

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, November 12, 2024

7:00 PM

MINUTES

(Minutes approved by Borough Council on December 10, 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. Public Comment

Zachary Ziobro, resident. He stated he is here this evening along with his neighbors to oppose the Reservoir Park Trail connection. He provided a signed copy of his statement that included the signatures of the neighbors opposing the trail connection. He cited the proximity of the trail to the houses in his neighborhood, the lack of concerns of the park users about access to the northern area of Reservoir Park, the reduction of vegetation in the park and their privacy and safety with a trail so close to the houses adjacent to the park trail. He stated the trail is not in the Parks Comprehensive Plan which to he and his neighbors it doesn't make sense.

IV. Presentations

Mr. Ewald announced immediately before this evening's Council Meeting, Council met in an Executive Session to discuss the appointment of Manko, Gold, Katcher, Fox, LLP as Environmental Law Council and to discuss privileged and confidential information related to the negotiation of the water shut off agreement with Aqua Water Company

V. Consent Agenda:

- A. Approval of the October 8, 2024 Regular Meeting Minutes.
- B. Historical and Architectural Review Board
 - 1. Motion to approve the Certificate of Appropriateness for renovation and signage for 166 Bridge Street as recommended by the HARB in their Action Memo of November 4, 2024.
- C. Items from Personnel and Public Safety Committee.
 - 1. Motion to accept the resignation of Kevin Dwyer from the Planning Commission.
 - 2. Motion to appoint Jahan Tavangar to the Planning Commission for the unexpired term of March 31, 2027.
 - 3. Motion to authorize the Civil Service Commission to begin the process of developing an Eligibility List for Patrol Officer for the Phoenixville Police Department.
- D. Items from Parks and Recreation Committee.
 - 1. Motion to approve a Temporary Community Event Application for Alianzas 15th Annual Cultural Diversity Festival in Reeves Park on Saturday, September 14, 2025 from 1:00 pm to 5:00 pm. No Street closures. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.
- E. Items from Finance Committee.
 - 1. Motion to approve the 2024 Pre-Paid dated 9/1/2024 - 9/30/2024 in the amount of \$1,045,862.42.
 - 2. Motion to approve the 2024 Pre-Paid Credit Card Statement dated 9/1/2024 - 9/30/2024 in the amount of \$25,572.78.
 - 3. Motion to approve the 2024 Pre-Paid ACH dated 9/30/2024 in the amount of \$31,441.12.
 - 4. Motion to approve Budget Transfer 2024-09 from Solid Waste (Employer Paid Insurance) in the amount of \$35,000.00 to Solid Waste (Vehicle Maintenance) for additional vehicle repairs.
 - 5. Motion to approve Budget Transfer 2024-10 from Water Treatment (SCADA & Instrumentation) in the amount of \$15,000.00 and (Electrical & Motor Testing) in the amount of \$3,000 to Water Treatment (Equipment

Maintenance & Repair) to replace ammonia pump and rebuild high service pump #1.

6. Motion to adopt a Resolution Appointing an Independent Auditor for Fiscal Year 2024.

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

Motion Approved 8-0.

VI. Communications/Council Participation

Mr. Kirkner expressed his thanks to the residents of the Ledges who came out tonight to express their concerns about this proposed trail in Reservoir Park. He stated if any of the residents have any further questions he encouraged them to reach out to him via email or by phone. He also shared that election signs can be recycled. He shared the signs can be dropped off at the East Whiteland Township Building and at Recycling Service Incorporated in Pottstown. He reminded everyone that the Communities That Care Organization will hold their 25th Anniversary Luncheon on Friday, November 15, 2024 at the Spring Hollow Golf Course.

Mr. Strenfel echoed Mr. Kirkner's gratitude to the residents of the Ledges for coming out tonight to share their concerns and for the same reasons, they should feel free to reach out to him as well.

Mr. Ewald welcomed Jahan Tavangar to the Planning Commission and thanked him for stepping up to join the commission. He reminded the public there is a burn ban issued by Chester County and that the area has been in a drought for seven or eight weeks now with no sizable rain fall in the forecast. He is encouraging all residents to heed the restrictions the county has in place for the use of firepits, barbeques and outdoor fire elements. The risks are real and there are fires every day throughout Chester County. Since the area hasn't had rain it goes hand in hand they need to reduce water consumption on any level, it is appreciated. There are not any formal restrictions on water consumption that he is aware of yet, but it always helps if water can be conserved for emergency situations.

Mr. Ewald indicated the burn ban may in fact be in effect until the end of the year and he wants to begin communications regarding the Firebird Festival and the impact the burn ban may have on the event.

VII. Mayor's Report

Mayor Urscheler thanked the City of Reading who hosted our last Schuylkill River Passenger Rail Authority meeting and the efforts to restore rail service to Philadelphia. He reported on many of the of fun and exciting events including Phoenixville Bed Races which benefits Good Samaritan Services and Ann's Heart, the Phoenixville Free Clinic,

held its art auction last week, Saint Mary's Franciscan shelter had their Barbecue and Brews event, and on Monday Barkley Elementary School did a really beautiful job and had an incredible presentation for Veterans Day. He thanked all of our veterans here in our community and the veterans who are members of the Borough Staff for their service, certainly to not only our country, but also to the Phoenixville community. He highlighted upcoming events including the Chamber Gala and the Annual Phoenixville Burn off the Bird.

He read a statement aloud for the record. "It is with a heavy heart that we share the tragic passing of our officer, Arthur Scena IV. Who passed away off duty on October 27, 2024, at the age of 39. Art, as he was fondly known, was a devoted husband to his wife Amanda, and a loving father to his daughters Riley and Reese. He served the Phoenixville Police Department with honor and distinction since 2019, earning the respect and admiration of his colleagues and our community. Officer Scena was not only a dedicated police officer, but he was also a vital member of our community. His infectious smile and unwavering commitment to public service made him a beloved figure both in and out of his uniform. As we mourn his loss, we are reminded of the tremendous impact he had on our community, and we stand in solidarity with his family, ensuring they know they are never alone during this difficult time. So, we would ask, please, if you would take a moment, certainly, and just lift up Officer Scena's family in your thoughts and in your prayers, we would appreciate it also."

He thanked our entire Phoenixville Police Department, the Borough of Phoenixville, Schuylkill Township and East Pikeland Township Police Departments, as well as the Pennsylvania State Police Troopers. They have all come forward tremendously during this very challenging time for our Department to support us, and so thank you also to the Borough Council members for your support of our department during this time, and also to the number of departments that assisted us in Officer Scena's funeral. He thanked the entire law enforcement community and First Responders who came out to support the Police Department during a very challenging time. He stated that Art was one of the first officers that he swore in when he became Mayor. Officer Scena definitely lived his life to his fullest, and he is a reminder every day of how precious that gift is.

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 authorize the engagement of Manko Gold as legal counsel for environmental matters in the Borough, as needed in the discretion of the Borough Manager, upon the terms and conditions outlined in the 2020 engagement letter.

Ms. Burckley made a Motion to authorize the engagement of Manko Gold as legal counsel for environmental matters in the Borough, as needed in the discretion of the Borough Manager, upon the terms and conditions outlined in the 2020 engagement letter. Seconded by Mr. Weiss.

Motion Approved 8-0.

- B. Presentation of the 2025 Enterprise Funds and General Fund Draft Budgets

Mr. Krack presented the 2024 Draft Budget for both the Enterprise and General Funds Draft Budget.

Mr. Moore asked for clarification on the Public Works Assistant Director and the Water Distribution Superintendent. Is it one person per job or one person for both responsibilities?

Mr. Krack clarified they job was previously a combination of both positions. The request for 2025 is a single employee for each job.

Mr. Ewald thanked Staff for the tremendous presentation. A \$34 million-dollar budget is not a small thing to manage or forecast.

Ms. Burckley stated for the public edification this is not the first time the Council is seeing the budget. Many of these items have been discussed through the various committees and it is not taken lightly when we go through all of these considerations and she echoed Mr. Ewald's appreciation of the Staff's hard work.

Ms. Dugan stated the numbers presented tonight are the highest amounts and Staff hasn't finished determining what may or may not be necessary and numbers for insurances, so it is not completely finalized.

Mr. Krack explained under the Borough code Staff has to present a draft budget, and unfortunately, it has to be done in a specific time frame which puts us at a disadvantage because, we don't have all of the empirical data that we need to do that. Staff's only role then, is to estimate, and Staff has to estimate high because we don't want to come back to the Council on the wrong side of that estimate.

- C. Motion to authorize the advertisement of the 2025 Draft Budget.

Ms. Burckley made a Motion to authorize the advertisement of the 2025 Draft Budget. Seconded by Mr. Weiss.

On the Question:

Mr. Ewald explained Borough Code calls for a 20-day period of review for the public and the Draft Budget will be available. He stated the Council will be able to vote on the adoption of the 2025 Budget at their December meeting.

Mr. Kirkner asked where the Budget be available for review.

Mr. Ewald confirmed the Draft Budget will be on the Borough website and a paper copy will be available in the lobby of Borough Hall.

Mr. Moore asked if the Budget presentation will be available as well.

Mr. Krack stated the budget presentation is not typically made available on the website.

Mr. Ewald stated the presentation can be viewed, with Mr. Krack's explanation on the Borough's YouTube channel by selected tonight's Council Meeting.

Motion Approved 8-0.

- D. Motion to schedule and advertise an Ordinance for the adoption of the 2025 Tax Levy.

Ms. Burckley made a Motion to schedule and advertise an Ordinance for the adoption of the 2025 Tax Levy. Seconded by Mr. Weiss.

Motion Approved 8-0.

- E. Motion to: (i) approve and enter into the Water Service Termination Agreement with Aqua Pennsylvania, Inc., (ii) authorize Borough Council President and Borough Manager to execute such agreement; and (iii) further authorizing Borough staff and the Borough Solicitor to apply the Water Service Termination Agreement to delinquent accounts as they reasonably determine appropriate.

Mr. Denlinger explained the borough provides sewer services to certain properties that are located outside of the borough, and the borough does not provide water service to those same properties. Generally, when sewer bills go unpaid. In addition to fines and interest, the borough has the authority to terminate water service. The borough does not ever pursue this remedy lightly, and only pursues it in extreme cases. But, it is a useful tool for the borough to have in the areas where they do not provide the water service. The borough needs to have agreements in place under the PUC with the water providers for those properties. As a result, the agreement being considered this evening is an agreement where the borough can request that Aqua Water Company shut off the water service to a property upon

the borough's request, as a result of delinquent sewer bills.

Ms. Burckley made a Motion to Motion to: (i) approve and enter into the Water Service Termination Agreement with Aqua Pennsylvania, Inc., (ii) authorize Borough Council President and Borough Manager to execute such agreement; and (iii) further authorizing Borough staff and the Borough Solicitor to apply the Water Service Termination Agreement to delinquent accounts as they reasonably determine appropriate. Seconded by Mr. Weiss.

Motion Approve 8-0.

X. Public Hearings

XI. Resolutions/Ordinances

- A. Motion to adopt a Resolution acknowledging Jane Dugdale for her service on the Tree Advisory Commission. Seconded by Ms. Burckley.

Mr. Carminito made a Motion to adopt a Resolution acknowledging Jane Dugdale for her service on the Tree Advisory Commission.

Motion Approved 8-0.

Mr. Ewald read aloud the Resolution for the record and thanked Jane Dugdale for her service to the Borough.

- B. Motion to adopt a Resolution acknowledging Kevin Dwyer for his service on the Planning Commission.

Ms. Burckley made a Motion to adopt a Resolution acknowledging Kevin Dwyer for his service on the Planning Commission. Seconded by Mr. Weiss.

Motion Approved 8-0.

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

- C. Motion to adopt a Resolution authorizing the submission of a Municipal Opportunities for Retrofits and Energy Efficiency (MORE) Program Grant.

Ms. Burckley made a Motion to adopt a Resolution authorizing the submission of a Municipal Opportunities for Retrofits and Energy Efficiency (MORE) Program Grant.

Motion Approved 8-0.

- D. Motion to adopt a Resolution authorizing the submission of a Pennsylvania Mixed-Use Housing Development (PA-MHD) Pilot Program Grant.

Ms. Burckley made a Motion to adopt a Resolution authorizing the submission of a Pennsylvania Mixed-Use Housing Development (PA-MHD) Pilot Program Grant. Seconded by Mr. Weiss.

On the Question:

Mr. Kirkner asked for an explanation of this grant submission.

Mr. Krack explained it's a program that the Governor announced on the 24th of October and is due on the 6th of December. It's a small window of opportunity and is funding \$10 million dollars across the entire Commonwealth. The reason for such a short window is usually indicative that there's some larger cities like Pittsburgh and Philadelphia which are always prepared to do these things, but, as it happens, there is a pretty good awareness countywide. He stated at the State level there is knowledge that Phoenixville is invested in affordable housing and there's no commitment at this point in time other than submitting the application. He stated there is a project that you may recall on Church Street that was approved for storage facilities near Bridge street. While this is not necessarily something that would normally be wanted in that location, it was approved as a by right use. He explained it has sat dormant for several years and the owners of that project are looking to potentially sell the project. The owners reached out to Habitat for Humanity which in turn reached out to Staff about the possibility of submitting a grant application as the borough has to be the applicant. He stated they have identified the Hankin Group as the development partner. The Hankin Group as you know were the developer for the senior housing just around the corner from this location. He explained this project would have a first floor commercial use with housing units above.

Mr. Moore stated unfortunately he was unable to participate in the last Affordable Housing meeting due to work conflict. He stated he was able to read the materials on the potential project and this is project that would move affordable housing forward. He explained developers have been contributing to the affordable housing and this is an opportunity to begin utilizing those funds as well.

Ms. Dugan stated she doesn't see a downside to applying for the grant.

Ms. Burckley stated there have been some really nice conversation in committee with Habitat for Humanity and its very exciting to see here in Chester County. She is in full support of the project and if she recalls correctly, the first project for Habitat was here in Phoenixville on Railroad Street. She asked Mr. Kirkner if that is correct.

Mr. Kirkner confirmed the Railroad Street project was the first one.

Motion Approved 8-0.

- E. Motion to adopt a Resolution authorizing the submission of a Local Share Account (LSA) – Statewide Grant.

Ms. Burckley made a Motion to adopt a Resolution authorizing the submission of a Local Share Account (LSA) – Statewide Grant. Seconded by Mr. Weiss.

On the Question:

Mr. Kirkner asked what project is the grant for and what is the amount of request.

Mr. Krack explained the LSA held its very first round a couple of years ago and the Borough received funding for the Phoenix Wheel project. Then it was offered again a little over a year ago. An application was submitted for potential funding for the Bridge and Main Street project. Staff was not looking to make an application this round except about a week ago the results of that application were released. The Borough did not receive funding in that round Staff's thoughts are to apply for \$900,000 for the Fillmore Street widening and realigning project from South Street to Cromby Road.

Mr. Kirkner expressed his support of this application for Fillmore Street.

Motion Approved 8-0.

- F. Motion to adopt a Resolution to obligate the State and Local Fiscal Recovery Funds (SLFRF) received through the American Rescue Plan Act (ARPA) as public sector lost revenue towards government services as permitted by the US Department of Treasury.

Mr. Denlinger explained the American Rescue Plan Act, which is referred to as (ARPA), provided monies to local municipalities which passed through the State and the State referred to these monies as Funds State and Local Fiscal Recovery Funds (SLFRF). Based on the ARPA laws and the FAQs issued by the US Department of Treasury the Borough's ARPA funds have to be obligated by the end of this year 2024, and must be spent by the end of 2026 on obligated projects. The Borough has specific projects identified for the ARPA funding and the municipalities are able to accept the ARPA money as replacement for lost revenues experienced during the 2020 COVID-19 Pandemic. This approach provides a greater flexibility in case a project comes in under budget, or something happens with a project and the decision is made not to pursue it, and this Resolution will meet the required obligation by the end of the year.

Mr. Strenfel made a Motion to adopt a Resolution to obligate the State and Local

Fiscal Recovery Funds (SLFRF) received through the American Rescue Plan Act (ARPA) as public sector lost revenue towards government services as permitted by the US Department of Treasury. Seconded by Mr. Carminito.

Motion Approved 8-0.

- G. Motion to adopt a Resolution approving the 2025 Master Schedule of Fees.

Mr. Moore made a Motion to adopt a Resolution approving the 2025 Master Schedule of Fees. Seconded by Ms. Dugan.

On the Question:

Mr. Weiss asked for an explanation of the increases to fees associated with Land Development Plan Reviews.

Mr. Krack stated as he explained at the Finance Committee, the Borough has been carrying the costs of the consultant for the development community. The escrow accounts are being expended pretty quickly and Staff finds themselves chasing down the developer to repay the Borough for monies paid to consultants, planners, the borough engineer and attorneys on behalf of the developer for review of their projects. The new fee structure will eliminate the need for the Borough to carry the costs of development and placing back into the hands of the applicants.

Mr. Weiss thanked Mr. Krack for his explanation.

Mr. Moore stated that he has seen in his capacity as Council Liaison to Planning Commission there is quite a bit of technical and engineering work that has to be completed on the project and many of them go through multiple cycles of review to have their plans meet the requirements for a recommendation to Borough Council.

Mr. Denlinger explained any money left in the escrow accounts will be refunded to the developer.

Motion Approved 8-0.

- H. Motion to Adopt an Ordinance accepting dedication of Right-of-Way along the existing 153 Morgan Street.

Mr. Denlinger stated the Ordinances before the Council tonight were advertised in

the Pottstown Mercury on October 28, 2024 and copies of all the Ordinances were sent to the Chester County Law Library and Pottstown Mercury for Public Inspection on October 23, 2024 as required by Borough Code.

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

Motion Approved 8-0.

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

Mr. Moore made a Motion to adopt an Ordinance changing the name of a Borough Street. Seconded by Mr. Kirkner.

On the Question:

Mr. Kirkner explained the location of the street to be renamed in the North Ward, it is east of Dayton and Freemont Streets and bring the map in agreement with what the neighborhood and signage has been calling the street.

Motion Approved 8-0.

J. Motion to adopt an Ordinance amendment to Chapter 15 “Motor Vehicles”.

Mr. Weiss made a Motion to adopt an Ordinance amendment to Chapter 15 “Motor Vehicles”. Seconded by Ms. Burckley.

Motion Approved 8-0.

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

Mr. Kirkner made a Motion to adopt an Ordinance amendment to Chapter 10, “Health and Safety” by adding a new Part 6 “Bamboo”. 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 that West Vincent is in the process of adopting a Plastic Bag Ban as well as a Bamboo Ordinance and that the proposed Sheetz location on Whitehorse Road is not moving forward.

D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the upcoming programs and camps at the Recreation Center including Youth and Adult Yoga, Blood Pressure Screening, Healthy Seniors, Pickleball Soccer Shots and Parents Night Out on December 13, 2024.

E. Tree Advisory Commission – Mr. Carminito

Mr. Carminito thanked Jane Dugdale for her time on the Tree Advisory Commission and reported on the upcoming volunteer planting in Reeves and Reservoir Parks and on the 100-tree order being placed by the Borough for planting that will prioritize the Anderson Avenue and Melvin Street neighborhoods.

F. Human Relations Commission – Ms. Burckley

Ms. Burckley reported the commission continues to work on the Municipality Equity Indexes first section of the self-score card and that the meetings are held at the Recreation Center on the First Wednesday of the month at 6 pm. She encouraged the public to attend.

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 - Vacating Unopened Portions of Emmett and Wilson Streets.

Mr. Carminito made a Motion to schedule and advertise an Ordinance - Vacating Unopened Portions of Emmett and Wilson Streets. Seconded by Ms. Burckley.

On the Question:

Motion Approved 8-0.

2. Motion to schedule and advertise an ordinance amendment to Chapter 20 “Solid Waste”.

Mr. Carminito made a Motion to schedule and advertise an ordinance amendment to Chapter 20 “Solid Waste”. Seconded by Mr. Strenfel.

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

Dr. Saneck, resident. He asked for clarification on the SLFRF Resolution and on the review of the Upper Providence Comprehensive Plan, what is the purpose of the review.

XV. Communications/Council Participation

Mr. Kirkner reported the Council of Government meeting will be held on November 21, 2024 and asked if the Borough was sending anyone.

Mr. Ewald stated the borough management and he or the Mayor will attend.

Mr. Moore asked if a response had been received regarding our letter to the County Commissioners and the redistricting of the Borough Wards.

Mr. Denlinger stated a letter was received from the County Solicitor indicating that once the election of last week was completed, that they would process our reapportionment.

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

Mr. Ewald stated the Council will need to adjourn into Executive Session for the purpose of discussing privileged and confidential information regarding the testing at the Waste Water Treatment plant property, and to discuss matters related to labor relations, personnel, and salaries.

8:38pm. Ms. Burckley made a Motion to Adjourn to Executive Session. Seconded by Mr. Weiss.

Motion Approved 8-0.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
November 2024