

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, October 9, 2018

7:00 PM

MINUTES

(Minutes approved by Borough Council on November 13, 2018)

I. Moment of Silence/Pledge of Allegiance

II. Roll Call – Borough Manager

Mr. Kovaleski, President	Present
Ms. Burckley	Present
Mr. Dalton	Arrived 7:03 pm
Ms. Doherty	Arrived 7:18 pm
Ms. Dugan	Present
Mr. Ewald, Vice President	Present
Mr. Kirkner	Excused
Mr. Soto	Present
Mr. Krack, Borough Manager	Present
Chief Sjostrom	Present
Solicitor Garner	Present

III. Consider Approval of the September 11, 2018 Regular Meeting Minutes.

Ms. Burckley made a Motion to approve the September 11, 2018 Regular Meeting Minutes with one correction. Under IX New Business Item C, paragraphs 3 and 6 the word on should have been one. Seconded by Mr. Soto.

On the Question:

Mr. Krack stated that Mr. Kirkner had sent an email with the noted correction.

Motion Approved 5-0.

IV. Presentations

None

V. Public Participation

Ron Williams, President of the Board of the Phoenixville Area Senior Center. He stated he is here this evening to encourage continued conversations to have the Senior Center be included in the Community Center.

Theresa Thornton, resident. She thanked Council and Borough Staff for their support of Andre Thornton Day.

VI. Communications/Council Participation

Mr. Soto requested the April Minutes of Council be amended.

Mr. Kovaleski stated that it would be a Motion under New Business to add the request to the Agenda.

VII. Mayor's Report

Mayor Urscheler reported on numerous events in town during September including the 90th plus birthday celebrations held at the Senior Center and Episcopal house, the Honor Society inductions at Renaissance Academy and School Safety Programs held at the Phoenixville Area School District Campuses. He reminded all residents of the upcoming elections on November 6th and encouraged everyone to get out and Vote.

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 reappointing Teresa Haag to the Beautification Advisory Commission.

Ms. Burckley made a Motion to reappoint Teresa Haag to the Beautification Advisory Commission. Seconded by Mr. Soto.

Motion Approved 6-0.

- C. Consider reappointing Usha Negandhi to the Beautification Advisory Commission.

Mr. Soto made a Motion to reappoint Usha Negandhi to the Beautification Advisory Commission. Seconded by Ms. Burckley.

Motion Approved 6-0.

- D. Consider accepting the resignation of Matthew Ruth from the Zoning Hearing Board due to moving outside of the Borough.

Mr. Soto made a Motion to accept the resignation of Matthew Ruth from the Zoning Hearing Board. Seconded by Mr. Ewald.

Motion Approved 6-0.

IX. New Business

- A. Consider Staff recommendation to award the Installation of Central Heating and Air Conditioning at the Water Treatment Plant contract to Weaver Heating and Air Corp in the amount of \$52,408.00.

Mr. Ewald made a Motion to approved Staff's recommendation to award the Installation of Central Heating and Air Conditioning at the Water Treatment Plant contract to Weaver Heating and Air Corp in the amount of \$52,408.00. Seconded by Mr. Soto.

Motion Approved 6-0.

- B. Consider Staff recommendation to award the 2019 chemical bids per the Borough Manager's Memorandum of October 4, 2018.

Mr. Ewald made a Motion to approved Staff's recommendation to award the 2019 chemical bids per the Borough Manager's Memorandum of October 4, 2018. Seconded by Ms. Burckley.

Motion Approved 6-0.

- C. Consider scheduling and advertising a Special Council Meeting for Tuesday, October 30, 2018 at 7:00.

Mr. Ewald made a Motion to schedule and advertise a Special Council Meeting for Tuesday, October 30, 2018 at 7:00. Seconded by Mr. Soto.

On the Question:

Mr. Krack explained the Special Council Meeting is to present the 2019 Draft Budget and other business Council may wish to conduct.

Motion Approved 6-0.

- D. Consider adding the amendment of the April 10, 2018 Council minutes to the Agenda.

Mr. Soto made a Motion to add the amendment item to tonight's Agenda. Seconded by Mr. Ewald.

Motion Approved 6-0.

- E. Consider amending the comments of Dr. David Saneck on the April 10, 2018 Council Minutes.

Mr. Soto made a Motion to amend the comment of Dr. Saneck to read as follows: "Dr. David Saneck, resident. He read aloud the letter he sent to Council regarding the item on the agenda "Proposal for Fillmore Street realignment." Seconded By Mr. Ewald.

On the Question:

Mr. Krack explained what the process would be to amend the official minutes of Council.

Mr. Soto expressed concerns for the use of the improper pronoun in the minutes.

Mr. Kovaleski stated he would be voting no on this item.

Public Participation

Dr. Saneck asked that Council consider his request.

Motion Approved 4-3. Mr. Dalton, Ms. Dugan, and Mr. Kovaleski voting No.

X. Resolutions

- A. Consider a Resolution acknowledging Jeane McNamara's service on the Beautification Advisory Commission.

Mr. Ewald made a Motion to approve a Resolution acknowledging Jeane McNamara's service on the Beautification Advisory Commission. Seconded by Mr. Soto.

On the Question:

Mr. Kovaleski read the Resolution aloud for the record.

Ms. McNamara thanked Council and Staff for their support of the Beautification Advisory Commission for the last five years. She stated it was her pleasure to serve on the Commission.

Motion Approved 7-0.

- B. Consider a Resolution authorizing the Exchange of Real Property.

Mr. Ewald made a Motion to approve a Resolution authorizing the Exchange of Real Property. Seconded by Mr. Dalton.

Motion Approved 7-0.

XI. Public Hearings

A. Consider an Ordinance Amendment to Chapter 27 “Zoning.”

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

Motion Approved 7-0.

Hearing opened 7:31pm.

Mr. Garner explained the amendment changes to Chapter 27 “Zoning.”

Ken Metzner, Executive Director of the Colonial Theatre. He is in favor of the changes as it will allow the Colonial to update its current marquee with one that is easier to maintain.

Ryan Wilson, House Manager for the Colonial Theatre. He expressed his support for the ordinance amendment and explained how the current sign is maintained versus a new up to date sign.

Tom Carnevale of Carnevale Eustis Architects, he supports the amendment and feels it will allow the Colonial to improve the façade of the Theatre.

Dr. Saneck asked for an explanation of the setback changes to the Ordinance.

Mr. Garner explained the section changes.

Dr. Saneck asked about the definition of Mini Storage.

Mr. Garner explained the reason for the addition of the definition.

Council Participation

None

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

Motion Approved 7-0.

Hearing closed at 7:47 pm.

Mr. Soto. made a Motion to approve the Ordinance amendment to Chapter 27 “Zoning.” Seconded by Mr. Dalton.

On the Question:

Ms. Dugan stated her concerns as it relates to electronic signage anywhere in the Borough.

Mr. Kovaleski feels that this is building a box for the Colonial Theatre to fit in and is concerned for unintended consequences the ordinance may bring.

Motion Approved 5-2. Ms. Dugan and Mr. Kovaleski voting No.

- B. Consider an Ordinance Amendment to Chapter 1 “Administration and Government,” Part 4 “Bureaus, Boards, Commissions and Agencies.”

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

Motion Approved 7-0.

Hearing opened 7:51 pm.

Mr. Garner explained the amendment changes to Chapter 1 “Administration and Government,” Part 4 “Bureaus, Boards, Commissions and Agencies.”

Public Participation

None

Council Participation

None

Ms. Doherty made a Motion to close the Public Hearing. Seconded by Mr. Dalton.

Motion Approved 6-0. Ms. Dugan out of the room.

Hearing closed at 7:53 pm.

Mr. Soto made a Motion to approve the Ordinance amendment to Chapter 1 “Administration and Government,” Part 4 “Bureaus, Boards, Commissions and Agencies.” Seconded by Mr. Ewald.

Motion Approved 6-0. Ms. Dugan out of the room.

- C. Consider an Ordinance Amendment to Chapter 6 “Conduct” by adding a new Part 12 “Violation Tickets.”

Mr. Soto made a Motion to open the Public Hearing. Seconded by Ms. Doherty.

Motion Approved 6-0. Ms. Dugan out of the room.

Hearing opened 7:54 pm.

Mr. Garner explained the amendment changes to Chapter 6 “Conduct” by adding a new Part 12 “Violation Tickets.”

Public Participation

None

Council Participation

None

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

Motion Approved 7-0.

Hearing closed at 7:55 pm.

Mr. Soto made a Motion to approve the Ordinance amendment to Chapter 6 “Conduct” by adding a new Part 12 “Violation Tickets.” Seconded by Mr. Dalton.

Motion Approved 7-0.

- D. Consider an Ordinance Amendment to Chapter 6 “Conduct” by repealing Part 3 “Loitering” and replacing it with a new Part 3 “Public Places – Prohibited Conduct.”

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

Motion Approved 7-0.

Hearing opened 7:58 pm.

Mr. Garner explained the amendment changes to Chapter 6 “Conduct” by repealing Part 3 “Loitering” and replacing it with a new Part 3 “Public Places – Prohibited Conduct.”

Public Participation

None

Council Participation

None

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

Motion Approved 7-0.

Hearing closed at 7:59 pm.

Mr. Soto made a Motion to approve the Ordinance amendment to Chapter 6 “Conduct” by repealing Part 3 “Loitering” and replacing it with a new Part 3 “Public Places – Prohibited Conduct.” Seconded by Mr. Dalton.

Motion Approved 7-0.

E. Consider an Ordinance Amendment to Chapter 6 “Conduct” Part 4 “Noise.”

Mr. Soto made a Motion to open the Public Hearing. Seconded by Ms. Doherty.

Motion Approved 7-0.

Hearing opened 8:00 pm.

Mr. Garner explained the amendment changes to Chapter 6 “Conduct” Part 4 “Noise.”

Public Participation

None

Council Participation

None

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

Motion Approved 7-0.

Hearing closed at 8:02 pm.

Ms. Burckley made a Motion to approve the Ordinance amendment to Chapter 6 “Conduct” Part 4 “Noise.” Seconded by Ms. Doherty.

Motion Approved 7-0.

XII. Reports of Committees, Boards, and Commissions

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

1. Consider a Resolution approving the Odessa Subdivision Final Subdivision Plan as recommended 6-0 by the Planning Commission in their Action Memo of September 19, 2018.

Mr. Ewald made a Motion to approve a Resolution approving the Odessa Subdivision Final Subdivision Plan. Seconded by Mr. Soto.

On the Question:

Ms. Ginty of Baer, Romaine and Ginty appeared for the applicant and asked for item ten of the action memo to have the wording amending for the easement.

Mr., Krack explained the issue and agreed the wording would have to be amended to address the Right of Way correctly.

Mr. Garner stated that the minor change in language should not prevent to nights approval.

Motion Approved 7-0.

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

1. No Action to Report.

C. Regional Planning Committee – (Liaison - **Ewald**)

Mr. Ewald stated the next meeting will be held on October 24, 2018 at 7:30 pm at the Schuylkill Township Building.

D. Recreation Board – (Liaison - **Dugan**)

Ms. Dugan reported on the various camps and programs at the Recreation Department and reminded the public of the upcoming Halloween Parade and Trunk or Treat on October 24, 2018.

E. Beautification Advisory Commission – (Liaison - **Soto**)

Mr. Soto reported that the Beautification Commission will meet on October 15, 2018 at 6:30 pm here at Borough Hall. On the agenda are additional plantings and the Beautification Advisory Commission Awards.

XIII. Council Action referred from Council Committees

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

1. No Action to Report.

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

1. Consider Scheduling and Advertising a Public Hearing to consider an Ordinance Amendment to Chapter 7 “Fire Prevention and Fire Protection,” Part 3 “Fire Department.”

Mr. Dalton made a Motion to schedule and advertise a Public Hearing to consider an Ordinance Amendment to Chapter 7 “Fire Prevention and Fire Protection,” Part 3 “Fire Department.” Seconded by Ms. Doherty.

Motion Approved 7-0.

2. Consider Scheduling and Advertising a Public Hearing to consider an amendment to Chapter 15 “Motor Vehicles.”

Mr. Dalton made a Motion to schedule and advertise a Public Hearing to consider an amendment to Chapter 15 “Motor Vehicles.” Seconded by Ms. Doherty.

Motion Approved 7-0.

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

1. No Action to Report.

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

1. Consider recommending Staff prepare and advertise a RFP for the development of a Storm Water Management Plan.

Mr. Ewald made a Motion to authorize Staff prepare and advertise a RFP for the development of a Storm Water Management Plan. Seconded by Mr. Soto.

Motion Approved 7-0.

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

1. Consider approval of the 2018 Pre-Paid dated 8/19/2018 -9/15/2018 in the amount of \$646,890.12.

2. Consider approval of the 2018 Pre-Paid ACH dated 8/31/2018 in the amount of \$4,166.22.
3. Consider approval of the 2018 Pre-Paid Credit Card Statement dated 8/19/2018 - 9/15/2018 in the amount of \$86,326.64.
4. Consider Budget Increase 2018-021 in the amount of \$3,255.62 from Water Fund Balance to Water Treatment (Capital Improvements - Lower Lift Pump Conversion) for Final Payment of retainage.
5. Consider Budget Increase 2018-022 in the amount of \$120,000.00 from Water Fund Balance to Water Distribution (Capital Purchases – CAT Backhoe) to replace the old backhoe in need of extensive repairs of over \$20,000.
6. Consider Pension Committee recommendation to approve the Investment Policy Statement for Phoenixville Borough Non-Uniformed Pension Plan.
7. Consider Pension Committee recommendation to approve the Investment Policy Statement for Phoenixville Borough Police Pension Plan.
8. Consider Resolution authorizing the 2018 Minimum Municipal Obligation (MMO).
9. Consider Staff recommendation to pay off Engine 65 (Kovach).
10. Consider authorizing Staff and the Solicitor to engage in discussions to renegotiate the contract with Comcast.
11. Consider Staff recommendation to retain Campbell Durrant Beatty Palombo & Miller, P. C as our current Labor Attorney.
12. Consider Proposal from Chester County Economic Development Council to assist the Borough with the submission of the RACP Application.

Ms. Dugan made a Motion to approve the Proposal from Chester County Economic Development Council to assist the Borough with the submission of the RACP Application. Seconded by Ms. Doherty.

On the Question:

Mr. Kovaleski stated he would like to wait to engage Chester County after we have the bids and know how much the project will cost.

Mr. Soto made a Motion to table. Seconded by Mr. Ewald.

Motion to Table Approved 7-0.

13. Consider Funding for Pedestrian Crosswalk Signage on Bridge Street.
14. Consider authorizing Staff to create a fund for Muncibid purchases with a not to exceed amount of \$40,000 dollars.

Ms. Dugan made a Motion to approved items 1-11, 13 and 14. Seconded by Mr. Dalton.

On the Question:

Mr. Ewald states he thinks it's tremendous that we are moving ahead with the pedestrian signage on Bridge Street.

Ms. Burckley stated she knows that the crosswalks are a huge concern in the downtown area.

Motion Approved 7-0.

Mayor Urscheler congratulated Lt. Marshall and Sgt. Nemic on their win at the 911 BBQ to benefit crime victims in the county. He declared Halloween will be on October 31, 2018 and that trick or treating will occur from 6 pm to 8 pm.

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 – Litigation, Personnel and Collective Bargaining.

Mr. Soto made a Motion to Recess at 8:25 pm to discuss Litigation, Personnel, and Collective Bargaining. Seconded by Mr. Ewald.

Motion Approved 7-0.

Mr. Kovaleski reconvened at 9:22 pm.

Mr. Ewald made a Motion to approve and authorize the new three year contact with the AFSCME Union commencing on January 1, 2019 and ending on December 31, 2021.
Seconded by Mr. Soto.

Public Participation

None

Mr. Ewald thanked Staff for their hard work on the contract.

Motion Approved 7-0.

XII. Adjournment 9:23 pm. Ms. Burckley made a Motion to adjourn. Seconded by Mr. Soto.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
October 2018