

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, July 8, 2025

7:00 PM

AGENDA

- I. Pledge of Allegiance/Moment of Silence
- II. Roll Call – Borough Manager
- III. Public Comment
- IV. Presentations
 - A. Zoning Ordinance Update Review – Judith Goldstein – Gilmore Associates.
 - B. Motion to schedule and advertise an ordinance amendment repealing and replacing Chapter 27 “Zoning”, Attachment 1 District Specification, and Borough Zoning Map.
- V. Consent Agenda
 - A. Approval of June 10, 2025, Regular Meeting Minutes.
 - B. Items from Parks and Recreation Committee:
 - 1. Motion to approve a Temporary Community Event Application for the Greenixville – The Phoenixville Green Earth Festival under the Veterans Memorial Gay Street Bridge and along the French Creek Trail on Saturday, September 13, 2025 from 9:00 am to 12:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
 - 2. Motion to approve a Temporary Community Event Application for the Andre Thornton Day/Legacy Day at 55 N. Main Street on Saturday, September 13, 2025 from 1:00 pm to 4:00 pm. North Main Street to be closed between Vanderslice Street and High Street from 10:00 am to 7:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
 - 3. Motion to approve a Temporary Community Event Application for the 39th Annual Phoenixville Run 5K and 10K Running Races from Reeves Park to the Schuylkill River Trail on Saturday, October 25, 2025 from 7:00 am to 11:30 am. Second Avenue to be closed between Main Street and Starr Street from 7:00 am to 11:30 am. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
 - 4. Motion to approve a Temporary Community Event Application for the Phoenixville Bed Races Event on Saturday, November 1, 2025 from 11:00 am to 2:00 pm. Third Avenue to be closed between Main Street and Starr

Street from 9:00 am to 3:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

5. Motion to approve a Temporary Community Event Application for the Burn off the Bird 5K starting and ending at the Recreation Center on Saturday, November 29, 2025 from 8:30 am to 11:00 am. Franklin Avenue between Grant Street and Fillmore Street and Fillmore Street between Franklin Avenue and Cromby Road to be closed for approximately five minutes each. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
6. Motion to approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 13, 2025 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

C. Items from Finance Committee:

1. Motion to approve the 2025 pre-paid dated 5/1/2025 - 5/31/2025 in the amount of \$1,774,365.99.
2. Motion to approve the 2025 pre-paid Credit Card Statement dated 5/1/2025 - 5/31/2025 in the amount of \$116,832.23.
3. Motion to approve the 2025 pre-paid ACH dated 5/31/2025 in the amount of \$414,455.88.
4. Motion to approve Budget Transfer 2025-11 from Fire Protection (Training & Conferences) in the amount of \$5,000.00 to Fire Protection (Contracted Services) for grant writing.
5. Motion to approve Budget Transfer 2025-12 from Recreation Fund (Employer Paid Insurance) in the amount of \$5,000.00 to Facilities (Janitorial Supplies) for equipment for floor cleaning.
6. Motion to approve the waiving of \$12,444.00 in permit fees as requested by the Phoenixville Area Community Services (PACS).

VI. Communications/Council Participation

VII. Mayor’s Report

VIII. Appointments

- A. Call for Residents interested in being appointed to various Boards and Commissions.

IX. New Business

- A. Motion to Award the 2025 Paving Contract to Innovative Construction Services in the amount of \$ 110,440.80 as the lowest responsible bidder.
 - B. Motion to award the 2025 Hauling and Disposal of Wastewater Sludge bid to Synagro Central LLC in the amount of \$119,760.00 for the balance of 2025 and for year 2026, \$123,360.00 for option year 2027 and \$127,056.00 for option year 2028 as the lowest responsible bidder.
 - C. Motion to appoint the Borough Manager as the Borough’s Legislative Liaison to the Pennsylvania Municipal League.
 - D. Motion to approve the Acknowledgement of Liability and Payment Agreement, between John Griffiths and the Borough, accepting a \$1,400 reimbursement for the repair of damage to Borough property.
- X. Public Hearings
- XI. Resolution/Ordinances
- A. Motion to adopt a Resolution adopting the form Police Department Ride-Along Program Policy and Agreements, and authorize the Chief of Police to utilize and implement such Policy and Agreements.
 - B. Motion to adopt an ordinance amendment to Chapter 13 “Licenses, Permits and General Business Regulations, Part 5.
- 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
 - D. Recreation Board – Ms. Dugan
 - E. Tree Advisory Commission – Mr. Carminito
 - F. Human Relations Commission – Ms. Burckley
- 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. No action to report.

D. Infrastructure, Technology Transportation & Sustainability Committee - Mr. Weiss

1. No action to report.

E. Finance Committee - Ms. Dugan

1. Motion to approve Budget Increase 2025-15 from Parking Fund Balance in the amount of \$40,000 to Parking Fund (Parking Truck) to purchase a 2025 Ford Ranger for the Department.

XIV. Public Comment

XV. Communication/Council Participation

XVI. Staff Reports

A. Manager

B. Police

C. Fire

D. Planning and Codes

E. Public Works

F. Finance

G. Human Resources

H. Recreation

XVII. Adjournment

Upcoming Meetings:

Planning Commission	July 10 – 6:00 pm
Parks and Recreation Committee	July 15 – 6:00 pm
Infrastructure Committee	July 15 – 7:00 pm
Recreation Board	July 21 – 6:30 pm
Finance Committee	July 22 – 6:00 pm
Policy Committee	July 22 – Immediately following Finance
HARB	August 4 – 5:00 pm
Tree Advisory Commission	August 4 – 6:00 pm
Personnel/Public Safety Committee	August 5 – 6:00 pm
Civil Service Commission	August 5 – 7:00 pm
Human Relations Commission	August 6 – 5:00 pm
Borough Council	August 12 – 7:00 pm

Employee Service Anniversaries – July

Cpl. Todd Artz, Police Department – 34 years

Peter Bonelli, Wastewater Treatment Operator – 25 years

Ofc. Matthew Clements, Police Department – 24 years

E. Jean Krack, Borough Manager – 17 years

Michael Obrian, Water Treatment MRO Apprentice – 16 years

Cpl. Anthony Gray, Police Department – 9 years

Kevin Gordon, Sanitation Laborer – 3 years

Amy Kline, Assistant to the Streets/Sanitation Superintendent – 1 year

Ofc. Hunter Evans, Police Department – 1 year

Ofc. Jeremy Geisler, Police Department – 1 year

Brennigan Myers, Wastewater Treatment MRO Apprentice – 1 year

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, June 10, 2025

7:00 PM

MINUTES

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

Barbara Cohen, President of the Schuylkill River Heritage Center (SRHC). She provided her background and explained the programs available at Schuylkill River Heritage Center in the Foundry. She provided the history of the Phoenix Wheel and how the wheel was returned to the SRHC. She is hopeful the Council will agree to move forward with the wheel installation by June of 2026.

Josh Gould, resident. He stated this Saturday, June 14, 2025, grand reopening of the Historical Society of Phoenixville’s Museum and the Annual Strawberry Festival.

Chris DeVol, resident. He stated it has been amazing to sit on the Board of the SRHC and voting to purchase the wheel to return it to Phoenixville. He thanked the Council for getting the reconstruction to this point. He stated he thought the project was dead in the water and he feels there is no better place than at the French Creek Trail and right next to Borough Hall.

Mike Kajak, property owner. He shared his excitement in knowing that we are on the cusp of erecting the oldest Phoenix Wheel, and he thanked the Council, Borough Staff and the Board Members for their hard work and dedication to the Phoenix Wheel project.

Jan Swarr, resident. She stated that as a tour guide at the Foundry they have been discussing the Wheel project with visitors and students. She stated the location of the Wheel, and its height makes you realize everyone who comes into Phoenixville is going to see the wheel in all its glory.

IV. Presentations

A. 2024 Audit – Dale Umbenhauer, Maille, LLP.

Mr. Dale Umbenhauer, Audit Principle for Maille, LLP. presented the 2024 Audit of the Borough’s Financial position.

B. Motion to accept the 2024 Audit as presented.

Ms. Bureckley made a Motion to accept 2024 Audit as presented. Seconded by Ms. Dugan.

Motion Approved 8-0.

V. Consent Agenda:

A. Approval of May 13, 2025, Regular Meeting Minutes.

B. Items from Historical and Architectural Review Board.

1. Motion to approve the Certificate of Appropriateness for signage at 16 Gay Street.

2. Motion to approve the Certificate of Appropriateness for signage at 28 S. Main Street.

C. Items from Personnel and Public Safety Committee.

1. Motion to reappoint Jennifer Chandler to the Tree Advisory Commission for a new term expiring June 30, 2030.

2. Motion to appoint Heidi Warning to the Tree Advisory Commission for a term expiring June 30, 2029.

3. Motion to authorize the Civil Service Commission to begin the process of developing an Eligibility List for Full-Time and Part-Time Fire Fighter for the Phoenixville Fire Department.

D. Items from Parks and Recreation Committee.

1. Motion to approve a Temporary Community Event Application for the Blobfest 5K, 10K, and Half Marathon on the Schuylkill River Trail on Sunday, July 13, 2025, from 7:00 am to 11:00 am. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.
2. Motion to approve a Temporary Community Event Application for the Pennsylvania Avenue Block Party on Saturday, June 21, 2025, from 3:00 pm to 10:00 pm. Pennsylvania Avenue to be closed between Callowhill Street and Paradise Street from 3:00 pm to 10:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.
3. Motion to authorize Staff to develop a land development plan for the Taylor Street Park and MDM Preserve.

E. Items from Finance Committee.

1. Motion to approve the 2025 pre-paid dated 4/1/2025 - 4/30/2025 in the amount of \$1,349,871.74.
2. Motion to approve the 2025 pre-paid Credit Card Statement dated 4/1/2025 - 4/30/2025 in the amount of \$55,167.03.
3. Motion to approve the 2025 pre-paid ACH dated 4/30/2025 in the amount of \$55,804.46.
4. Motion to approve Budget Increase 2025-10 from General Fund Balance in the amount of \$5,310.77 to Code Enforcement (Vehicle Maintenance) to replace the transmission in Truck I-7.
5. Motion to approve Budget Increase 2025-11 from General Fund Balance in the amount of \$12,000 to Fire Protection (Vehicle Maintenance) for repairs to the Ladder Truck.

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

Motion Approved 8-0.

VI. Communications/Council Participation

Ms. Burckley thanked staff for all of the coordination and hard work that was needed for the events on Thursday, Friday and Saturday. She knows there was a lot of heavy lifting on the back end, and it shows that Phoenixville is a great place to live.

Mr. Ewald stated that every department was utilized and implemented to ensure many

successful events over the course of five days. The teamwork of the Borough Staff is astonishing, and he appreciates all the hard work the departments put into every event with the tens of thousands of visitors that come through the Borough.

VII. Mayor's Report

Mayor Urscheler stated he echoes Ms. Burkley and Mr. Ewald's comments, and thank our incredible Borough Staff, our Police Department, Fire, EMS, and all of our Borough departments for their extraordinary work. During the past week we hosted the Clydesdales on Thursday, June's First Friday and Pride Fest on Saturday. It has really been an exceptional magnifying glass of the extraordinary work that our entire Borough team does, especially Ms. Getzfread, Ms. Logan, Ms. Strout, and the entire team that makes that possible. He reported on the events occurring in the Borough including the Annual Dogwood, the Chamber of Commerce hosted a Chamber Breakfast to have conversations around the Schuylkill River Passenger Rail Authority, and the VFW and American Legion put on an extraordinary Memorial Day Celebration at Reeves Park. He extended his congratulations to all of our Middle school and High school students from the Phoenixville Area School District as well as Renaissance Academy, who have either moved up or who have graduated. He thanked Boy Scout Troop 58 and J.D. Malone who placed a flag drop-off box outside of Borough Hall so you can properly retire a flag.

VIII. Appointments

- A. Call for Residents interested in being appointed to various Boards and Commissions.

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 not accept Request for Proposals received for the Phoenixville Potable Reuse Feasibility Study.

Ms. Burckley made a Motion to not accept Request for Proposals received for the Phoenixville Potable Reuse Feasibility Study. Seconded by Mr. Moore.

Motion Approved 8-0.

- B. Review ZHB Application from 220 3rd Avenue requesting special exception approval to change the existing office use to a tattoo and piercing studio use, to be heard at the June 18, 2025, Zoning Hearing Board Meeting.

Mr. Denlinger explained the current use is a nonconforming office use, so they have requested a special exception to change from the existing nonconforming

use to the newly proposed nonconforming use. Changes from one nonconforming use to another nonconforming use is permitted where the proposed nonconforming use satisfies the elements of our Zoning Ordinance, and specifically for this application, proving that this use would be more appropriate for the neighborhood than the existing nonconforming use. He stated that he doesn't see anything unique about this beyond what the Zoning Hearing Board typically sees.

Mr. Ewald asked if they have provided background on the hours and days of operation.

Mr. Denlinger stated that is information typically provided at the Zoning Board hearing.

Mr. Ewald asked if the location is one block off of Main Street across from the Parochial School and behind St. Ann's Church.

Mr. Denlinger confirmed that is correct and the Council is not required to take any action on this item unless Council believes that it would like to.

Ms. Dugan asked if this use is appropriate for the neighborhood, if they have parking and will the hours be acceptable for the area.

Mr. Denlinger explained that is the exact question that the Zoning Hearing Board needs to examine and the applicant will have to put on testimony before the Zoning Hearing Board to prove its case, and interested parties from the community are able to participate in that hearing, and if they so desire, become parties to the matter and present evidence whether in support or against it.

X. Public Hearings

XI. Resolutions/Ordinances

A. Motion to adopt a Resolution acknowledging Randall Morin for his 15 years of service on the Tree Advisory Commission.

Ms. Burckley made a Motion to adopt a Resolution acknowledging Randall Morin for his 15 years of service on the Tree Advisory Commission. Seconded by Mr. Strenfel.

Motion Approved 8-0.

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

B. Motion to adopt an ordinance amendment to Chapter 15 “Motor Vehicles”.

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

On the Question:

Mr. Denlinger stated the ordinance amendment was advertised by the Pottstown Mercury on May 27, 2025, and was also sent to the Pottstown Mercury and Chester County Law Library for public inspection on May 14, 2025.

Mr. Kirkner stated this amendment adds the parking lot at the Recreation Center. In the morning, the lot on the Franklin Avenue side is full of cars of employees and contractors to Franklin Commons and he is glad to see the lot will be used for its intended purpose.

Mr. Ewald stated there is no shortage of programs at the Recreation Center and the parking is needed.

Mr. Moore asked how the new process will be established to enforce the parking lot use. He asked for confirmation if signage will be installed.

Mr. Ewald asked if this would be handled by the Police or Parking Department.

Chief Marshall stated there will be signage and he will work with Ms. Gibbons on the process, or they can contact us directly and the Police or Parking can enforce it.

Mr. Moore stated the ordinance also addresses parking at the parks. He asked if there have been any issues with vehicles being parked overnight.

Mr. Ewald confirmed that there are several parks that are being used for private vehicle parking overnight and during park hours.

Mr. Moore stated he thinks it is important that when the Council adopts things like this that they be enforced and a presence is created that helps people understand this can't be done anymore.

Motion Approved 8-0.

XII. Reports of Committees, Boards, and Commissions

A. Historical and Architectural Review Board – Ms. Dugan

1. Motion to approve/deny the Certificate of Appropriateness for the demolition of existing shed and adding hardscaping at 381 Bridge Street.

Ms. Dugan made a Motion to approve the Certificate of Appropriateness for the demolition of existing shed and adding hardscaping at 381 Bridge Street. Seconded by Mr. Weiss.

On the Question:

Ms. Dugan stated the reason that she voted against this was only to bring it to the attention of the Council and to ensure that anyone interested could be made aware of the steps being taken.

Motion Approved 8-0.

B. Planning Commission - Mr. Moore

C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner reported a consistency review was done for a development in Charlestown on Whitehorse, which includes residential townhouses and apartments, 389 townhouses or 257 townhouses, plus 205 apartments. The intended location is the intersection of Whitehorse and Route 29, in the southern end of Charlestown Township, near where Charlestown, Tredyffrin, and East Whiteland come together there.

D. Recreation Board – Ms. Dugan

Ms. Dugan stated the 4th of July Fireworks and Family Trivia night will be on Saturday, July 5th from 5pm to 9pm. She reported on the upcoming camps and programs at the Recreation Center including youth summer camps, playground camp, yoga for all ages, Chester County Food Bank Mobile Market and Pickleball.

E. Tree Advisory Commission – Mr. Carminito

Mr. Carminito shared the commission sadness that Randy Morin is stepping away from the Tree Advisory Commission. Randy has played a very big role in all the work done for trees in the Borough and improvements to our urban canopy. The commission wants to thank him, and they hope to still see him around at our events. He reported that the commission continues to work through the tree planting list, maintaining the current list of tree removals that are recommended by the arborist and continuing to plan for the fall plantings.

F. Human Relations Commission – Ms. Burckley

Ms. Burckley reported the HRC meeting will be on June 11, 2025, at the Recreation Center instead of the first Wednesday of the month. She reported that

several members of the HRC attending a local meet and greet with HRC's from varying municipalities to share ideas for inclusion and resources.

XIII. Council Action referred from:

A. Personnel and Public Safety Committee – Ms. Burckley

1. Motion to authorize Staff to submit an application for seven (7) firefighters under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

Ms. Burckley made a Motion to authorize Staff to submit an application for seven (7) firefighters under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant. Seconded by Mr. Moore.

On the Question:

Ms. Dugan expressed her concerns with having to hire all seven (7) firefighters at one time and its impact on increased taxes in one year. She hopes the hiring can be budgeted as planned with two (2) employees over the next three years.

Mr. Ewald asked Chief Brazunas to come to the podium to explain the Grant Program.

Chief Brazunas read aloud from the grant guidelines. If the SAFER program were to accept our application, SAFER program funded firefighters begins when FEMA approves the application for an award. Under this activity the 36-month period performance automatically starts after 180-day recruitment period, regardless of whether the recipient had successfully hired the requested firefighters. In addition to that a staggering of the hiring over the period is permitted. However, the Borough won't have the ability to take full advantage of the funding on the reimbursement. He stated since joining the Borough an application has been submitted each year but with the removal of the requirement for matching funds more applications have been submitted and decreasing the chances of applications being awarded. He explained if the grant is awarded there would be no request for additional firefighters in addition to the ones included in the grant.

Ms. Dugan asked if the plan is still two (2) each year, and this has to be

done in 3 years would the need for the 7th hire be required or would the Borough just receive less of the grant funding with each years hires.

Chief Brazunas explained the thought process for seven (7) is to scale down the part-time element of the Fire Department. He stated the Borough does better than most places, but the part-time component for the Fire & EMS services is not great. With the exception of probably one (1) of our sixteen (16) part-timers, everybody else is working a full-time job so trying to fill those gaps is very difficult. The reason we arrived at seven (7) is because the SAFER grant is looking to establish a baseline. This includes three (3) platoons with four (4) staff per fire truck. Currently the department has five (5) positions filled within that system. The additional seven (7) hires will fill the three (3) platoons.

Ms. Dugan stated her last concern was that the department would request a third firefighter it will remain a request of two (2) per year over the next three (3) years.

Chief Brazunas confirmed the request would be for two (2) per year if the SAFER Grant application was not successful.

Motion Approved 8-0.

B. Parks and Recreation Committee – Mr. Moore

1. No action to report.

C. Policy Committee – Mr. Carminito

1. Motion to schedule and advertise an ordinance amendment to Chapter 13 “Licenses, Permits and General Business Regulations, Part 5.

Mr. Carminito made a Motion to schedule and advertise an ordinance amendment to Chapter 13 “Licenses, Permits and General Business Regulations, Part 5. Seconded by Mr. Weiss.

On the Question:

Mr. Moore offered his appreciation for the work by the Policy Committee and for them allowing him to have the opportunity to share his concerns with the original ordinance.

Mr. Carminito thanked the Staff as they put a lot of work into listening to

the feedback from the committee and the public. They came back with an ordinance that everyone was happy with.

Mr. Ewald stated it was a good collaboration between the Policy Committee and the busking community.

Motion Approved 8-0.

2. Motion to authorize Staff to send an ordinance amendment to Chapter 27 “Zoning” to the Borough Planning Commission, Chester County Planning Commission, and the Phoenixville Regional Planning Committee for review and comments in accordance with the Municipal Planning Code, upon completion by the Borough Solicitor of a legal review and revision thereof.

Mr. Carminito made a Motion to authorize Staff to send an ordinance amendment to Chapter 27 “Zoning” to the Borough Planning Commission, Chester County Planning Commission, and the Phoenixville Regional Planning Committee for review and comments in accordance with the Municipal Planning Code, upon completion by the Borough Solicitor of a legal review and revision thereof. Seconded by Mr. Moore.

On the Question:

Mr. Denlinger explained the Zoning Task Force has been working on the amendment to the overall Zoning Ordinance. He stated he is in the process of a legal review of the changes to ensure the defined terms are not in conflict between provision and that there are no unintended consequences of the proposed changes and he believes the review will be completed by the last week of June. With this motion the ordinance will then be sent to the Planning Commissions for their review. Once this is complete the ordinance will come back to the Council for scheduling and advertising in July in its final form.

Mr. Kirkner asked what the clock for reviews and when would it start.

Mr. Denlinger explained the review period is forty-five (45) days and that clock starts when the ordinance is sent out for review and that’s part of the reason the request for authorization is before the Council tonight to send it out before the next Council Meeting.

Mr. Moore asked if the ordinance will need to go before the Zoning Task Force again after the reviews.

Mr. Denlinger explained it depends on the reaction. The more significant the reaction, the more likely that we will need our planning consultants

and the Zoning Task Force to look at it again. To the extent that the comments are more minor, it's something that he can add without materially changing what the Zoning Task Force has sought to achieve. He stated he can do that without having a Zoning Task Force meeting.

Motion Approved 8-0.

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

1. No action to report.

E. Finance Committee – Ms. Dugan

1. Motion to award the Phoenix Wheel contract to Specialty Metals Welding & Fabrication, Inc, a COSTARS vendor in the amount of the Base Bid, Alternate Bid No. 2, Alternate Bid No. 3 and Alternate Bid No. 5 in the total amount of \$2,193,596.00, contingent upon funds being available and upon receiving authorization to award from all funding agencies.

Ms. Dugan made a Motion to award the Phoenix Wheel contract to Specialty Metals Welding & Fabrication, Inc, a COSTARS vendor in the amount of the Base Bid, Alternate Bid No. 2, Alternate Bid No. 3 and Alternate Bid No. 5 in the total amount of \$2,193,596.00, contingent upon funds being available and upon receiving authorization to award from all funding agencies. Seconded by Mr. Weiss.

Motion Approved 8-0.

2. Motion to approve the RVE Change of Scope #2 for the Phoenix Wheel project in the additional amount of \$53,313.00.

Ms. Dugan made a Motion to approve the RVE Change of Scope #2 for the Phoenix Wheel project in the additional amount of \$53,313.00. Seconded by Ms. Burckley.

Motion Approved 8-0.

3. Motion to approve an agreement substantially similar to the Amended and Restated Outgoing Loan Agreement for the Phoenix Wheel with the Schuylkill River Heritage Center, as may be negotiated and revised as deemed reasonable by the Borough Solicitor, and further authorizing Council President, Manager, and Solicitor to execute such amended and restated agreement and take any other action necessary to enter into this amendment and satisfy the terms and conditions thereof.

Ms. Dugan made a Motion to approve an agreement substantially similar

to the Amended and Restated Outgoing Loan Agreement for the Phoenix Wheel with the Schuylkill River Heritage Center, as may be negotiated and revised as deemed reasonable by the Borough Solicitor, and further authorizing Council President, Manager, and Solicitor to execute such amended and restated agreement and take any other action necessary to enter into this amendment and satisfy the terms and conditions thereof. Seconded by Ms. Burckley.

Motion Approved 8-0.

XIV. Public Comment

Barbara Cohen, President of the Schuylkill River Heritage Center. She thanked the Council and Borough Staff for making history come alive again. She stated it has been her goal for all these years to bring the oldest wheel back to its glory.

XV. Communications/Council Participation

Ms. Burckley thanked the public for joining us tonight and while she is sure it was for the Phoenix Wheel she encouraged the public to attend the meeting and engage with Borough Council. She stated that the Council members are happy to meet after the meeting to answer questions.

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

8:20 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
June 2025

**Borough of Phoenixville
Council, Authorities, Bureaus, Commissions, and Agencies**

Planning Commission - 4 Year Term	Appointed	Reappointed	Term Expiration
Josh Gould	March 12, 2024		March 31, 2028
Raffaello DiNapoli	February 14, 2017	April 8, 2025	March 31, 2029
Amanda Irwin - Vice Chairperson	March 12, 2024		March 31, 2028
Catherine Bianco - Chairperson	March 9, 2021	March 11, 2025	March 31, 2029
Joseph Sikora	March 8, 2022		March 31, 2026
Thomas Carnevale	April 12, 2011	March 8, 2022	March 31, 2026
Jahan Tavangar	November 12, 2024		March 31, 2027
Brian Moore - Council Liaison			N/A

Zoning Hearing Board - 5 Year Term	Appointed	Reappointed	Term Expiration
Jonathan Steitzer	February 14, 2023		January 31, 2028
David Petty	October 10, 2023	January 9, 2024	January 31, 2029
Maureen Ahearn - Vice Chairperson	February 11, 2020	January 14, 2025	January 31, 2030
Bryan Emmanuel - Chairperson	April 10, 2018	January 12, 2021	January 31, 2026
Carolyn Treglia	April 9, 2024		January 31, 2027

Recreation Board - 4 YR Term	Appointed	Reappointed	Term Expiration
Kathy Gill - Vice-Chairperson	May 10, 2016	April 9, 2024	April 30, 2028
Andrew Hungerbuhler	April 9, 2024		April 30, 2028
Ed Lantzy	January 1, 2006	April 8, 2025	April 30, 2029
Joellen Nicholson	May 13, 2025		April 30, 2029
Janet Hunter - Chairperson	January 1, 2008	April 12, 2022	April 30, 2026
Allison Peffle	May 11, 2021	April 12, 2022	April 30, 2026
Dave Gill	May 10, 2010	March 14, 2023	April 30, 2027
Dana Dugan - Council Liaison	April 27, 2010		N/A

HARB - 4 Year Term	Appointed	Reappointed	Term Expiration
Brian Slater - Chairperson - Real Estate	September 11, 2007	August 13, 2024	August 31, 2028
William Felton - Contractor	August 13, 2013	August 11, 2021	August 31, 2025
Jon Ichter	November 14, 2023		August 31, 2025
Joel Bartlett - Architect		August 8, 2023	August 31, 2027
Joseph Sikora - Planning Comm	January 12, 2023		March 31, 2026
Matthew McCloskey - BCO	September 12, 2023		N/A
Dana Dugan - Borough Council			N/A

Borough Council - 4 Year Term	Appointed	Reappointed	Term Expiration
Beth Burckley - Vice President	January 2, 2018	January 3, 2022	January 5, 2026
James Carminito	January 3, 2022		January 5, 2026
Dana Dugan	January 4, 2010	January 3, 2022	January 5, 2026
Jonathan Ewald - President	January 4, 2016	January 2, 2024	January 3, 2028
Richard Kirkner	January 2, 2018	January 3, 2022	January 5, 2026
Brian Moore - Assistant Secretary	January 6, 2020	January 2, 2024	January 3, 2028
David Strenfel	January 2, 2024		January 3, 2028
Brian Weiss	January 6, 2020	January 2, 2024	January 3, 2028
Peter Urscheler - Mayor	January 2, 2018	January 3, 2022	January 3, 2026

Civil Service Commission - 6 YR Term	Appointed	Reappointed	Term Expiration
Mari Wineburg - Chairperson	September 14, 2021	August 8, 2023	January 31, 2028
Amara Thornton-Brown - Vice Chair	July 14, 2020	January 9, 2024	January 31, 2030
Beth Burckley	December 12, 2023		January 5, 2026
Alternate - J. D. Maloney	March 12, 2024		January 31, 2027
Alternate - Jeffrey Jones	January 14, 2025		January 31, 2029

Tree Advisory - 5 Year Term	Appointed	Reappointed	Term Expiration
Jennifer Chandler - Secretary	January 14, 2025	June 10, 2025	June 30, 2030
Susan Di Cerchio	July 12, 2022		June 30, 2027
Heidi Warning	June 10, 2025		June 30, 2029
Justin Gordon - Chairperson	August 13, 2024		June 30, 2028
Mary Foote	July 9, 2019		June 30, 2026
James Carminito - Council Liaison			N/A

Human Relations - 3 Year Term	Appointed	Reappointed	Term Expiration
Kevin Zwick - Chairperson	September 10, 2024		March 31, 2026
Jasmine Joyner	May 13, 2025		March 31, 2026
Koretta McGhee	January 14, 2025		March 31, 2028
Rev. Lee Paczulla	March 8, 2022	April 8, 2025	March 31, 2028
Susmita Sukla - Co-Chairperson	January 9, 2024		March 31, 2027
Beth Burckley - Council Liaison			N/A

Other Appointments	Appointed	Reappointed	Term Expires
Emergency Management Coordinator Karin Williams	January 1, 2015		N/A
Vacancy Board Chairman Leo Scoda	February 9, 2021	January 14, 2025	December 31, 2025

RESOLUTION NO. 2025 –

**BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA, ADOPTING THE FORM POLICE DEPARTMENT RIDE-ALONG PROGRAM POLICY AND AGREEMENTS, AND AUTHORIZE THE CHIEF OF POLICE TO UTILIZE AND IMPLEMENT SUCH POLICY AND AGREEMENTS.

WHEREAS, from time-time, in its sole discretion, the Phoenixville Police Department (the “Department”) allows a civilian (the “Participant”) to engage in a ride-along program, whereby said Participant will accompany a Department police officer and observe police operations firsthand (the “Program”); and

WHEREAS, in order to continue the Program, the Borough of Phoenixville (the “Borough”) desires to update and adopt the Program Policy (“Policy”) and Program agreements (“Agreements”); and

WHEREAS, the Borough further desires to allow the Department Chief of Police to utilize the aforesaid Policy to review Program applications and make decisions thereon in his/her sole discretion; and

WHEREAS, the Borough also desires to allow the Department Chief of Police to execute the aforesaid pre-approved Agreements for approved Participants on behalf of the Borough and the Department.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. Phoenixville Borough Council hereby adopts the Borough of Phoenixville Police Department Ride-Along Program Policy, including, without limitation, the forms, waivers, and agreements attached thereto, all of which are attached hereto as Exhibit “A”, and further authorizes the Borough Chief of Police to execute and implement said Policy on behalf of the Borough.

2. Phoenixville Borough Council hereby authorizes the Borough Chief of Police to utilize, agree, execute, and complete the forms, waivers, and agreements attached to the Borough of Phoenixville Police Department Ride-Along Program Policy on behalf of the Borough.

APPROVED and **RESOLVED**, at a public meeting of the Phoenixville Borough Council, Chester County, Pennsylvania, in lawful session duly assembled this 8th day of July 2025.

By: _____
Jonathan M. Ewald
President, Borough Council

ENACTED, this 8th day of July 2025.

By: _____
E. Jean Krack, Borough Manager/Secretary

I HEREBY CERTIFY, that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of Borough Council held on the 8th day of July 2025.

By: _____
E. Jean Krack, Borough Manager/Secretary

EXHIBIT A
Borough of Phoenixville Police Department Ride-Along Program Policy

**BOROUGH OF PHOENIXVILLE POLICE DEPARTMENT
RIDE-ALONG PROGRAM POLICY**

1. PURPOSE:

The Ride-Along Program (“Program”) provides community members an opportunity to observe the Borough of Phoenixville Police Department (“Department”) police operations firsthand, fostering transparency and community trust while ensuring the safety and integrity of the Department activities. This policy (“Policy”) establishes guidelines for the police officers and community members participating in the Program.

2. POLICY:

A. At all times during the Program, ride-along participant(s) (“Participant(s)”) shall be under the strict supervision of assigned Department police officer(s) and Participants shall be required to abide by this Agreement, the established rules and regulations for the Program established by the Department, and the verbal commands of their assigned police officer(s).

B. The Department shall assign at least one (1) Department police officer (“Host Officer”) to act as the host and supervisor for Participant.

C. In no way does this Policy require the Department to engage in the Ride-Along Program. The Ride-Along Program may be operated, suspended, or discontinued in the sole discretion of the Department Chief of Police.

3. PARTICIPANT ELIGIBILITY:

A. To be eligible to participate in the Program, Participants must:

- i. Be at least 18 years of age
- ii. Complete and submit the following forms prior to participation:
 - (1) Ride-Along Application
 - (2) Waiver and Release of Liability Agreement
 - (3) Confidentiality Agreement
- iii. Pass a limited background check. Participants with outstanding warrants, criminal convictions, violent crime arrests, or pending criminal charges will be denied.
- iv. Have an acceptable history of sound mental health.
- v. Be willing to comply with the Program rules and guidelines (outlined below)
- vi. Be approved by the Chief of Police or his/her designee. The Department reserves the right to reject any ride-along request for any or no reason.

4. RIDE-ALONG REQUESTS:

Civilians wishing to participate in the Program may make application by completing the required document(s) and submitting them in person to the Phoenixville Police Department, 351 Bridge Street, Phoenixville, PA 19460, at least two (2) weeks prior to the requested ride-along date.

Requests for specific time periods or patrol areas, or a particular officer will be considered by the Department when processing the request.

The ride-along request must specify whether the request is for a one-time ride-along (e.g. a few hours on an officers shift) or an internship for college credits.

The Department may cancel or reschedule ride-alongs due to operational needs or emergencies without prior notice. Participation may be limited based on staffing and vehicle capacity.

5. PROGRAM RULES AND GUIDELINES

A. Participants:

i. Participants are required to read and familiarize themselves with these Program Rules and Guidelines, as well as this overall Policy, prior to engaging in the Program.

ii. Participants must arrange transportation to and from the Borough of Phoenixville Police Station.

iii. Participants must provide the Host Officer with proper identification prior to the ride-along.

iv. Participants are NOT permitted to photograph/videotape or audio record any portion of the ride-along unless approved by the Chief of Police.

v. Participants must wear neat, clean, appropriate clothing. Shorts, sweat suits or jogging suits, tank tops, halter-tops, or clothing that is torn, soiled or displays offensive language or symbols will not be allowed. Wear appropriate footwear. Flip flops or sandals are not allowed.

vi. Participants must obey all instructions and safety protocols.

vii. Participants are prohibited from carrying any firearm or any other weapon.

viii. Participants are further prohibited from handling any weapons or equipment without the expressed permission of the Host Officer or, in the case of an extreme emergency, where the lives of any officer or the Participant are directly and immediately threatened.

ix. Participants are encouraged to ask questions about police work. However, DO NOT interfere in any way with the Host Officer's handling of a situation. Participants may ask questions concerning a specific assignment *after* it has been completed and the Participant and Host Officer have left the scene.

x. Participants are prohibited from taking part in any arrest and are forbidden from using force of any kind except to protect their own lives, the life of the Host Officer, or another person.

xi. Participants must remain in the Department vehicle unless directed otherwise by the Host Officer.

xii. Certain police calls are considered inherently dangerous and/or of a particularly sensitive nature, and the Host Officer may respond to the call after dropping you off at a safe place. Follow the procedure outlined by the Host Officer and wait for a police vehicle to pick you up.

xiii. Participants are prohibited from entering residences on the following police responses to call for service:

- (1) Domestic disturbances
- (2) Sex offenses
- (3) Any incident that has the potential for injury to the Participant
- (4) Any other incident the Host Officer believes may be hazardous or inappropriate for the Participant to view
- (5) Any incident where the victim, complainant or property owner objects to the presence of the Participant

xiv. Participants shall not communicate with complainants, witnesses, victims, suspects or other persons associated with any police response to incidents during the course of the Program.

xv. Participants must follow the directions of the Host Officer and must not act in any manner which would bring discredit to or reflect unfavorably upon the Department.

xvi. Participants shall treat all police communications, observations, and conversations overheard as strictly confidential.

xvii. Participants may be requested to appear as a witness in court proceedings. The Department will not be responsible for any salaries, fees, or expenses incurred by the Participant in doing so.

B. Host Officers:

i. Host Officers program will directly supervise the Participants.

ii. Host Officers shall be knowledgeable in the Program rules and procedures and this Policy. They shall ensure the Participant has read and understands the Program Rules and Guidelines, as well as this overall Policy.

iii. Host Officers will closely monitor the Participants in the Program and shall report any violations or problems to their shift supervisor.

iv. Host Officers observing serious violations or incurring problems with the Participant that affect the Host Officer's ability to perform their police duties should return to the Department with the Participant and contact the shift supervisor.

v. Host Officers shall not request a Participant's assistance in conducting any criminal investigation.

vi. When possible, Host Officers should not engage in hazardous activities that have a higher-than-normal risk of placing the Participant in life threatening situations. Examples of these incidents include but are not limited to: armed robbery, felony vehicle stops with weapons, high speed pursuits, riot and/or civil unrest, barricaded gunman etc. If possible, the Host Officer should return the Participant to the Department or other suitable "safe haven" prior to engaging in these activities. (i.e. drop them off prior to going to the call.)

vii. Host Officers shall be careful not to discuss confidential Department information in the presence of the Participant.

viii. Host Officers shall not permit Participants any unsupervised access to residences, businesses, buildings, areas of the Department or Department reports.

C. Department Shift Supervisors:

- i. The shift supervisor shall assign ride-along Participants to Host Officers.
- ii. The shift supervisor shall have the authority to terminate a Participant's ride-along experience at any time or may reassign the Participant to another officer if he/she feels it is necessary.
- iii. If a Participant's ride-along experience is terminated for cause, the shift supervisor shall complete a report detailing the reason for the termination and forward it to the Chief of Police or his/her designee. The shift supervisor may require the assigned Host Officer to complete a report detailing his/her experience with the Participant.

6. INTERNSHIP PROGRAM

As part of the Program, the Department sponsors a student internship program for college and university students. The goal of the program is to provide undergraduate students, who are considering law enforcement as a career, a real-world experience and insight into police work, helping them explore the field and develop key skills. The Chief of Police will be responsible for administering the internship program. This internship program will be subject to the Program Rules and Guidelines and this Policy, as well as any other internship-program specific rules and guidelines provided to the Participant by the Department. The internship program is an individualized program that will be designed in consultation with the student, their college or university, and the Department. Participants for the internship program will be selected through a process determined by the Chief of Police. The Department may terminate a Participant's involvement in the internship program for unacceptable behavior, or any violation of this Policy or other rules, procedures or instructions provided by the Department. The Chief of Police, or his/he designee, will notify the Participant's academic advisor if the if the Participant is terminated from the Program.

7. GENERAL PROVISIONS

- A. This Policy will be periodically reviewed by the Department and updated as necessary.
- B. Attachments:
 - i. Ride-Along Application Form
 - ii. Waiver and Release of Liability Agreement
 - iii. Confidentiality Agreement

BY ORDER OF:

By: _____

Date: _____

Brian Marshall, Chief of Police

**ATTACHMENT A:
Ride-Along Application**

Applicant Information:

Full Name: _____ Date of Birth: _____
 Birth: _____
 Address: _____
 Phone Number: _____ Email: _____

Emergency Contact:

Name: _____ Relationship: _____
 Phone Number: _____

Background Information:

Have you ever been convicted of a felony? Yes No
 Are there any pending criminal charges against you? Yes No If yes, please explain:

Ride-Along Details:

Select one: One-Time Ride-Along College Internship
 Requested Dates: _____ Preferred Shift, if any:

Request and Acknowledgement:

I am hereby requesting to participate in the Borough of Phoenixville Ride-Along Program (“Program”). I have been provided with a copy of the rules regarding the Program and have reviewed them. I understand these rules and I agree to follow all instructions and directions as well as abide by the rules set down for this Program. I understand that if I fail to abide by these rules, my participation in the Program may be terminated, and I may be barred from any future participation in the Program. I understand that participation in the Program is voluntary and is a privilege, not a right. I understand that my request to participate in the Program may be denied, and if it is accepted, may be revoked at any time prior to and during my participation in the Program.

I further understand that prior to being considered for participation in the Program, the Borough of Phoenixville Police Department (“Department”) will conduct a background investigation regarding me; specifically, criminal history check, wants or warrants check, and drivers record check. I agree to allow and consent to members of the Department conducting this investigation.

I certify that the information provided is true and complete to the best of my knowledge. I understand that submission of this application does not guarantee participation in the Program.

Signature: _____ Date: _____

<i>DEPARTMENT USE ONLY</i>	
APPLICATION REVIEWED/AUTHORIZED BY (PRINT NAME/RANK):	
APPLICATION APPROVED: <input type="checkbox"/> YES <input type="checkbox"/> NO	ASSIGNMENT:
DATE OF RIDE-ALONG:	TIME OF RIDE-ALONG:

APPLICATION REVIEWED/AUTHORIZED BY (SIGNATURE)	

ATTACHMENT B:
***BELOW WAIVER AND RELEASE MUST BE SIGNED BY PARTICIPANT AND
AUTHENTICATED BY ADMINISTRATIVE DIVISION BEFORE "RIDE-ALONG"***

ASSUMPTION OF RISK, WAIVER AND RELEASE OF LIABILITY

I, _____ ("Participant"), have requested, for my own personal benefit, permission from the Borough of Phoenixville Police Department ("Department") to participate in the Ride-Along Program ("Program") by riding in a police vehicle and by otherwise observing and accompanying police officers during a tour of duty. In consideration for this permission and my participation in the Program, as evidenced by my signature below, I hereby acknowledge and agree as follows:

1. As part of the background investigation conducted by the Department prior to my participation in the Program, I agree to release any records requested by the Department in furtherance of the investigation. I further agree to release the Department and its representatives from any and all liability arising from the release of such records.

2. I understand that the Program is voluntary, and that I may terminate my participation in it at any time.

3. I understand and acknowledge that participation in the Program involves risks, including but not limited to physical injury, exposure to hazardous situations, and unforeseen circumstances. I VOLUNTARILY ASSUME ALL RISKS ASSOCIATED WITH THE PROGRAM.

4. I HEREBY DO ASSUME ANY AND ALL RISKS OF MY PARTICIPATION IN THE PROGRAM AND, ON BEHALF OF MYSELF, MY HEIRS, EXECUTORS AND ADMINISTRATORS, OR OTHER PERSONS CLAIMING UNDER OR THROUGH ME, FOREVER WAIVE, RELEASE, DISCHARGE AND COVENANT NOT TO SUE THE DEPARTMENT AND ITS OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES, FOR ANY LIABILITY, CLAIMS, DEMANDS, ACTIONS, OR CAUSES OF ACTION ARISING OUT OF OR RELATED TO ANY LOSS, DAMAGE, INJURY, DISABILITY, OR DEATH THAT MAY BE SUSTAINED DURING AND AS A RESULT OF MY PARTICIPATION IN THE PROGRAM, WHETHER CAUSED BY NEGLIGENCE OR OTHERWISE (EXCEPT TO THE EXTENT SUCH LIABILITY RESULTS FROM THE GROSS NEGLIGENCE OR RECKLESSNESS OF THE DEPARTMENT).

SIGNATURE

DATE

PRINTED NAME

**ATTACHMENT C:
CONFIDENTIALITY AGREEMENT**

I, _____ (“Participant”), acknowledge that during my participation in the Ride-Along Program (“Program”), I may have access to sensitive, confidential, or private information about individuals, investigations, or Borough of Phoenixville Police Department (“Department”) operations.

I acknowledge and agree that:

1. All information, conversations, or documents I may be exposed to, whether obtained while participating in the observation program or gathered while doing any assigned project or research shall be confidential. This is to include, but not be limited to, any aspect of any investigation or criminal incident or the mere existence of an arrest record of which I may have knowledge because of my involvement with the Department.
2. I will treat all such confidential information as strictly confidential.
3. I will not divulge, disseminate, or in any way disclose any confidential information to any person or entity outside the Department.
4. I will not use confidential information for personal gain or any unauthorized purpose.
5. I understand that violation of this agreement may result in termination from the Program and may subject me to criminal prosecution or civil action.

Signature

Date

Printed Name

ORDINANCE NO. 2025 -
BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA

“Street Performing Ordinance”

AN ORDINANCE OF THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA, REPEALING AND REPLACING CHAPTER 13, “LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS,” PART 5 “POOL ROOMS; BILLIARD ROOMS” OF THE CODE OF ORDINANCES OF THE BOROUGH OF PHOENIXVILLE WITH NEW PART 5 ENTITLED “STREET PERFORMING”.

The Council of the Borough of Phoenixville, Chester County, Pennsylvania, hereby ORDAINS that:

Section 1. Amendment to Code.

The Code of Ordinances of the Borough of Phoenixville, as amended, Chapter 13, “Licenses, Permits and General Business Regulations,” Part 5 “Pool Rooms; Billiard Rooms” is hereby repealed by deleting it in its entirety and replaced with the following:

Part 5
STREET PERFORMING

§ 13-501. Purpose.

The Borough finds that the existence in the Borough of street performers provides a public amenity that enhances the character of the Borough. The Borough seeks to regulate such performances so that they do not interfere with the quiet enjoyment of residents, public safety, and the ability of businesses to conduct their businesses uninterrupted. This Part seeks to balance the interests of the street performers with those of the residents, businesses, visitors, and institutions of the Borough.

§ 13-502 Street Performing Ordinance Established.

The "Street Performing Ordinance" is hereby established and hereinafter referred to as "Street Performing" which Ordinance shall take effect on January 1, 2026.

§ 13-503. Definitions.

Except where the context clearly indicates otherwise, the following terms as used in this Part shall have the following meanings:

BOROUGH

The Borough of Phoenixville, Chester County, Pennsylvania.

BOROUGH COUNCIL

The duly elected governing body of the Borough.

BOROUGH MANAGER

The Borough of Phoenixville Borough Manager or their designee.

OBSCENE

Any action or speech that meets any or all of the following criteria:

- A. The average individual, applying contemporary community standards, would find the action taken as a whole, appeals to the prurient interest.
- B. The reasonable person would find the actions or speech taken as a whole, lacks serious literary, artistic, political, or scientific value.
- C. The actions or speech describe sexual conduct in a patently offensive way.

STREET PERFORMANCE / PERFORMING

Includes, but is not limited to, the following activities conducted on Borough property or Public Rights-of-Way: acting; singing; playing musical instruments; juggling; dancing; pantomime; exhibiting magic; tumbling; stilt-walking; acrobatics; certain activities using fire; exhibiting puppetry; or other similar activities. A Performance shall not include the assembly of persons for the discussion of ideas.

PERFORMER

A Person or group of Persons who engages in a Street Performance.

PERSON

Any natural person, group of persons, corporation, organization, company, association, partnership, government, governmental subdivision, agency, or any other legal or commercial entity.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, highway, sidewalk, trail, parking area, alley or similar place which is owned or controlled by a governmental entity.

PUBLIC SERVICE FACILITIES

Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or utility service.

§ 13-504. Locations and Times for Street Performances.

1. Those Person(s) engaging in Street Performances in the Borough's Town Center (TC) Zoning District shall comply with the provisions of this Part and the Borough Ordinances.
2. Notwithstanding anything to the contrary set forth herein, Street Performances may not take place within areas of the Public Right-of-Way excluded by the Borough Council, the Director of Public Works (or their designee), or the Chief of Police (or their designee) determined in the sole discretion thereby, or as prohibited pursuant to applicable law.

3. Street Performances may take place only during the following times:
 - A. Sunday through Thursday: between 9:00 a.m. and 9:00 p.m.
 - B. Fridays and Saturdays: between 9:00 a.m. and 11:00 p.m.
4. No Performer shall:
 - A. Perform within ten (10) feet of the outer edge of any entrance of any business or residence, including, but not limited to, doors, vestibules, driveways, outdoor dining area entries, sidewalk cafes, and emergency exits during the hours that any business on the premises is open to the public or to persons having or conducting lawful business within those premises without authorization of the business.
 - B. Place any object on a public sidewalk which causes less than a six (6) foot contiguous sidewalk width being kept clear for pedestrian passage.
 - C. Block or obstruct a vehicular access way.
 - D. Block or obstruct the free and safe movement of pedestrians. If a sufficient crowd gathers to observe a performer such that the passage of the public through a public area is blocked or obstructed, a police officer or fire official may disperse that portion of the crowd that is blocking or obstructing the passage of the public. If a Performer cannot conduct a Street Performance in a location without blocking or obstructing the passage of the public, a police officer or fire official may cause the Performer to leave the location but shall not prevent the Performer from occupying another location in compliance with this Part.
 - E. Obstruct or otherwise interfere with another Performer's Street Performance.
 - F. Obstruct the visibility of a motorist.
5. Performer(s) may not create an undue interference with the passage of the public through a Public Right-of-Way area. If Performer(s) attracts a crowd sufficient to obstruct the Public Right-of-Way, a Borough police officer may disperse the portion of the crowd that is creating the obstruction. Additionally, if Performer(s) assemble in such a way and/or manner which obstructs the Public Right-of-Way or causes a noise disturbance or public nuisance, a Borough police officer may disperse the Performer(s) to ensure the public health, safety and welfare.
6. A specific Public Right-of-Way area may be excluded from Street Performances by the Borough in the following circumstances:
 - A. Upon recommendation from the Chief of Police (or their designee) in the case of an emergency, or due to public health, safety and/or welfare concerns, and pursuant to applicable law.

- B. Upon recommendation from the Director of Public Works (or their designee) in the case of scheduled or emergency repair work in the public right-of-way or any Public Service Facility, and pursuant to applicable law.
- C. Upon recommendation from the Director of Codes (or their designee) in the case of construction or property maintenance code matters on private property adjacent to the performance site, and pursuant to applicable law.

§ 13-505. Indemnification and Hold Harmless.

1. By engaging in a Street Performance, any and all Performers thereby indicate their agreement to indemnify and hold harmless the Borough, their officials, employees, and agents from any liability arising out of, contributing to, resulting from, related to, or in any way impacted by the Performers' Street Performance and/or their occupation of a portion of the Public Right-of-Way, including, but not limited to, injury to persons and/or property of the public, the Performer(s), and/or the Borough.

§ 13-506. Rules and Regulations.

1. The Borough Manager or their designee may create, publish and issue (and subsequently revoke) in writing additional rules and regulations not inconsistent with this Part for Street Performances.
2. During the hours approved for such Street Performance, a Performer may request contributions or money or property at a Street Performance. Contributions may be received in a receptacle such as an open musical instrument case, box or hat, provided that such a receptacle does not obstruct the free movement of pedestrians in such Public Right-of-Way.
3. During the hours approved for such Street Performance, Performer(s) may offer for sale recordings of only their own work, in any form. The area used for such sale shall not exceed more than 20% of the width of the sidewalk and in any event shall not exceed fifteen (15) square feet in total, nor shall it obstruct accessible ramps, doorways, or windows.
4. A Street Performance may have a temporary sign during the hours approved for such Street Performance, having a size not greater than twelve (12) inches by eighteen (18) inches. Such sign may include the name of the Performer(s), request for any contribution, and/or identify their own work offered for sale. No such sign shall be taped, posted, or leaned on any public or private property.
5. No Performer(s) shall operate, play or permit the operation of any musical instrument or similar device which produces, reproduces or electronically amplifies sound in such a manner to cause a noise disturbance.
6. No Performer(s) shall operate, play or permit the operation or playing of any radio,

television, phonograph, drum, musical instrument, cassette player, sound amplifier or similar device which electronically amplifies sound in such a manner as to create a noise disturbance.

7. A person who is under the age of 18 shall not participate in a Street Performance unless accompanied at all times by an adult who is 18 years of age or older who is responsible for such minor.
8. A Performer shall be responsible for the removal of all litter within fifty (50) feet of the Street Performance site upon the conclusion of their Street Performance.
9. No Performer shall:
 - A. Use any of the following:
 - (1) Any knife, sword, torch, flame, axe, saw, or other object that can cause serious bodily injury to any person, or engage in any activity, including, but not limited to, acrobatics, or tumbling that can cause serious bodily injury to any person;
 - (2) Any generator, wet cell battery with removable fill caps, or any other power source that poses a fire or public safety hazard; or
 - (3) Any connection to or maintenance of an electrical cord to an adjacent building or to a Borough power source.
 - B. Utilize or prevent the public from utilizing any public benches, waste receptacles, or other streetscape amenities during the performance.
 - C. Perform with more instruments, props, equipment, merchandise or other items than the Performer can reasonably transport or remove at one time.
 - D. Place any instruments, props, equipment, merchandise or other items on a public sidewalk, public street, or public right-of-way for more than two (2) hours without Performing in accordance with the provisions of this Part.
 - E. Violate the applicable provisions of the Code regarding noise.
 - F. Perform in a manner that is Obscene.
 - G. Except as expressly permitted in this Part, perform in any way that violates any other provisions of the Code.

§ 13-507. Penalty for Violation.

1. Persons who are found in violation of this Part may be issued a non-traffic citation by the police or other authorized law enforcement officer. The penalty for a violation of

this Part shall be:

- A. A fine of \$25 for a first violation.
 - B. A fine of \$75 for a second violation.
 - C. A fine of \$150 for a third violation and prohibition from performing for the remainder of the calendar year.
 - D. A fine of up to \$600 for a fourth and/or subsequent violation, and, in the discretion of the Borough, the pursuit of any additional remedies available to the Borough in equity or law.
2. Alternatively, the officer may obtain the subject's name and address and later send a non-traffic citation through the Magisterial District Judge's office.
 3. Violations under this Part shall reset each calendar year, except as may be applied pursuant to Section 13-507.1.D.

§ 13-508. Enforcement.

1. A non-traffic citation issued under this chapter shall be enforced in accordance with the procedures established by the Borough of Phoenixville Police Department for enforcement of summary violations.
2. This Part shall not be construed to supersede any existing Pennsylvania or federal law. Borough of Phoenixville police officers retain the authority to enforce any applicable laws.

Section 2. Officer Authorization. The appropriate officers of the Borough are authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.

Section 3. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, parts, or sections hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, part or section thereof not been included herein.

Section 4. Repealer. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 5. Effective Date. This Ordinance shall become effective upon enactment as provided by law.

PASSED by Borough Council this 8th day of July 2025.

By: _____
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 8th day of July 2025.

By: _____
Peter J. Urscheler
Mayor

ENACTED this 8th day of July 2025.

By: _____
E. Jean Krack
Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 8th day of July 2025.

By: _____
E. Jean Krack
Borough Manager/Secretary

Parks and Recreation Committee Meeting
Tuesday, June 17, 2025
6:00 pm

MINUTES

Committee: Chairperson, Mr. Moore, Ms. Burckley, Ms. Dugan, and Mr. Weiss

Public Members: Janet Hunter

Staff: Mr. Krack, Ms. Gibbons, Ms. Getzfread, Ms. Strunk, and Mr. Watson

I. Call to Order at 6:00 pm. Ms. Burckley excused.

II. Public Comment on Non-Agenda Items

Gary Vail asked whether the Borough had planted trees on the east side of the Schuylkill River Trail adjacent to the Trieste Development. Mr. Krack stated he believed that area is a part of the project and likely was required to plant the trees as part of the approved plan.

Mr. Moore asked what the large excavations were along the Schuylkill River Trail in the Steelpointe Development. Mr. Krack stated those were locations for appurtenances including benches and trash receptacles.

III. Presentations

None.

IV. Committee Member Updates/Discussions

None.

V. New Business

A. Review of Quarterly Recreation Board reports. Next meeting in July.

Ms. Hunter reported the Fireworks Celebration would be on July 5 at Reservoir Park.

B. Motion to recommend Borough Council approve a Temporary Community Event Application for the Greenixville – The Phoenixville Green Earth Festival under the Veterans Memorial Gay Street Bridge and along the French Creek Trail on Saturday, September 13, 2025 from 9:00 am to 12:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council approved the event as presented. Seconded by Mr. Weiss. Motion passed 3-0.

- C. Motion to recommend Borough Council approve a Temporary Community Event Application for the Andre Thornton Day/Legacy Day at 55 N. Main Street on Saturday, September 20, 2025 from 1:00 pm to 4:00 pm. North Main Street to be closed between Vanderslice Street and High Street from 10:00 am to 7:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council approved the event as presented. Seconded by Mr. Weiss. Motion passed 3-0.

- D. Motion to approve a Temporary Community Event Application for the 39th Annual Phoenixville Run 5K and 10K Running Races from Reeves Park to the Schuylkill River Trail on Saturday, October 25, 2025 from 7:00 am to 11:30 am. Second Avenue to be closed between Main Street and Starr Street from 7:00 am to 11:30 am. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council approved the event as presented. Seconded by Mr. Weiss. Motion passed 3-0.

- E. Motion to recommend Borough Council approve a Temporary Community Event Application for the Phoenixville Bed Races Event on Saturday, November 1, 2025 from 11:00 am to 2:00 pm. Third Avenue to be closed between Main Street and Starr Street from 9:00 am to 3:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council approved the event as presented. Seconded by Mr. Weiss. Motion passed 3-0.

- F. Motion to recommend Borough Council approve a Temporary Community Event Application for the Burn off the Bird 5K starting and ending at the Recreation Center on Saturday, November 29, 2025 from 8:30 am to 11:00 am. Franklin Avenue between Grant Street and Fillmore Street and Fillmore Street between Franklin Avenue and Cromby Road to be closed for approximately five minutes each. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council approved the event as presented. Seconded by Mr. Weiss. Motion passed 3-0.

- G. Motion to recommend Borough Council approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 13, 2025 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.

Ms. Dugan made a Motion to recommend Borough Council approved the event as presented. Seconded by Mr. Weiss.

On the Question. Mr. Moore asked about several items on the Memo attached to the application. Staff will work with the event organizer to update that. Motion passed 3-0.

VI. Public Comment

There was no public comment.

VII. Adjournment at 6:25 pm by Mr. Weiss.

Next Meeting Date: Tuesday, July 15, 2025, at 6:00 pm.

**INFRASTRUCTURE, TECHNOLOGY, TRANSPORTATION,
AND SUSTAINABILITY (ITTS)
COMMITTEE MEETING
Tuesday, June 17, 2025
7:00 PM**

MINUTES

Committee: Chairperson, Mr. Weiss, Ms. Burckley, Mr. Moore, and Mr. Strenfel
Staff: Mr. Krack, Mr. Watson, and Ms. Getzfread

I. Call to Order at 7:00 pm. Ms. Burckley excused.

II. Public Comment on Non-Agenda Items

Jeff Appleton and Brian Wright from the Bike Coalition of Chester County stated they were attending to encourage Borough Council to support the addition of bikes lanes on Borough Roads.

Sally Doyle from the Green Team expressed support for the removal of the traffic signals at Washington and Gay in favor of stop signs.

David Saneck asked what the Right of Way was for Cromby Road and where he could find that information.

III. Committee Member Updates/Discussions

There were no updates.

IV. New Business

A. Motion to recommend Borough Council award the design and engineering of the Square at Bridge and Main to Ground Reconsidered.

American Society of Landscapes Architecture – PA/DEL Award
<https://www.padeasla.org/awards/award-archive/2025-professional-awards/>

Mr. Krack provided background on the proposed project.

Mr. Strenfel made a Motion to recommend Borough Council award the proposal from Ground Reconsidered. Second by Mr. Moore.

On the Question. Mr. Moore raised several questions which he would like to have all of Council consider. Mr. Krack stated Staff would prepare a question and answer sheet and asked Mr. Moore to provide any specific questions he might have in advance of the meeting.

Motion passed 2-1. Mr. Moore voting No.

V. Infrastructure

- A. Engineering Reports (Jan, Apr, Jul, Oct)
There were no reports for this month.
- B. Stormwater Management
Mr. Watson reported the Cedar Avenue project would likely start in the Fall. Ms. Getzfread noted there has been no response yet from the grant application for the Third Avenue project.
- C. Phoenix Wheel
Mr. Krack reported the project received Borough Council approval last week and the Borough Engineer was developing the contracts and working to establish a pre-construction meeting. Current plans are to have the project completed by April 2026.
- D. Borough Properties and Habitat for Humanity
Mr. Krack stated there was nothing new to report at this time.
- F. Borough Parking Lots
Mr. Krack stated Staff is finalizing the costs to update the parking lot.

VI. Transportation

- A. Bridge and Starr Street
Mr. Krack stated PennDOT has provided their review comments and the engineers are preparing the responses to continue progressing towards PennDOT approval.
- B. Paradise Street – Phase 2
Mr. Krack stated that on June 30, the County will ask for authorization to release the CDBG Grant Funding from the Federal Government. Also, PennDOT approved the Highway Occupancy Permit (HOP) needed for the project.
- C. Paradise Street Emergency Access
Mr. Watson stated the amount of rain over the past few months has delayed the ability to finalize the project.
- D. Bridge and Nutt – 23 Corridor Improvements
Mr. Krack stated the PennDOT bids should be due next week and that the project would likely start in September. Prior to the start, PennDOT will conduct a pre-construction meeting at which time specific details and timelines would be announced.

- E. Trails
- F. Walkability
Mr. Krack stated that Staff has been working out the details of incorporating all of the trail and walkability information into new GIS mapping for the website.
- G. Bump outs/Rain gardens
Mr. Watson stated he has received preliminary information regarding the proposed bump out on Bridge Street across from the Twisted Cog store. He expects a formal proposal for the next meeting for the committee to consider a recommendation.

VII. Sustainability

- A. PXVNEO
Mr. Krack stated that equipment is being ordered and he expects the new equipment could be installed by the end of the year. Once installed and operational, that will allow the Borough to begin the process for application of the needed permit.
- B. Energy Audit for Solar Installation - Fire Station and Rec Center
Ms. Getzfread stated the energy audit was completed and that all of the information will be forwarded to the Borough Engineer for development of the design once grant funding is received.

VIII. Technology Updates

- A. Monthly Reports
Mr. Krack stated that Staff is updating the Planning and Capital Projects pages of the website to add more content and forward face more information for the public to review.

IX. Public Comment

No public comment.

X. Adjournment at 8:10 pm by Mr. Moore.

Next Meeting Date: Tuesday, July 15, 2025, at 7:00 pm.

FINANCE COMMITTEE MEETING

Tuesday, June 24, 2025

6:00 pm

MINUTES

Committee: Chairperson Ms. Dugan, Mr. Carminito, Mr. Ewald, and Mr. Kirkner
Staff: Mr. Krack, Ms. Getzfread, Ms. Koza-Lubinsky, Ms. Donato, and Ms. Niemczuk

- I. Call to Order at 6:00 pm. Mr. Kirkner excused.
- II. Public Comment on Non-Agenda Items. There was no public comment.
- III. Committee Member Updates/Discussions. There were no updates/discussions.
- IV. New Business
 - A. Motion to recommend Borough Council approve the 2025 pre-paid dated 5/1/2025 - 5/31/2025 in the amount of \$1,774,365.99.

Mr. Carminito made a Motion to recommend Borough Council approve as presented. Second by Mr. Ewald. Motion passed 3-0.
 - B. Motion to recommend Borough Council approve the 2025 pre-paid Credit Card Statement dated 5/1/2025 - 5/31/2025 in the amount of \$116,832.23.

Mr. Carminito made a Motion to recommend Borough Council approve as presented. Second by Mr. Ewald. Motion passed 3-0.
 - C. Motion to recommend Borough Council approve the 2025 pre-paid ACH dated 5/31/2025 in the amount of \$414,455.88.

Mr. Carminito made a Motion to recommend Borough Council approve as presented. Second by Mr. Ewald. Motion passed 3-0.
 - D. Motion to recommend Borough Council approve Budget Transfer 2025-11 from Fire Protection (Training & Conferences) in the amount of \$5,000.00 to Fire Protection (Contracted Services) for grant writing.

Mr. Carminito made a Motion to recommend Borough Council approve as presented. Second by Mr. Ewald. Motion passed 3-0.
 - E. Motion to recommend Borough Council approve Budget Transfer 2025-12 from Recreation Fund (Employer Paid Insurance) in the amount of \$5,000.00 to Facilities (Janitorial Supplies) for equipment for floor cleaning.

Mr. Carminito made a Motion to recommend Borough Council approve as presented. Second by Mr. Ewald. Motion passed 3-0.

- F. Motion to recommend Borough Council approve/deny the waiving of permit fees as requested by the Phoenixville Area Community Services (PACS).

Mr. Krack provided background on the request.

Mr. Ewald made a Motion to recommend Borough Council approve a waiver of \$12,444.00 in permit fees. Second by Mr. Carminito. Motion passed 3-0.

- G. Motion to recommend Borough Council award the design and engineering of the Square at Bridge and Main to Ground Reconsidered.

Mr. Ewald made a Motion to Table. Second by Ms. Dugan. Motion passed 2-1 with Mr. Carminito voting No.

- H. Mr. Krack asked the Committee for direction as to meetings dates and times for the 2026 budget discussions. The Committee agreed to meet at 5:30 pm for the months of August, September and October as needed. Ms. Dugan stated she wants the Enterprise Fund discussion first which will be during the August meeting.

- V. Public Comment. There was no public comment.

- VI. Adjournment at 6:11 by Mr. Ewald.

Next Meeting Date: Tuesday, July 22, 2025, at 6:00 pm