicated the Ordinance does require a license for commercial purposes and the Ordinance does not change that, the amendment is to simply change the hours for permitted peddling.

Mr. Kirkner asked Mr. Denlinger if the change to the hours is because they are consistent with case law.

Mr. Denlinger stated that is correct.

Mr. Kirkner expresses his concerns with allowing the commercial peddling as late at 9 pm. He has always thought 6 pm was late enough since half the year it's dark at that time of night.

Mr. Denlinger explained someone looking to engage of freedom of speech needs to have reasonable opportunity to reach people when they're not at work and case law has shown 9 pm is about as early as you can restrict solicitations.

Mr. Kirkner stated he feels that seems late to him, and especially considering in the past week or so there have been issues with solicitors East Whiteland Township and in Springfield Township Delaware County, where the solicitors have become aggressive with homeowners and appearing at their doors at these late hours. He feels that our residents won't want people knocking on their doors at 7:30 pm at night in February or December. He also shared that anytime a solicitor has come to his address they never seem to have a license to do so. He

also asked about the restriction of soliciting on Sundays and does this apply to political canvassing.

Mr. Denlinger explained that the Borough can not regulate speech based on the content of the speech so what applies to one applies to all.

Motion Approved 6-1. Mr. Kirkner voting No.

XII. Reports of Committees, Boards, and Commissions

A. Historical and Architectural Review Board – Ms. Dugan

B. 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 119 S. Main Street.

Mr. Denlinger invited the engineer for the applicant up to the podium to address the Council.

Mr. Denlinger explained this project concerns a parcel land located 119 Main Street, more particularly identified as Chester County, UPI number 15-9-433. The applicant proposes to renovate the existing building, to add a 3rd floor with the ground floor and the 1st floor remaining commercial/ office spaces, and the existing second floor and newly added 3rd floor, to each have six (6) residential units. The reconfiguration of the parking lot is also included, as well as the installation of lighting, plantings and related improvements. After reviewing the project at several meetings, the Planning Commission voted at its May 12, 2024 meeting to recommend approval of the application.

Mr. Denlinger asked Mr. Comanda of Inland Design LLC if he had anything to add this evening on behalf of his client.

Mr. Comanda stated he had nothing additional but is available if the Council has any questions he'd be happy to answer them.

Public Participation

None

Mr. Denlinger stated seeing no public comment he would entertain a Motion on this application.

Mr. Moore made a Motion to adopt a Resolution officially conditionally approving the Preliminary/Final Subdivision and Land Development Plan for the development known as 119 S. Main Street. Seconded by Mr. Weiss.

On the Question:

Mr. Ewald asked if this property is eligible for Zone "A" Residential Parking.

Ms. Getzfread stated the property is not eligible for zone parking.

Motion Approved 7-0.

C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner reported on the proposed WAWA and Sheetz in Schuylkill Township at the intersection of White Horse Road and Nutt Road, the new sidewalks that will be installed along Rt. 23 to increase walkability and West Pikeland is currently considering a Bamboo Ordinance

D. Recreation Board – Ms. Dugan

Mr. Ewald directed the public to the Borough's website to fond out information on upcoming camps and programs at the Recreation Center.

E. Tree Advisory Commission – Mr. Carminito

Mr. Carminito thanked the Jaycees and Bates Landscaping for sponsoring the planting of a Dogwood tree at Reeves Park. He reported the new tree removal company has started in town and that future plantings are being discussed.

F. Human Relations Commission – Ms. Burckley

Ms. Burckley reminded the public there is still a vacancy on the commission and reported the commission did make it out for First Friday to engage with the community.

XIII. Council Action referred from:

A. Personnel and Public Safety Committee – Ms. Burckley

1. No action to report.

B. Parks and Recreation Committee – Mr. Moore

1. Motion to approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 14, 2024 from 5:00 pm to 10:30 pm. Street closure – Mowere Road between St. Mary's and Northridge Drive from 4:00 pm to 11:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured. Committee recommended 3-0-1.

   Mr. Moore made a Motion to approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 14, 2024 from 5:00 pm to 10:30 pm. Street closure – Mowere Road between St. Mary's and Northridge Drive from 4:00 pm to 11:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured. Seconded by Mr. Strenfel.

   On the Question:

   Mr. Moore explained there is a memo from Staff for the festival and discussion will need to be had with the organizers to address the capacity of the attendees of the event.

   Ms. Getzfread explained Staff has worked with the organizers, especially during Covid where they actually ticketed the event. However, the biggest issue that needs addressed is that emergency services can get in and out. Staff has talked through creating lanes so there are safe entries and exits from the event. She stated the completion of Mowere Road will make the entrance wider, which is going to help us create a safe environment for the massive amount of attendees.

   Ms. Burckley commented as the event coordinator that she would caution the use of potential ticketing of the event as it may cause an uproar from the community.

   Motion Approved 6-0-1. Ms. Burckley abstained due to conflict of interest.

C. Policy Committee – Mr. Carminito

1. Motion to adopt a Resolution Supporting the Pennsylvania Commission for the United States Semiquincentennial (America250pa).

   Mr. Carminito made a Motion to adopt a Resolution Supporting the Pennsylvania Commission for the United States Semiquincentennial (America250pa). Seconded by Mr. Weiss.

   Motion Approved 7-0.

2. Motion to schedule and advertise an Ordinance amending Chapter 27, "Zoning," "Part 6 "Supplemental Regulations."

Mr. Carminito made a Motion to schedule and advertise an Ordinance amending Chapter 27, "Zoning," "Part 6 "Supplemental Regulations." Seconded by Mr. Weiss.

On the Question:

Mr. Denlinger explained this ordinance amendment is to allow occupants of properties in the town center and neighborhood commercial districts to continue to display sandwich board signs on public sidewalks, as you probably know, in order to support our businesses, in practice have been allowing sandwich board signs on the public sidewalk. But technically it is not permitted under our Zoning Ordinance. Realizing the Council wants to continue to permit these signs the Ordinance has been updated.

Ms. Burckley stated she appreciated the work on this as she has received quite a few constituent complaints about not be able to use sandwich board signs.

Motion Approved 7-0.

3. Motion to schedule and advertise an Ordinance amending Chapter 27, "Zoning," to Amend the Official Zoning Map of the Borough of Phoenixville to rezone fifteen (15) properties in the vicinity of and including the existing train line along the Schuylkill River to "MI" Mixed-Use Infill District.

Mr. Carminito made a Motion to schedule and advertise an Ordinance amending Chapter 27, "Zoning," to Amend the Official Zoning Map of the Borough of Phoenixville to rezone fifteen (15) properties in the vicinity of and including the existing train line along the Schuylkill River to "MI" Mixed-Use Infill District. Seconded by Ms. Burckley.

On the Question:

Mr. Denlinger explained this ordinance is to enact a zoning map amendment which, as Mr. Carminito said would rezone properties along the Schuylkill River, between French Creek and the sewer plant. This effectively is the eastern boundary of our Town Center District and the MI Mixed Use Infill District and is seen as a good transition from the Town Center District to the RI and other districts. If you look at the Zoning Map. this exact thing was done on the western side of the Town Center District. The amendment will allow for future modifications of the district in the event the train station is built in that area. The Zoning change was initially discussed by the Zoning Task Force over several of their meetings. The

two affected property owners are the school district and Brook Ventures. LLC. have requested the Borough accelerate its consideration of this proposal from the Zoning Task Force as the task force processes conclusion is probably about 12 months. He stated if the ordinance is authorized for advertisement tonight all of the affected property owners will receive direct mail notice. There will be public notice advertised in the Pottstown Mercury, and the Council will hold a hearing on the ordinance at a future council meeting to discuss its merits.

Motion Approved 7-0.

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

1. No action to report.

E. Finance Committee – Ms. Dugan

1. No action to report.

XIV. Public Participation - None

XV. Communications/Council Participation

Mr. Weiss wished Mr. Carminito a Happy 40th Birthday.

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

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
June 2024