

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, September 10, 2024

7:00 PM

MINUTES

(Minutes approved by Borough Council on October 8, 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
Lt. MacIntyre, Police Lieutenant	Present
Mr. Denlinger, Solicitor	Present

III. Presentations

A. Bird Town Designation – Heidi Shiver – President, Bird Town Pennsylvania LLC

Ms. Shiver presented the mission of Bird Town and congratulated the Borough on becoming the 63rd Bird Town in Pennsylvania.

IV. Public Participation

None.

V. Consent Agenda:

A. Approval of the August 13, 2024 Regular Meeting Minutes.

B. Historical and Architectural Review Board

1. Motion to approve/deny the Certificate of Appropriateness for signage for 4 Bridge Street as recommended by the HARB in their Action Memo of September 3, 2024.

2. Motion to approve/deny the Certificate of Appropriateness for signage for 4 Gay Street as recommended by the HARB in their Action Memo of September 3, 2024.
 3. Motion to approve/deny the Certificate of Appropriateness for exterior siding for 45 North Main Street as recommended by the HARB in their Action Memo of September 3, 2024.
 4. Motion to approve/deny the Certificate of Appropriateness for screening/fence for 260 Bridge Street as recommended by the HARB in their Action Memo of September 3, 2024.
- C. Items from Personnel and Public Safety Committee.
1. Motion to approve request from Kevin Zwick for appointment to the Human Relations Commission for the open vacancy with term expiring March 31, 2026.
- C. Items from Parks and Recreation Committee.
1. Motion to approve a Temporary Community Event Application for the Shoes 'N Brews 16.2 Mile Running Event using the Schuylkill River Trail under the Veteran's Memorial Gay Street Bridge on Sunday, October 6, 2024 from 9:30 am to 12:00 noon. 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 7/1/2024 - 7/31/2024 in the amount of \$1,423,457.68.
 2. Motion to approve the 2024 Pre-Paid Credit Card Statement dated 7/1/2024 - 7/31/2024 in the amount of \$99,985.42.
 3. Motion to approve the 2024 Pre-Paid ACH dated 7/31/2024 in the amount of \$38,233.17.
 4. Motion to approve Budget Increase 2024-10 from Parks Capital Improvement Plan in the amount of \$15,000 to Parks (Reeves Park PCIP) for security cameras at Reeves Park Pavilion.
 5. Motion to approve Budget Increase 2024-12 from General Fund Balance in the amount of \$2,659.00 to Capital (Stump Grinder) for additional funds needed to purchase the stump grinder.

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

Motion Approved 8-0.

VI. Communications/Council Participation

None

VII. Mayor's Report

Mayor Urscheler Congratulated Pat Merryman and the Boardroom on their first anniversary in the Borough. He reported on upcoming events in the Borough including Soroptimist Bingo, the Mrs. Roper Bar Crawl and the Senior Fair at the Recreation Center.

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 adopt the Civil Service Commission recommended revisions to their Rules and Regulations.

Mr. Denlinger stated the Civil Service Commission has its own Solicitor so he defers to Mr. Krack to explain.

Mr. Krack explained the largest portion of the changes are related to the need to add regulations for the hiring of Fire Department personnel in preparation for the potential hiring of the third full time Fireman.

Ms. Burckley made a Motion to adopt the Civil Service Commission recommended revisions to their Rules and Regulations. Seconded by Mr. Carminito.

Motion Approved 8-0.

- B. Motion to authorize a letter from Council President to the Chester County Commissioners regarding status of the Borough's Redistricting from the 2020

Census.

Mr. Moore made a Motion to authorize a letter from Council President to the Chester County Commissioners regarding status of the Borough's Redistricting from the 2020 Census. Seconded by Ms. Burckley.

On the Question:

Mr. Denlinger explained the Council passed our redistricting and the procedure from a legal standpoint is, then we have to provide our decision to the County Voter Services which then, under the Pennsylvania State law has to petition the Court of Common Pleas to implement our redistricting. Due to various factors, the County Solicitor's Office was unable to do this prior to the 2024 primaries. He stated since then he has followed up with the County Solicitor's Office numerous times. He explained his last inquiry was on August 26, 2024 to which no response has been received and there is no action on the docket of the filing with the court since April of 2024. This letter is to help ensure the redistricting of the wards is in place prior to the 2025 Primaries.

Mr. Moore asked if there is a particular member of the County Commissioners that is responsible for dealings and procedures of Voter Services.

Mr. Ewald stated it is the responsibility of the Chair of the County Commissioners that sits on the Elections Commission Committee and the letter will be addressed specifically to them.

Motion Approved 8-0.

C. Motion to accept Staff recommendation to award the 2025 chemical bids.

Ms. Burckley made a Motion to accept Staff recommendation to award the 2025 chemical bids. Seconded by Mr. Weiss.

On the Question:

1. Liquidated Alum Sulfate - 45,000 Gal - Thatcher Company of New York, Inc in the amount of \$51,750.00.
2. Hydrofluorosilicic Acid- 1200 Gal – Shannon Chemical in the amount of \$5,904.00
3. Potassium Permanganate 55.125 LB Pails - 80 – Univar Solutions in the amount of \$11,113.60.
4. Zinc Orthophosphate -8 Tons - Coyne Chemical in the amount of \$22,079.04.
5. Hydrated Lime-1 Ton Lots – Brenntag Northeast in the amount of \$850.00.

6. Soda Ash - 38 (Ton) - Brenntag Northeast in the amount of \$29,450.00.
7. Ammonium Sulfate - 10 (Ton) – Brenntag Northeast in the amount of \$17,250.00
8. Brine Salt - 60 (Ton) – No Complete Bids were received. Staff will procure the Brine Salt from a CoStars approved vendor.

Motion Approved 8-0.

- D. 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.

X. Public Hearings

- A. Motion to adopt an ordinance Repealing and Replacing Chapter 22 – SALDO, Part 6 – Impact Statements.

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

Motion Approved 8-0.

Hearing opened at 7:19 pm.

Mr. Denlinger explained the repealing and replacing of Part 6 of the Borough's Subdivision and Land Development Ordinance is to remove any unnecessary impact study requirements and to replace the section with the true required studies needed for a SALDO Application, namely the Traffic Impact Study and the Environmental Impact Assessment Statement. He stated the Ordinance was advertised in the Pottstown Mercury on August 29 and September 3, 2024. Copies of the proposed Ordinance amendment were sent to the Chester County Law Library and the Pottstown Mercury on August 28, 2024 for public access. He introduced the exhibits for the hearing. Exhibit B 1 is a copy of the Ordinance, B 2 is the review letter from the Phoenixville Regional Planning Committee, dated August 28, 2024 and found the proposed ordinance should be revised slightly to be consistent with the Phoenixville Regional Comprehensive Plan, B 3 is a review letter from the Chester County Planning Commission, dated August 22, 2024 and found the proposed Ordinance to be acceptable with consideration of its comments, B 4 is a copy of the public notice for the consideration of the Ordinance, B 5 while not yet in hand, will be the proof of publication from the Pottstown Mercury for the two advertised dates and, B 6 is the letters from the

Borough to the Pottstown Mercury, and the Chester County Law Library, dated August 28, 2024, providing copies of the ordinances for public access.

Mr. Denlinger further explained as Council knows, Staff is constantly looking at the Borough's Ordinances to see where they can be improved and to ensure that the ordinances match the practice. The revisions in this ordinance amendment do a little bit of both.

The Traffic Impact Study amendment does two things. First it changes the current practice where the Borough Traffic Engineer prepares a traffic study for the developer, the change is because periodically, this creates an issue when the developer and the Borough have different ideas of what is reasonable, and then the Borough Traffic Engineer can be caught in the middle. As a result, this amendment proposes to match the procedure that most other municipalities follow whereby the developer has their own Traffic Engineer prepare a traffic impact study, and the Borough Traffic Engineer does an in-depth review of that study and front on an independent basis. This is kind of similar to how land developments treat the Civil Engineering side. The developer has their Civil Engineer prepare the plans, and the Borough Engineer reviews those plans and makes comments on them. The other major change is the current requirement is that Traffic Impact Study applies to developments with 30,000 or more square feet of building floor area and/or thirty or more dwelling units. This amendment also includes developments with nine or more lots as being a type of development that is required to submit a Traffic Impact Study. Council may have noted the PRPC review letter suggests that the amendment should be revised to include trails, pedestrians and cyclists in the Traffic Impact Study. In his discussions with Staff we agree and that is the intent of the study. However, he stated we disagree that this amendment doesn't do so. He stated his experience with the modern definition of traffic in municipal land development context is really an umbrella term that includes multimodal transportation. not limited to vehicular traffic, but also pedestrian and cyclists. This is how your consultants have reviewed projects in the past, and expect them to continue to do so.

Moving on to the Environmental Impact Study. Here the amendment changes two things primarily, it expands upon the specifics of what is expected to be seen in an Environmental Impact study. In reviewing the current ordinance provisions and what's proposed, what's proposed is much longer because it gets into those specifics. This amendment also limits the requirement to provide an Environmental Impact study to large projects, and those are similar to the projects that fall under the Traffic Impact study being those involving 30,000 or more square feet of new building floor area, thirty or more dwelling units or thirty or more lots. As Council has seen, you are consistently asked for and approve waivers of the Environmental Impact study for smaller developments. This is a case really where the amendment is seeking to match the practice.

Next, getting into the Market Analysis, the ordinance is removing the requirement for analysis of the fiscal viability of a project and its impact on the downtown commercial district. He stated he thinks he can speak for all of the Council in saying the hope is that all projects are successful and have positive impacts on the community. However, the financial likelihood of each project being a success, is really outside the scope of our review. He clarified is not an area that the Borough is permitted to regulate, based upon under the MPC.

He stated the last is the Community and Fiscal Impact Analysis, this amendment is removing the requirement that analyses be conducted, related to the social and demographic characteristics, tax revenues versus tax burden relationship and impact on public services and utilities. Council may have noted the PRPC review letter had some objection to this part of the amendment as well. However, similar to the Market Analysis, the laws that provide the Borough with jurisdiction to review developments doesn't allow the Borough to regulate developments on some of the things covered by the Community and Fiscal Impact Analysis, and some it does. The Borough is not permitted, under State law to receive a Community and Fiscal Impact Analysis, and based on results contained in the report, then ask a developer to change the development based on something found to be not favorable in that analysis. Instead, the Borough needs to have specific regulations in its ordinances that that set guide rails for what those developments need to include and for the things the Borough is permitted to regulate. He stated he believes these are already in place. Some examples are specific ordinances related to stormwater management requirements, specific ordinances related to sanitary sewer requirements, specific ordinances related to water and sewer capacity, solid waste management, environmental requirements, etc.

He explained the other goals and evaluation that the Borough is not able to regulate, for example social and demographic characteristics expected in developments and the tax revenue versus tax cost analysis. Those are beyond the scope of what can be regulated in an ordinance, it doesn't mean that they're not good goals and they're similar goals to what is contained in the Borough Comprehensive Plan. He stated they are goals the Borough wants to foster and can try to foster, but cannot be included in our Subdivision and Land Development Ordinance in this way, and one of the ways to try to regulate that is to allow for certain types of uses in certain zones.

Council Participation

Mr. Kirkner thanked the Solicitor for the in-depth explanation of the ordinance.

Mr. Moore stated his experience as Council representative to the Planning Commission the most common request for waiver and is routinely granted by the commission are for the Market Analysis and Community and Fiscal Impact Analysis so he feels it makes sense to remove these requirements.

Public Participation

None

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

Motion Approved 8-0.

Hearing closed at 7:30 pm.

Ms. Burckley made a Motion adopt an ordinance Repealing and Replacing Chapter 22 – SALDO, Part 6 – Impact Statements. Seconded by Mr. Weiss.

Motion Approved 8-0.

XI. Resolutions/Ordinances

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

Mr. Moore made a Motion to Schedule and Advertise an Ordinance accepting dedication of Right-of-Way along the existing Evergreen Lane and Heckle Street. Seconded by Mr. Strenfel.

Motion Approved 8-0.

- B. Motion to adopt a Resolution authorizing the 2025 Minimum Municipal Obligation (MMO) for uniform and non-uniform pension plans.

Ms. Burckley made a Motion to adopt a Resolution authorizing the 2025 Minimum Municipal Obligation (MMO) for uniform and non-uniform pension plans. Seconded by Mr. Weiss.

Motion Approved 8-0.

- C. Motion to adopt a Resolution conditionally waiving the formal Subdivision and Land Development Ordinance requirements for 22 Evergreen Lane due to the project's small size and minimal disturbance.

Mr. Denlinger explained Evergreen Lane Properties, LLC. by its principal, Mark Geraghty, who's here this evening, has requested a waiver of land development related to the property located at 22 Evergreen Lane. The applicant desires to remove the existing dwelling and construct a duplex on the property. Typically, a project like this would not be subject to our subdivision and land development

ordinance, however since it is considered to be cumulative to the Evergreen Lane Land Development project that was approved to be scheduled and advertised for the acceptance of the Right of Way from it does. Under the technical terms of the Municipalities Planning code this would fall within our subdivision and land development ordinance.

He stated this project is unique to some others in that the traffic and stormwater runoff was evaluated during the Evergreen Lane development, and the utilities were actually designed and stubbed on this property for the current request. The Borough Engineer has reviewed this request, and there's a review letter in the packet from Owen Hyne at RVE, recommending conditional approval of the Waiver Land Development for this project, of the conditions being requested there are two main conditions, an engineered plan sheet is to be prepared and a stormwater management or BMP Operation and Maintenance agreement be entered into and recorded.

Mr. Denlinger asked Mr. Geraghty if he wished to add anything.

Mark Geraghty, principal of Evergreen Lane Properties. LLC. He stated he did get the letter back today and every single item will be "will comply". That's no problem at all. We're happy to meet all requirements.

Mr. Ewald asked with the cumulative nature of the project nothing's being changed or nothing's being sidestepped by having this extra parcel done after the fact of the original three that were done two years ago.

Mr. Denlinger stated that is correct. Nothing's being alleviated or missed. This was all engineered as part of the development and the municipalities planning code provides for cumulative projects falling under subdivision land development, basically so someone doesn't do one house or one property and then next door do the next house and another property. And then next door, do the next house on the next property and completely avoid our subdivision land development process. In this case Mr. Geraghty did go through our subdivision and land development process. And this just happens to be a parcel that abuts his prior development.

Mr. Ewald asked Mr. Geraghty about the existing driveway on the development and if it being removed and a new driveway installed. He asked for clarification on his intent to build another home on the additional parcel.

Mr. Geraghty stated as of today that is not his intention to build another home and the drive way is being removed and a new one installed.

Mr. Denlinger clarified if Mr. Geraghty decided to build another dwelling unit he would have to come in with a Subdivision and Land Development plan to subdivide the lots.

Mr. Moore made a Motion to adopt a Resolution conditionally approving the waiver for the formal land development requirements for the proposed project at 22 Evergreen Lane, subject to the following conditions, the project must be revised to comply with the Borough Engineer Review letter prior to the issuance of any building permits, including the preparation of an engineered plan. The construction shall be limited to that shown on the Waiver Request submission. The stormwater management, BMP Operation and Maintenance agreement, satisfactory to the Borough Solicitor shall be entered into by the applicant and recorded prior to the issuance of any building permits, and all costs shall be borne by the applicant, and further authorizing the borough manager and borough solicitor to issue a written Resolution consistent with this motion. Seconded by Ms. Burckley.

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 at the next meeting on September 25, 2024 Tom Frawley of the Schuylkill River Passenger Rail Authority will make a presentation on the proposed train service to the region and he thanked the mayor for making the connection of Tom to the commission.

D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the upcoming programs at the Recreation Center including Parents Night Out, Open Mic Blood Pressure checks, Fundamentals of Tennis, Yoga and she encouraged the community to join us at the Annual Fall Fest and Trunk or Treat on October 26, 2024. She stated more information on programs and camps can be found on the Borough's Website.

E. Tree Advisory Commission – Mr. Carminito

Mr. Carminito reported some resident had expressed concerns regarding trees adjacent to their home and Staff indicated they would look into the requests and he stated planning for the fall planting is moving along.

F. Human Relations Commission – Ms. Burckley

Ms. Burckley reported on the progress of the commission on the MEI Scorecard

and on upcoming training with PAHRC. She stated the board is full now with the appointment of Kevin Zwick to the HRC.

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 amending Chapter 13, “Licenses,” “Part 7 “Peddlers, Transient Retailers, Handbills, Advertising, and Banners.”

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

Motion Approved 8-0.

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

1. Mr. Weiss reported the Borough received notice it has been awarded MTF Funding for the intersection of Starr and Bridge.

E. Finance Committee – Ms. Dugan

1. No action to report.

XIV. Public Participation

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

7:48 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
September 2024