

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, October 8, 2024

7:00 PM

MINUTES

(Minutes approved by Borough Council on November 12, 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	Present
Chief Marshall, Police Chief	Present
Mr. Denlinger, Solicitor	Present

III. Presentations

A. Swearing in of Officer Elizabeth Moran – Mayor Urscheler

Pastor Dan McDowell, Police Chaplain provided the benediction for tonight's swearing in.

Chief Marshall introduced Officer Elizabeth Moran and provided a brief biography of her accomplishments.

Mayor Urscheler swore in Officer Moran as a Patrol Officer with the Phoenixville Police Department.

IV. Public Comment

John McPhee, Business Manager for Diving Cat Studios. He stated before he shares his comments he'd like to give a little bit of retail background information. In 2022 retail across the United States experienced approximately a 15% decrease in same store sales year over year and much of that was attributed to, by the experts as well, people having spent all of their stimulus checks and it was the post Covid drop.

He believes other factors have affected sales, as people return to their more normal lifestyles and began to take vacations and invest in other things. In 2022 Diving Cat Studio, had a record year as a result of PXV Inside Out and the summer street closure and the strength of our summer carried through to the rest of the year. Diving Cat did not experience that 10% to 15% sales drop. In 2023, as January rolled around, we did begin to see those drops. Diving Cat experienced the 15% drop for the first five months of 2023. As soon as Inside Out began our numbers returned and popped right back up to 2022 levels and stayed there through the summer. He stated the rebound was in part because of the three big festivals that happen during the summer. The Pride Festival, the Art Festival, and Blobfest are huge weekend events for all of Bridge Street, and certainly for us at Diving Cat Studio. He stated he is here tonight to express his appreciation to each of the Council members for their leadership. He stated he sets up a table out in front of the gallery many weekends, not every single weekend, but probably at least 50 % of the time and he has seen many of the Council Members as they pass by and you know that we're engaged. He sees so many families walking their dogs, the kids on scooters, and the teenagers on bikes. He explained that as he talks to the passersby they all seem to enjoy it, and they love the experience. When he questioned them about traffic and parking many tell him it's worth the little bit of inconvenience that it is, in order to have this outstanding event. He stated he appreciates the Council's leadership and thanked them for it, along with the Borough staff, the Police Department, and the Public Works Department for all the outstanding jobs they do not only as a business owner, but as a building owner as well. He is grateful to have an extraordinary community here in Phoenixville, and to be a part of it.

Mr. Ewald announced immediately before this evening's Council Meeting, Council met in an Executive Session to discuss the potential purchase of real estate located along Mowere Road, privileged and confidential information related to the representation of the Borough by Manko, Gold, Katcher, Fox, LLP and Wisler Pearlstine, LLP and discussion on the appointed Labor Attorney for the Borough, and matters related to labor relations and personnel regarding non-uniform non-union employees.

V. Consent Agenda:

- A. Approval of the September 10, 2024 Regular Meeting Minutes.
- B. Historical and Architectural Review Board
 - 1. Motion to approve/deny the Certificate of Appropriateness for renovation and signage for 166 Bridge Street as recommended by the HARB in their Action Memo of October 7, 2024.
 - 2. Motion to approve/deny the Certificate of Appropriateness to replace glass storefront for 256 Bridge Street as recommended by the HARB in their Action Memo of October 7, 2024.

3. Motion to approve/deny the Certificate of Appropriateness for signage for 24 S. Main Street as recommended by the HARB in their Action Memo of October 7, 2024.

C. Items from Parks and Recreation Committee.

1. Motion to approve a Temporary Community Event Application for Phoenixville Art Street Festival in the 100 and 200 Blocks of Bridge Street on Saturday, June 14, 2025 from 11:00 am to 5:00 pm. Bridge Street between Gay Street and Starr Street to be closed. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

D. Items from Finance Committee.

1. Motion to approve the 2024 Pre-Paid dated 8/1/2024 - 8/31/2024 in the amount of \$732,257.82.
2. Motion to approve the 2024 Pre-Paid Credit Card Statement dated 8/1/2024 - 8/31/2024 in the amount of \$36,783.42.
3. Motion to approve the 2024 Pre-Paid ACH dated 8/31/2024 in the amount of \$49,969.78.
4. Motion to approve Budget Transfer 2024-04 from Water Treatment (Hypo Gen Load Cells) in the amount of \$22,000.00 to Water Treatment (Facility Maintenance) for repairs needed to backwash lagoon pit and Courtyard rehab.
5. Motion to approve Budget Transfer 2024-05 from Emergency & Safety (IT/Communications) in the amount of \$1,850.00 to Emergency & Safety (Operating Supplies) for operational supplies needed; Emergency & Safety (Training & Conferences) in the amount of \$3,975.00 to Emergency & Safety (Operating Supplies) for operational supplies needed; Emergency & Safety (Office Supplies) in the amount of \$175.00 to Emergency & Safety (Operating Supplies) for operational supplies needed.
6. Motion to approve Budget Transfer 2024-07 from Police Protection (PPA Wages) in the amount of \$4,750.00 to Public Works (PW Hourly Wages) for employee bonus.
7. Motion to adopt a Resolution authorizing the issuance of Borough credit cards to authorized employees.

8. Motion to approve a Budget Increase 2024-13 in the amount of \$95,000.00 from Parking General fund to Parking Capital (Parking Meter Kiosk) for the Luke II meters to be purchased in 2024.
9. Motion to authorize Staff and Special Counsel to develop a Water Shut Off Agreement under the Water Services Act.

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

Motion Approved 8-0.

VI. Communications/Council Participation

Mr. Moore stated he had the opportunity to participate in the Inside Out program and he echoes Mr. McPhee's comments about the past season. He explained he believed Staff and the Council exercised the cancellation of the closure two or three times due to weather including one cancellation due to excessive heat. He further stated he was downtown on the last Sunday of the closure at it was as lively as ever. Therefore, he feels it's working.

Ms. Burckley stated she too was downtown on the last Sunday of the closure this year and she explained that Staff has been communicating with her and the Personnel and Public Safety Committee throughout the summer. She reported on the Green Earth Festival, encouraging more participation from the community, the Phoenixville Film Festival, where she was able to present an award, and coincidentally Pottstown held their film festival, where the Firebird Festival documentary won Best Documentary Film.

She stated the Borough received another feather in our cap, putting us on the map again, as the Philadelphia Inquirer ran a second feature on us for the 2nd Annual Mrs. Roper Romp, the first being the annual Blobfest.

VII. Mayor's Report

Mayor Urscheler reported on the upcoming events and highlighted Fall Fest at the Recreation Center and Citizens Advocacy Run both on October 26, 2024, The Phoenixville Bed Races on November 2, 2024 benefitting Ann's Heart and Good Samaritan Shelter, Election Day on November 5, 2024, and The Phoenixville Free Clinic Art Auction on November 7, 2024. He stated just as the Mrs. Roper event was mentioned in the Inquirer it was also discussed on Kelly and Mark Rippa's morning show and he invited Kelly to come and join us next year on the tentatively scheduled date of September 20, 2025 for the 3rd Annual Mrs. Roper Romp. He declared Halloween trick or treating in the Borough to be on October 31, 2024 from 6pm to 9pm.

VIII. Appointments

- A. Call for Residents interested in being appointed to various Boards and Commissions. Current vacancies exist on the Civil Service 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 approve Staff's recommendation regarding Labor Attorney.

Ms. Burckley made a Motion to appoint Eckert, Seamans, Cherin, and Mellott, LLC. as the Borough's Labor and Employment Attorneys subject to reasonable terms and conditions of engagement as determined by Borough Council, President, Borough Manager, and Borough Solicitor, and further authorizing Borough Council President, Borough Manager, and Borough Solicitor to negotiate and execute any such engagement, letter and further documentation necessary to formalize any such engagement. Seconded by Mr. Weiss.

Motion Approved 8-0.

- B. Motion to approve a waiver of the requirements of Chapter 23 (Stormwater Management) for the Fisher Park Paving Project.

Ms. Burckley made a Motion to approve a waiver of the requirements of Chapter 23 (Stormwater Management) for the Fisher Park Paving Project. Seconded by Mr. Carminito.

On the Question:

Mr. Krack explained as Council is aware in the 2024 Budget staff included a Capital Project request to expand the parking area for the Fisher Park along Newhall Street. He provided an aerial view of the existing park that showed where the vehicles currently park in a small parking area and on areas of grass in the park. He explained Staff has identified an area in the park that will not interfere with the current park amenities which will allow for the expansion of the parking area that will be appropriately stripped and posted for Park Use Parking only. He stated the Borough Ordinance contains a requirement that any disturbance over 5,000 sq. ft. requires compliance with Stormwater Management requirements. Mr. Watson and the Public Works Staff believe the site can be managed with the existing swale in a way that meets the intent of the language of the Ordinance. Before the Council tonight is a waiver request similar to those requested in the planning and development of any project in the Borough.

Mr. Denlinger explained a waiver for the Stormwater Management Ordinance requires a request in writing accompanied by a plan. He stated the Borough Staff has met the requirement and the modification shows a stormwater management approach with the existing swale to provide equal results as those intended by the Stormwater Management Ordinance.

Mr. Weiss asked for clarification on the existing parking conditions at the park and the plan to address the prohibition of parking on the site specifically on the grass areas currently used for parking?

Mr. Krack explained the areas of grass would be posted with no parking as well as posting the parking lot with signage for no overnight parking so that the park complies with the Covenants, Conveyance and Restrictions as part of the funding the Borough received in the 1980's from Chester County.

Mr. Weiss expressed his concerns with the stormwater management on the site. He stated his property is near the park and after heavy rain storm portion of the filed remain wet for prolonged period of time making those area unusable until they dry.

Mr. Watson explained the make of the soils at Fisher Park and the costs associated with removal of the clay like material under the grass and replacing it top soil.

Mr. Weiss stated his concern is the plan would make the situation worse after a rain storm.

Mr. Watson explained the area for the parking is not that large of a space and the water displaced should not reach the area of concern unless it was an excessive amount of rain. The water will flow off the site and will go down the drive way toward Starr Street to the storm sewer that was improved two years ago.

Mr. Weiss asked if he is confident the storm sewer will be able to catch the rain water?

Mr. Watson stated he is confident.

Mr. Ewald asked about next steps for the project as this is the first time he is seeing the plans for the site?

Mr. Krack explained if the Council approves the plan this evening Staff would begin the project to box out the site so blacktop can be secured before the plants close for the winter at the end of the month.

Mr. Watson explained since this is not a Liquid Fuels Project that Staff can get the materials into November and the project would not go beyond Thanksgiving.

Mr. Weiss asked if the project would eliminate the practice wall for tennis at the site?

Mr. Watson stated the wall would be removed as the Director of Parks and Recreation has requested.

Mr. Krack stated this project was requested as part of the 2024 Capital Projects for the Recreation Department.

Mr. Weiss asked if there is a more permeable surface that could be used to address rain water?

Mr. Krack explained the options available do not work well in our climate unfortunately.

Motion Approved 8-0.

X. Public Hearings

None

XI. Resolutions/Ordinances

- A. Motion to adopt an Ordinance accepting dedication of Right-of-Way along the existing Evergreen Lane and Heckle Street.

Mr. Carminito made a Motion adopt an Ordinance accepting dedication of Right-of-Way along the existing Evergreen Lane and Heckle Street. Seconded by Mr. Kirkner.

Motion Approved 8-0.

- B. Motion to adopt an Ordinance amending Chapter 13, "Licenses," "Part 7 "Peddlers, Transient Retailers, Handbills, Advertising, and Banners."

Mr. Carminito made a Motion to adopt an Ordinance amending Chapter 13, "Licenses," "Part 7 "Peddlers, Transient Retailers, Handbills, Advertising, and Banners." Seconded by Ms. Burckley.

On the Question:

Mr. Denlinger stated this Ordinance and the one before were properly advertised and copies of the Ordinances were provided to the law library and the Mercury for

public inspection.

Mr. Moore asked if the change is an additional burden for the Police Department or is this a common thing to ask of them.

Mr. Krack explained this is a list that residents can sign up for that would be provided to anyone wishing to solicit in the borough. It is just a list of addresses that do not wish to have their doors knocked on. There would be an initial surge of residents signing up and then it becomes just maintaining the list with updates as people sign on.

Mr. Moore asked if they knock on a door on the list can a complaint be registered.

Mr. Krack stated this is correct.

Mr. Ewald reminded everyone that a Peddler License is required for all door to door outside of political solicitation.

Mr. Moore asked how will the enrollment in the Do Not Knock list will be promoted.

Mr. Krack explained it would be on the Borough's website and social media platforms.

Motion Approved 8-0.

C. Motion to adopt a Resolution granting an Extension of the Black Rock Sanctuary Development.

Mr. Denlinger explained on October 8, 2019, Borough Council approved a land development application from the county proposing the construction of a new trailhead parking area and portage ramps to access the Schuylkill River along with paved trails and concrete sidewalks at Black Rock sanctuary. Obviously, since then we've all experienced the COVID-19 pandemic, which, along with other issues, delayed the county in pursuing this development. The County has recently reaffirmed their interest in pursuing this project, however, the five-year protection of the approval that is statutorily provided by the municipalities planning code is quickly coming to an expiration, and the county is requesting a two-year extension of the approval which the resolution before you provides. He stated the resolution before you also provides that all prior terms and conditions continue to apply to their approval. If you have any further questions, that a representative from the county is here this evening.

Matthew Meredith of Buckley, Brion, McGuire & Morris LLP, attorney for Chester County. He stated he is joined this evening by his colleague Aristidis Christakis and they are present this evening to represent Chester County on the

land development project at the Black Rock Sanctuary. He provided the Council members with a packet of information and explained the county wishes to move forward with trail head construction including 34 spaces of additional parking and portage ramps for access to the Schuylkill River. The county required PennDOT to issue a new Highway Occupancy permit for the project however, during their review they did identify that the county did not own two parcels in the application. The title issues and other issues identified were provided to the Borough and as indicated in the letter from Kristen Camp these issues delayed our project.

Mr. Ewald stated he very much supports the project being completed in the next twenty-four months as in the past five plus years this is the project he is most asked about and the one he asks the County Commissioners about regularly.

Mr. Krack stated as he understood it, the County has gone out to bid for the demolition side of the project showing that they are already making progress to move forward.

Mr. Christakis stated that is correct. The County has experienced some changeover in personnel.

Mr. Ewald asked if they have a demolition date scheduled.

Mr. Meredith stated they do not have date for demolition yet.

Mr. Moore asked if the land ownership issue has been resolved with PennDOT.

Mr. Christakis explained it is not resolved completely as condemnation will have to occur on two of the properties so that PennDOT can go through a disposition process for the front area so the Right of Ways gets returned back to the county.

Public Participation:

Mike Kajak, property owner. He asked if there is anyway to incorporate the house into the design as the stone structure is over 150 years old.

Mr. Christakis indicated he not aware of any plans.

Mr. Denlinger asked if the applicant was looking to modify or make changes to the original approved plan.

Mr. Christakis indicated they would not be changing the plans.

Ms. Burckley made a Motion to adopt a Resolution granting an Extension of the Black Rock Sanctuary Development. Seconded by Mr. Weiss.

Motion Approved 8-0.

- D. Motion to Schedule and Advertise an Ordinance accepting dedication of Right-of-Way along the existing 153 Morgan Street.

Ms. Burckley made a Motion to Schedule and Advertise an Ordinance accepting dedication of Right-of-Way along the existing 153 Morgan Street. Seconded by Mr. Weiss.

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 committee had a presentation from Tom Frawley of the Schuylkill River Passenger Rail Authority and Schuylkill Township reported the project at 930 Valley Forge Road has been reduced from ninety plus single family to sixty-four single family homes on the site.

- D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the current and upcoming events and programs at the Recreation Center including, Parents Night Out, Yoga, both adult and youth classes, Healthy Seniors Pickleball, Open Mic Talent Show and the Fall Fest being held on October 26, 2024.

- E. Tree Advisory Commission – Mr. Carminito

Mr. Carminito reported the Tree Advisory Commission met on October 7, 2024 and discussed the upcoming fall planting and the goal to plant one hundred seventy plus trees.

- F. Human Relations Commission – Ms. Burckley

Ms. Burckley reported next months meeting is on November 6, 2024 where the commission will work on the MEI score card and training for the HRC begins with the stated at the December 4, 2024 HRC Meeting.

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. No action to report.

C. Policy Committee – Mr. Carminito

1. Motion to schedule and advertise an Ordinance changing the name of a Borough Street.

Mr. Carminito made a Motion to schedule and advertise an Ordinance changing the name of a Borough Street. Seconded by Ms. Burckley.

Motion Approved 8-0.

2. Motion to schedule and advertise an Ordinance amendment to Chapter 15 “Motor Vehicles”.

Mr. Carminito made a Motion to schedule and advertise an Ordinance amendment to Chapter 15 “Motor Vehicles”. Seconded by Ms. Burckley.

Motion Approved 8-0.

3. Motion to schedule and advertise an Ordinance amendment to Chapter 10, “Health and Safety” by adding a new Part 6 “Bamboo”.

Mr. Carminito made a Motion to schedule and advertise an Ordinance amendment to Chapter 10, “Health and Safety” by adding a new Part 6 “Bamboo”. Seconded by Mr. Kirkner.

Motion Approved 8-0.

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 Comment

None.

XV. Communications/Council Participation

None.

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

8:05pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
October 2024