

**PHOENIXVILLE BOROUGH COUNCIL**

Tuesday, August 14, 2018

7:00 PM

**MINUTES**

**(Minutes approved by Borough Council on September 11, 2018)**

I. Moment of Silence/Pledge of Allegiance

II. Roll Call – Borough Manager

Mr. Kovaleski, President	Present
Ms. Burckley	Present
Mr. Dalton	Arrived 7:16 pm
Ms. Doherty	Arrived 7:02 pm
Ms. Dugan	Present
Mr. Ewald, Vice President	Present
Mr. Kirkner	Present
Mr. Soto	Arrived 7:09 pm
Mr. Krack, Borough Manager	Present
Chief Sjostrom	Present
Solicitor Hovey	Present

III. Consider Approval of the July 10, 2018 Regular Meeting Minutes.

Mr. Kirkner made a Motion to approve the July 10, 2018 Regular Meeting Minutes.  
Seconded by Ms. Burckley.

On the Question:

Mr. Kirkner asked that the correction he sent to Mr. Krack be made to the July Minutes regarding his comments during Council participation.

Motion Approved 4-0-1. Ms. Dugan abstained as she was not at the July Meeting.

IV. Presentations

None

V. Public Participation

Nate Craig, resident. He asked that Council consider appointing him from alternate member of the Civil Service Commission to full member if the resignation of Kevin Pound is accepted later this evening.

Paul Kusko, resident. He asked if Public Participation will be available during the Public Hearing on the Tree Ordinance later tonight.

Mr. Kovaleski confirmed that Public Participation will be part of the Public hearing

#### VI. Communications/Council Participation

Mr. Kirkner acknowledged the passing of Abdul Ford-Bey and expressed his sympathies on his passing. Mr. Kirkner stated that Mr. Ford-Bey spent over 40 years coaching and mentoring the youth of Phoenixville at PMYC, the Babe Ruth League and for the Borough Recreation Department. He hopes that Council and the community can come together to remember and honor his service to the residents of Phoenixville.

Ms. Doherty thanked the Police and Fire Departments for all their hard work during the recent rain storms.

#### VII. Mayor's Report

Mayor Urscheler congratulated Mary Foote on her 20 Years of service at the Colonial Theatre as their Executive Director. He stated the Kimberton Fair celebrated its 90<sup>th</sup> year this summer. National Night Out was well attended, he thanked all the agencies that participated and Grace Crossing Community Church for their time and support of the event. The Police Department participated in a DUI check point funded by Chester County over 800 motorists were stopped resulting in seven arrests. Finally, he invited the public to the Phoenixville Area School District's Community Cookout/Military Night Football game on August 30, 2018 and he encouraged residents to like the Borough's newly created Facebook Page.

#### VIII. Appointments/Public Resolutions

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

Mr. Kovaleski reminded the public there are openings for residents interested in applying for our various boards and commissions. Interested applicants should contact the Borough for more information.

- B. Consider accepting the resignation of Kenneth Trifaro from the Zoning Hearing Board.

Mr. Soto made a Motion to accept the resignation of Kenneth Trifaro from the Zoning Hearing Board. Seconded by Ms. Burckley.

On the Question:

Mr. Kovaleski thanked Mr. Trifaro for his service to the Borough and directed Staff to acknowledge it with a Resolution for next month's Council Meeting.

Motion Approved 7-0.

- C. Consider accepting the resignation of Kevin Pound from the Phoenixville Civil Service Commission and the Recreation Board.

Ms. Dugan made a Motion to accept the resignation of Kevin Pound from the Phoenixville Civil Service Commission and the Recreation Board. Seconded by Mr. Kirkner.

On the Question:

Ms. Dugan stated she worked with Mr. Pound on the Recreation Board and he will be missed by both the Recreation Board and the Civil Service Commission. She will be voting yes this evening, although she doesn't want to, as he has moved out of the Borough and unfortunately can no longer serve.

Mr. Kovaleski thanked Mr. Pound for his service to the Borough and directed Staff to acknowledge it with a Resolution for next month's Council Meeting.

Motion Approved 7-0.

- D. Consider filling the vacancy on the Phoenixville Civil Service Commission.

Mr. Kovaleski asked the alternate members of the Civil Service Commission to come forward and address Council if they wished to be appointed to the vacant term on the Civil Service Commission.

Nathaniel Craig stated he wishes to be considered for the vacant position and shared his background serving as an alternate to the Commission and on the recent guidance they received from the Solicitor.

Samantha Anderson stated her desire to be appointed as well to the vacant position. She spoke of her experience on the commission and the recent guidance the Commission received from the solicitor on how to effectively participate on the Commission.

Vincent Travani stated he did not wish to be appointed to the vacant position and he is here tonight to support Nathaniel's appointment to the position instead.

Ms. Dugan made a Motion to appoint Nathaniel Craig from Alternate to Voting member of the Civil Service Commission. Seconded by Mr. Kirkner.

On the Question:

Mr. Soto thanked all the alternates for attending this evening and for their interest in being appointed to the vacancy. He did speak to other members of the Commission and they spoke in support of Ms. Anderson being appointed to the vacant position on the Commission.

Mr. Kirkner asked if this appointment had to occur this evening since the Commission has alternates in place and how the decision is made to fill the vacancy with an alternate.

Mr. Krack explained the process on how the Commission selects an alternate to ensure a quorum.

Motion Fails 2-6. Ms. Dugan and Mr. Kirkner voting Yes.

Mr. Soto made a Motion to appoint Samantha Anderson to the Civil Service Commission vacancy. Seconded by Ms. Burckley.

Motion Approved 8-0.

IX. New Business

- A. Mr. Kirkner requested that Staff present a Resolution for Mary Foote to be presented at the next Council Meeting.

X. Resolutions

- A. No Action to Report

XI. Public Hearings

- A. Consider an Ordinance to Repeal and Replace Chapter 25 "Trees."

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

Motion Approved 8-0.

Hearing opened 7:25 pm.

Mr. Hovey explained the amendment changes to Chapter 25 "Trees."

Public Participation

Dave Meadows of 615 Main Street. He asked if the Borough was shifting the responsibility of the Tree Maintenance to the Property Owners.

Mr. Krack explained the responsibilities of the Property Owners versus the responsibilities of the Borough.

Paul Kusko of 225 Virginia Avenue. He believes that the purpose to retain the Borough's Urban Forest is met by this Ordinance but he feels the responsibility of the maintenance of the trees should remain on the Borough to ensure that the Trees remain healthy and are trimmed, pruned and or removed in a fashion the Borough determines. He stated that from the beginning he was against this portion of the Ordinance.

Craig Brown of 129 First Avenue. He stated he concerns as well with the Property Owners being permitted to prune or trim the trees adjacent to their properties. He feels the tree maintenance should be equally distributed among the taxpayers of the Borough as all residents benefit from the trees.

#### Council Participation

Mr. Soto made a Motion to close the Public Hearing. Seconded by Mr. Ewald.

Motion Approved 8-0.

Hearing closed at 7:42 pm.

Mr. Soto made a Motion to approve the Ordinance amendment to Chapter 25 "Trees." Seconded by Ms. Doherty.

#### On the Question:

Mr. Soto responded to the concerns and stated he feels other sections of the Ordinance address the concerns presented tonight. He asked about the Tree Manual that is mentioned in the Ordinance.

Mr. Krack explained while the Tree Manual is mentioned in the Ordinance it is a separate document that will be available on the Borough's website.

Mr. Soto stated that his understanding was that the Tree Manual was easier to amend than the Ordinance. He understands the concern that not every resident has a tree, but in some cases the absence of a tree is exactly why a resident purchases a property.

Mr. Kirkner stated he was uncertain on the status of the Tree Manual and he agrees with the point raised by Mr. Brown on how section § 25-103 conflicts with

section § 25-106 1A. He understands how the property owner would need to prune some of the low hanging limbs on occasion.

Mr. Kovaleski stated he has no issues with § 25-106 as he too has pulled down branches that were hanging and needed to be removed. He agrees there is a conflict and believed it can be corrected by referencing § 25-106 is and exception to § 25-103. As far as putting the cost on the home owner, this is probably the most controversial topic that he gets contacted about by residents and he is looking for the best solutions to save the homeowners money not to burden the homeowners with the more expenses. The question is if we make this minor change will the ordinance have to be re-advertised.

Mr. Krack stated it's more of a cosmetic change to the Ordinance not a substantive change and thinks it could be made without re-advertising.

Mr. Hovey stated that it is a cosmetic change and would be acceptable.

Mr. Kirkner made a Motion to amend the ordinance and add a caveat to section § 25-103 stating an exception to part § 25-106 1A. Seconded by Ms. Dugan.

Motion to Amend Approved 8-0.

Motion Approved 8-0.

## XII. Reports of Committees, Boards, and Commissions

### A. Planning Commission – (Liaison - Ewald)

1. Consider a Resolution approving the 136 Columbia Avenue Final Subdivision Plan as recommended 7-0 by the Planning Commission in their Action Memo of July 16, 2018.

Mr. Ewald made a Motion to approve a Resolution approving the 136 Columbia Avenue Final Subdivision Plan. Seconded by Mr. Dalton.

Motion Approved 8-0.

2. Consider a Resolution approving the McDonalds Final Land Development Plan for renovations as recommended 7-0 by the Planning Commission in their Action Memo of July 16, 2018.

Mr. Ewald made a Motion to approve a Resolution approving the McDonalds Final Land Development Plan for renovations. Seconded by Mr. Soto.

Motion Approved 8-0.

3. Consider the Planning Commission recommendation 7-0 to deny, as a Preliminary/Final Plan of the French Creek Manor – Phase 2, Building 3, in their Action Memo of July 16, 2018.

Mr. Ewald made a Motion to deny the Preliminary/Final Plan of the French Creek Manor – Phase 2, Building 3. Seconded by Mr. Dalton.

Motion Approved 8-0.

B. Historical Architectural Review Board – (Liaison - Dugan)

1. Consider approval of the Sign Request for 219 Bridge Street as recommended 6-0 in the HARB Action Memo of August 8, 2018.
2. Consider approval of the Sign Request for 15 Main Street as recommended 6-0 in the HARB Action Memo of August 8, 2018.

Ms. Dugan made a Motion to approve items 1 & 2. Seconded by Mr. Dalton.

Motion Approved 8-0.

C. Regional Planning Committee – (Liaison - Ewald)

Mr. Ewald stated the next meeting of the Committee will be a Public Open House at the Kimberton Fire House's Covered Bridge Room on August 29, 2018 at 7:00 pm.

D. Recreation Board – (Liaison - Dugan)

Ms. Dugan reported that Family Night continues to occur at First Friday through October. Signups are now for Men's Softball, Co-ed Softball and the Halloween Parade. The parade will be on October 24, 2018 with trunk or treat immediately after. Many of the youth camps are accepting fall registration including Soccer Shots and the various Jump Start programs offered at the Recreation Center.

E. Beautification Advisory Commission – (Liaison - Soto)

Mr. Soto reported that the Commission is in process of adding more utility box murals and we are looking for an artist to install a mural at Andre Thornton Park to commemorate the upcoming Andre Thornton Day Celebration.

XIII. Council Action referred from Council Committees

A. Parks and Recreation Committee – (Soto, Dugan, and Kovaleski)

1. Consider the DiGirolomo Family proposal to acquire and install an approximate 12' round gazebo in Fisher Park.

Mr. Soto made a Motion to approve the DiGirolomo Family proposal to acquire and install an approximate 12' round gazebo in Fisher Park. Seconded by Ms. Dugan.

On the Question:

Mr. Soto stated this is a great addition to the park and he thanked the DiGirolomo family for their continued support of Fisher Park.

Motion Approved 7-0. Ms. Doherty out of the room.

2. Consider a Temporary Community Event Application for the Citizen Advocacy 32nd Annual Phoenixville Run on Saturday, October 27, 2018 in Reeves Park from 7:00 am to 11:00 am. Second Avenue to be closed from between Starr Street and Main Street.

Mr. Soto made a Motion to approve a Temporary Community Event Application for the Citizen Advocacy 32nd Annual Phoenixville Run on Saturday, October 27, 2018 in Reeves Park from 7:00 am to 11:00 am. Seconded by Mr. Kirkner.

Motion Approved 7-0. Ms. Doherty out of the room.

3. Consider a Temporary Community Event for Club "A" Picnic from 11:00 am to 6:00 pm on Sunday, August 19, 2018 in Reservoir Park. No Street Closures.

Mr. Soto made a Motion to approve a Temporary Community Event for Club "A" Picnic from 11:00 am to 6:00 pm on Sunday, August 19, 2018 in Reservoir Park. Seconded by Mr. Kirkner.

Motion Approved 7-0. Ms. Doherty out of the room.

4. Consider a Temporary Community Event Application for the Holiday Parade, Winter Wonderland Village, and Tree Lighting Ceremony on Friday, December 7, 2018 from 5:00 pm to 9:30 pm. Bridge Street being closed from Church Street to Starr Street from 5:30 to 8:30 pm. Bridge and Main Street Parking Lot to be closed from 12:00 noon to 10:00 pm.

Mr. Soto made a Motion to approve a Temporary Community Event Application for the Holiday Parade, Winter Wonderland Village, and Tree



Lighting Ceremony on Friday, December 7, 2018 from 5:00 pm to 9:30 pm. Seconded by Mr. Dalton.

Motion Approved 8-0.

B. Policy Committee – (**Dalton**, Doherty, Kirkner, and Soto)

1. Consider Scheduling and Advertising a Public Hearing to consider an Ordinance Amendment to Chapter 15 “Motor Vehicles.”

Mr. Dalton made a Motion to schedule and advertise a Public Hearing to consider an Ordinance Amendment to Chapter 15 “Motor Vehicles.”  
Seconded by Mr. Soto.

Motion Approved 8-0

2. Consider Scheduling and Advertising a Public Hearing to consider an Ordinance Amendment to Chapter 27 “Zoning.”

Mr. Dalton made a Motion to schedule and advertise a Public Hearing to consider an Ordinance Amendment to Chapter 27 “Zoning.” Seconded by Ms. Burckley.

On the Question:

Mr. Kirkner asked if there was any urgency with advertising this amendment as he missed the meeting and would like more time to review the changes.

Mr. Kovaleski said there was not.

Mr. Kirkner made a Motion to Table. Seconded by Mr. Soto.

Motion to table Approved 5-3. Ms. Burckley, Mr. Dalton, and Mr. Ewald voting No.

C. Police and Personnel Committee – (**Burckley**, Doherty, and Ewald)

1. Consider Staff recommendation to advertise Labor Attorney RFP.

Ms. Burckley made a Motion to advertise a RFP for Labor Attorney.  
Seconded by Mr. Ewald.

Motion Approved 8-0.

D. Infrastructure, Technology and Transportation Committee – (**Ewald**, Burckley, Dalton, and Kovaleski)

1. No Action to Report

E. Finance Committee – (**Dugan**, Doherty, Kirkner, and Kovaleski)

1. Consider approval of the 2018 Pre-Paid dated 6/16/2018 - 7/14/2018 in the amount of \$728,648.60.
2. Consider approval of the 2018 Pre-Paid ACH dated 6/30/2018 in the amount of \$2,122.68.
3. Consider approval of the 2018 Pre-Paid Credit Card Statement dated 6/26/2018 in the amount of \$861.16.

Ms. Dugan made a Motion to approve items 1-3. Seconded by Mr. Dalton.

Motion Approved 8-0.

4. Consider Budget Increase 2018-017 in the amount of \$40,000 from General Fund Balance to Streets Department Storm Sewers and Drains (Maintenance and Repairs) to repair the storm drain at the Compost Site due to collapse of the line.

Ms. Dugan made a Motion to approve Budget Increase 2018-017 in the amount of \$40,000 from General Fund Balance to Streets Department Storm Sewers and Drains (Maintenance and Repairs). Seconded by Mr. Dalton.

Motion Approved 8-0.

5. Consider authorizing the PA Route 23 Study by McMahon Associates in an amount of \$34,000 for Phase 1 and Phase 2 of the Study using General Fund Balance.

Ms. Dugan made a Motion to authorize the PA Route 23 Study by McMahon Associates in an amount of \$34,000 for Phase 1 and Phase 2 of the Study using General Fund Balance. Seconded by Mr. Dalton

On the Question:

Mr. Kirkner asked what the end game of the study is and what they expect to accomplish.

Mr. Ewald stated it is to identify the problems along the entire corridor and to provide possible solutions to the issues motorists experience driving through Phoenixville.

Mr. Kirkner stated he has seen studies like this occur in the past and nothing positive comes from them, he will be voting no tonight.

Motion Approved 7-1. Mr. Kirkner voting No.

6. Consider authoring the purchase of a Skid Steer with milling head utilizing Liquid Fuels funds in the amount of \$62,850.00.

Ms. Dugan made a Motion to approve the purchase of a Skid Steer with milling head utilizing Liquid Fuels funds in the amount of \$62,850.00. Seconded by Mr. Kirkner.

On the Question:

Mr. Dalton asked what brand of Skid Steer.

Mr. Watson stated they are looking at a Caterpillar.

Motion Approved 8-0.

#### XIV. Public Participation

None

#### XV. Staff Reports

- A. Manager
- B. Police
- C. Fire
- D. Planning and Codes
- E. Public Works
- F. Finance
- G. Human Resources

#### XVI. Executive Session – Legal Matters

- XII. Adjournment 8:20 pm. Mr. Dalton made a Motion to adjourn. Seconded by Ms. Burckley.

E. Jean Krack  
Borough Manager

Transcribed by: Jennifer Logan  
Administrative Assistant  
August 2018