

**PHOENIXVILLE BOROUGH COUNCIL**  
**Tuesday, October 27, 2009 (Approved by Borough Council November 10, 2009)**  
**7:00 PM**

- I. Invocation/Pledge of Allegiance – Chair – Mr. Wagner called the meeting to order at 7:00 p.m.
- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Buckwalter, Ciruelos, Gill, Handwerk, Kirkner, Speck, and Wagner. (Mr. Ciruelos arrived at 7:05 p.m.) Also present were: Borough Manager Krack, Mayor Scoda, and Lieutenant Sjostrom. (Mr. Senley was unable to attend due to work issues).
- III. Minutes of Previous Meetings: October 13, 2009 – Mr. Gill made a motion to approve the meeting minutes, seconded by Mr. Speck, and approved by a vote of 6 to 0.
- IV. Public Participation – 30 minutes
  - a. Ms. Annie Hunter of 501 Mason Street (French Creek Manor) said she is here this evening to present a petition signed by the residents/car owners of French Creek Manor. She said we are asking for your help regarding the parking situation at our building which was erected by Pennrose Management five years ago. She said there are 53 parking spaces for 70 apartment units and only six are designated handicapped. She said many residents lead busy lives and we deserve a decent place to park, especially in icy and snowy weather. She said during snow storms the parking lot is not cleared. She said there is no ramp or steps leading from the rear parking lot. She said Pennrose was to build a ramp within five years and we expect Council to make Pennrose live up to the agreement. She said we need more parking spaces. (Mr. Wagner commented on this).
  - b. Mr. Richard Breuer of 225 Washington Avenue said two weeks ago Council received the parking revenue study. He said the thing that leaps out is that they have taken the downtown area and surveyed the four parking lots that exist in that area. He said they looked at the capacity and the occupancy. He gave further information about the study. He said certain parts of the parking universe get full at various times. He said he took their data and occupancy data and tabulated that up. He said you need to look at line 12 because those are the spaces left. He said out of a total of 580 spaces the smallest number of spaces still available is 164. He said if you have in the worst situation 164 out of 580 spaces that are still vacant, what is the great parking problem if you have that many spaces available? He said look at their data and evaluate it critically.
  - c. Mr. Paul Wentworth of 338 Church Street said he wanted to say a few words on behalf of the Phoenixville Town Watch. He said we would like to request the swift passage of the rental property ordinance. He said it will provide additional tools for dealing with landlords and tenants. He said the substance of this ordinance has been proven in West Chester.
  - d. Ms. Victoria Viscuso of 427 Franklin Avenue said she is here to share concerns and request assistance regarding the Friendship Fire Company construction site. She said the planned driveway area is unpaved right now and has rocks of various sizes. She said her understanding is that the performance bond that is normally required under code for land development should provide adequate funds to handle this kind of paving as well as correct the storm water issues. She said it is an abandoned site and is dangerous. She said there were variances that were granted which were subject to obtain permits in a year and obtain U & O within two years. She said what happens in January 2010 when these variances expire. She said there are numerous areas of water runoff and pools of standing water. She said the parking area has been filled to capacity so where will additional people park. She said you need to enforce how our neighborhood looks. (Mr. Wagner said we need to start looking to act to correct the conditions that are causing the runoff).
  - e. Ms. Marie Ashton of 432 Ann Street said her property is adjacent to the proposed fire company. She said she has been a property owner and taxpayer for the past 50 years. She said water runs off and comes across her property. She said she is rewarded with a mosquito breeding swale next to her property, stagnant water, and a basement that is flooded worse than she remembers.

f. Mr. Rob Walesyn of 207 Grant Street said we recently purchased the house and have put a lot of money into the house. He said the water has found a way directly into our yard and house. He said he hopes this problem gets resolved and a drainage system gets installed.

g. Mr. William Marchionne of 303 Grant Street said he has drainage runoff from the Friendship Firehouse field. He said you are aware of the problem. He said the entrance to the parking lot is stones which have washed down to Grant and Franklin. He said the stone has clogged the northeast storm inlet. He said water is running through the berm to our yards and down to the intersection at South Street.

h. Mr. David Saneck of 299 Fillmore Street said there is a lot of water coming off the reservoir cover and asked if that can be looked into as well. He said we already have a problem with water coming from Franklin Commons.

V. Appointments/Public Resolutions - None

VI. Presentations - None

VII. Communications – There were no communications to come before Council this evening.

VIII. Council Participation

a. Mayor Scoda addressed the issue of the French Creek Manor not having adequate parking. He said there are 70 units and 54 spaces. He said the chief said currently there is an ordinance for no parking and he has proposed putting a gravel strip to allow parking on that side. He said he would also suggest widening the road. He said Pennrose takes the attitude of ignoring the residents. He said they want to build more in the Borough and suggested a letter to Pennrose to require them to address the issue.

b. Mr. Kirkner thanked the residents for coming here and letting us know about their concerns. He said the previous Council approved this plan. He said the idea was to have shared parking among three different buildings owned by one owner. He said Pennrose has failed to finish the parking or the walkway and have not met the requirements.

Mr. Kirkner made a motion to direct the Borough Council President and Manager to draft a letter to remediate the parking issue and the walkways, seconded by Mr. Speck, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Ciruelos said if there are any consequences we can impose, he is wondering what they would be.

Mr. Kirkner said he would ask that we keep this separate from the Fairview Terrace housing project. He said they need to fix this because this is the right thing to do and they have obligations, not because we are dangling a carrot in front of them. (Continued discussion ensued).

c. Mr. Kirkner said we have ourselves a fine mess at Friendship Field. He said he was with his neighbors and saw these issues first hand. He said this is really becoming a big issue and something needs to be done. He said Friendship Fire Company should put a concrete apron on Franklin Avenue post haste. He said there was mention of a performance bond. He said there is an issue of parking during rugby games and is exceeding the parking. He said his wife alerted the recreation department that there was drinking going on after a game. He asked when Council will see the engineers recommendation about what to do with Friendship Field. (Mr. Krack responded that the plan calls for an underground basin and gave further information. He said we are looking at putting in a second lower basin). More discussion continued about the basin and use of the field.

d. Mr. Kirkner said he has couple of things regarding the opening of the Gay Street Bridge and commented one name that has not been uttered was our former Manager Anthony DiGirolomo. He said he helped us get the bridge moving along. He said he was in the lot behind the 300 block of Bridge Street the other day and noticed under the bridge that there is parking and wanted to ask

PennDot to reclaim the lot under the bridge. He said the turning lane at Main and Bridge Streets should come out. (Mr. Krack said the parking under the bridge is to be used for the farmers market).

e. Mr. Kirkner communicated that his daughter was in New York upon the arrival of the Phillies.

f. Mr. Speck asked for an update on the crosswalks at Starr Street. (Mr. Krack responded).

- IX. New Business – Mr. Buckwalter said he would like to bring up the fact of the newspaper article regarding the library withdrawing their plan on Second Avenue.

Mr. Buckwalter made a motion to rescind the vacation of Second Avenue and sale of the property to the library for \$1.00 contingent upon meeting land development, seconded by Mr. Handwerk, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Ciruelos said just for accuracy, we might want to communicate with the library board to make sure they are vacating all their plans. (There was much discussion).

Mr. Wagner said from the Office of the Mayor in Harrisburg, PA we are receiving a distinguished public service award through PLCM for our contributions to the municipality and the state.

- X. Resolutions – None

- XI. Public Hearings - None

- XII. Reports of Committees, Boards, Commissions and Authorities

- A. Planning Commission – Mr. Kirkner asked why we are not getting minutes from the Planning Commission. (Mr. Saneck said he is the secretary of the Planning Commission and the minutes are out. He said we used to have a secretary for the Planning Commission and asked that Council look into using unused compensation for hiring a secretary).
- B. Regional Planning Commission – Mr. Kirkner said we voted to have a public hearing for the consistency review which he believes is for the next meeting.
- C. Parking Authority – Mr. Cassidy said we received our report back and approved the study.

Mr. Speck said earlier this evening we had a gentleman speak to us about a chart and asked if he had any thought about the resident's spreadsheet. (There was much discussion on this, specifically with reference to revenue generation).

Mr. Kirkner requested a letter of conveyance stating that the Parking Authority approved the study and said we need to figure out what we are going to do once it comes to Council.

- D. Historical Architectural Review Board - No action memos for Council approval this evening.
- E. Council Action referred from Council Committees

**FINANCE COMMITTEE**

1. Consider Approval of the Prepays in the Amount of \$1,803,098.70 (Approved in Committee by a Vote of 2 to 0) – Mr. Kirkner made a motion to approve the prepaids, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.
2. Consider Approval of the Budget Increases in the Amount of \$6,889.57 (Approved in Committee by a Vote of 2 to 0) – Mr. Kirkner made a motion to approve the budget increases, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.
3. Consider Approval of the County Collecting the LST Tax (Approved in Committee by a Vote of 2 to 0) – Mr. Kirkner made a motion to approve of the County collecting the LST tax, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.

4. Consider Approval of Creating a New Grant fund with Transfers (Approved in Committee by a Vote of 2 to 0) – Mr. Kirkner made a motion to create a new grant fund with transfers, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.
5. Consider Approval of Taking Action on Water/Sewer/Trash Delinquencies over \$1,000 (Approved in Committee by a Vote of 2 to 0) – Mr. Kirkner made a motion for staff to take appropriate action on collecting water/sewer/trash delinquencies over \$1,000, seconded by Mr. Ciruelos, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Speck asked that this be explained for the public as to what the actions might be. (Mr. Krack said anyone who is delinquent over \$1,000 we would be able to lien). There was continued discussion on this matter. Mr. Kirkner asked for a roll call vote.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Buckwalter, Ciruelos, Gill, Handwerk, Kirkner, Speck, and Wagner

NO -

XIII. Public Participation (con't) – There were no members of the public wishing to speak.

XIV. Executive Session - None

XV. Staff Reports

1. Manager's Report – Mr. Krack said he has two grants, one is the TCDI grant which is open through December and requires a 20% match. He said he also has the county revitalization grant to apply for which requires a match but he is trying to decide whether to piggyback on the water program or close out streetscapes. He said both will require a public hearing.

2. Code Enforcement Report – No Report

3. Public Works Director's Report – No Report

4. Fire Chief's Report – No Report

5. Finance Director's Report – No Report

6. Mayor's Report – Mayor Scoda said he gave the Borough Manager the audit reports for the police pension fund. He gave a short report regarding the opening of the Gay Street Bridge and said there was a good crowd in attendance.

XVI. Old Business - Mr. Kirkner asked for an update on Andre Thornton Park and when it would be completed. (Mr. Krack said that it is substantially complete at this point in time).

XVII. Adjournment – Mr. Kirkner made a motion to adjourn. Meeting adjourned at 9:03 p.m.