

PHOENIXVILLE BOROUGH COUNCIL
Tuesday, September 8, 2009 (Approved by Borough Council on September 22, 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, Senley, Speck, and Wagner. Also present on roll call were: Borough Manager Krack, Solicitor Rau, Chief Mossman, and Mayor Scoda. (Mayor Scoda arrived at 7:38).
- III. Minutes of Previous Meetings: August 25, 2009 – Mr. Gill made a motion to approve the meeting minutes, seconded by Mr. Ciruelos, and approved by a vote of 8 to 0.
- IV. Public Participation – 30 minutes
 - a. Mr. Jim Younkens of 300 Nutt Road said the pavements on Nutt Road have been torn up for about nine months and still aren't fixed. He said his second issue is the parking on Lincoln Avenue and he would like to know if we can get a couple of those spaces back because we need those spaces for parking. (Council discussed the issue and Mr. Wagner suggested a letter with a petition be sent to PennDot since the Borough does not have jurisdiction.)
- V. Appointments/Public Resolutions – There were no appointments or resolutions this evening although Mr. Wagner announced that Adam Deveney resigned from the Parking Authority effective August 12, 2009.
- VI. Presentations – There were no presentations to be given this evening.
- VII. Communications: Consider Request of the American Cancer Society to Waive the Application Fee for the Relay for Life Canines for a Cure Event on Saturday, October 24, 2009 – Mr. Buckwalter made a motion to waive the application fee for Relay for Life Canines, seconded by Mr. Speck, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Senley asked what is the amount of the fee? (Mr. Krack responded \$75).

Mr. Senley offered a friendly amendment to the motion to include the amount of \$75.00 and Mr. Buckwalter accepted the amendment.

- VIII. Council Participation
 - a. Mr. Speck said he has two PennDot issues and heard some of Mr. Younkens' concerns but didn't hear about the pavements. (Mr. Krack responded by saying that PennDot is still working on developing standards).
 - b. Mr. Ciruelos suggested that the most important thing regarding Mr. Younkens' concerns is the no turn on red and asked to include that.

Mr. Kirkner made a motion that we authorize the President of Council to send a letter to PennDot directing them to correct the yellow line placement at Lincoln and Nutt Roads, seconded by Mr. Speck, and approved by a vote of 8 to 0.

- IX. New Business: Consider Adult Children Insurance Coverage – Mr. Nease said he will receive more information later on in September. Mr. Wagner said we will move this to the Finance Committee.
 - A. Mr. Senley said it has come to his attention that there is a scheduling conflict on September 21st so we won't be able to have the Finance Committee Meeting.

X. Resolutions – There were no resolutions to come before Council this evening.

XI. Public Hearings

- a. Consider Adoption of Ordinance Authorizing the Borough to Incur Lease Rental Debt in the Maximum Principal Amount of \$100,000 by Guarantying a Note of the Phoenixville Parking Authority for the Purpose of Funding Capital Projects and Paying Costs Related to Project Operations (Continued from the August 25, 2009 Borough Council Meeting) – Mr. Wagner opened up the public hearing. Mr. Rau gave an overview of the prior hearing and said you are at the decision phase.

Mr. Kirkner made a motion to adopt the ordinance authorizing the Borough to incur lease rental debt in the maximum principal amount of \$100,000 provided that Council directs the manager to obtain a monthly financial report from the Parking Authority in time to be distributed to Council for the monthly Finance Committee meeting, seconded by Mr. Gill, and approved by a vote of 5 to 3.

ON THE QUESTION: Mr. Kirkner said he would like to explain his reasoning for adding that information. He said when an organization guarantees a loan for another body they have access to that and that while the loan is active we are receiving the monthly financial reports.

Mr. Buckwalter offered an amendment that is contingent on a positive outcome of the parking study that shows they have a revenue stream and can pay back the loan in the event something should happen. Much discussion ensued. (Mr. Kirkner declined the amendment because enough is a very subjective term in the eyes of the beholder).

Mr. Senley made a motion to table, seconded by Mr. Buckwalter with the motion failing by a vote of 3 to 5 with Mr. Buckwalter, Mr. Handwerk, and Mr. Senley voting yes on the motion).

Mr. Senley made a motion to ratify the results of the study upon its completion. (Mr. Kirkner did not accept the amendment because he just doesn't understand what that is).

Mr. Ciruelos said by a ratifying vote do you mean that if the study came back and said the plan was viable that we could still vote no, meaning that we could override whatever the independent study says.

Mr. Senley offered an amendment regarding document execution that is subject to receipt of the results of the parking consultant as to the revenue stream. Mr. Gill accepted the amendment. Discussion continued.

Mr. Speck called for the vote and Mr. Senley asked for a roll call vote.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

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

NO - Buckwalter, Handwerk, and Senley

Mr. Wagner read a letter to the Mayor from Senator Dinniman regarding the recycling grant Act 101.

XII. Reports of Committees, Boards, Commissions and Authorities

- A. Planning Commission (No Action Memos This Month)
- B. Regional Planning Commission - Mr. Kirkner addressed the Regional Planning meeting on September 21, 2009 at 7:00 p.m. regarding transferrable development rights.
 1. Consider Appointment of Regional Planning Delegates – Mr. Kirkner said he is not prepared to address that at this time and would like the item to remain on the agenda.
- C. Parking Authority – Mr. Lolli said the Borough approved our ordinance and had nothing further.

D. Historical Architectural Review Board

1. Consider Approval of the Application for 122 Bridge Street – Lower Level to Install an Aluminum Sign Panel – Mr. Senley made a motion to approve the application for 122 Bridge Street (lower level), seconded by Mr. Speck, and approved by a vote of 7 to 1.

ON THE QUESTION: Mr. Kirkner said he is going to vote no on items 1, 2 and 3 because he isn't convinced that aluminum and vinyl are acceptable materials.

2. Consider Approval of the Application for 122 Bridge Street – Upper Level to Install a Double Sided Aluminum Sign Panel – Mr. Senley made a motion to approve the application for 122 Bridge Street (upper level), seconded by Mr. Speck, and approved by a vote of 7 to 1.
3. Consider Approval of the Application for 305 Bridge Street to Install a 36" x 96" Aluminum Panel with Two (2) Color Vinyl Graphics Centered Over the Window – Mr. Senley made a motion to approve the application for 305 Bridge Street, seconded by Mr. Speck, and approved by a vote of 7 to 1.
4. Consider Approval of the Application for 219 Church Street to Replace the Existing Chain Link Fence with a Six Foot High Pressure Treated Fence – Mr. Senley made a motion to approve the application for 219 Church Street, seconded by Mr. Speck, and approved by a vote of 7 to 1.
5. Consider Approval of the Application for 335 Church Street to Replace Six (6) Front Facing Similar Windows and Install New Full View Glass Storm Door – Mr. Senley made a motion to approve the application for 335 Church Street, seconded by Mr. Speck, and approved by a vote of 7 to 1.
6. Consider Approval of the Application for 16-18 Gay Street to Replace the Existing Siding to T111 on the Front, Side and Rear of the Building – Mr. Senley made a motion to approve the application for 16-18 Gay Street, seconded by Mr. Speck, and approved by a vote of 7 to 1.
7. Consider Approval of the Application for 31 Main Street to Change the Sign – Mr. Senley made a motion to approve the application for 31 Main Street, seconded by Mr. Speck, and approved by a vote of 7 to 1.

E. Council Action referred from Council Committees

POLICY COMMITTEE

1. Consider Approval of Making Morris Street One Way (Approved in Committee by a Vote of 2 to 0) – Mr. Krack said this should read consider approval of advertising an ordinance to make Morris Street one way.

Mr. Speck made a motion to consider approval of advertising to make Morris Street one way, seconded by Mr. Ciruelos, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Handwerk asked for clarification. (Mayor Scoda said the block between Gay Street and Lincoln Avenue).

FINANCE COMMITTEE

1. Budget Presentation – Mr. Nease gave the budget presentation and there was much discussion among Council regarding the presentation. Mr. Senley made a motion to direct staff to prepare RFPs as stated, seconded by Mr. Speck, and approved by a vote of 8 to 0.
2. Consider Approval of the Prepaids Dated 6/14/09 to 7/18/09 in the Amount of \$713,173.55 (Approved in Committee by a Vote of 3 to 0) – Mr. Buckwalter made a motion to approve the prepaids in the amount of \$713,173.55, seconded by Mr. Kirkner, and approved by a vote of 8 to 0.
3. Consider Approval of the Prepaids Dated 7/19/09 to 8/15/09 in the Amount of \$547,722.73 (Approved in Committee by a Vote of 3 to 0) – Mr. Buckwalter made a motion to approve the prepaids in the amount of \$547,722.73, seconded by Mr. Kirkner, and approved by a vote of 8 to 0.

4. Consider Approval of the Budget Transfers in the Amount of \$6,700 (Approved in Committee by a Vote of 3 to 0) – Mr. Buckwalter made a motion to approve the budget transfers, seconded by Mr. Kirkner, and approved by a vote of 8 to 0.
5. Consider Approval of the Budget Increase from the General Fund in the Amount of \$51,335 (Approved in Committee by a Vote of 3 to 0) – Mr. Buckwalter made a motion to approve the budget increase, seconded by Mr. Kirkner, and approved by a vote of 8 to 0.
6. Consider Approval for the Expenditure and Budget Increase in the General Fund - \$5,500 for the Parking Authority, \$6,608 for Roof Tune-Up, and \$2,800 for a Mold Issue (Approved in Committee by a Vote of 3 to 0) – Mr. Buckwalter made a motion to approve the expenditures and budget increases in the general fund, seconded by Mr. Kirkner, and approved by a vote of 8 to 0.
7. Consider Approval for the Expenditure and Budget Increase from the Wastewater Fund in the Amount of \$28,900 for Engineering - Digester 1 (Approved in Committee by a Vote of 3 to 0) Mr. Buckwalter made a motion to approve the expenditure and budget increase out of the wastewater fund, seconded by Mr. Kirkner, and approved by a vote of 8 to 0.
8. Consider Approval to Audit the Fire Department (Approved in Committee by a Vote of 3 to 0) – Mr. Kirkner made a motion to defer this to the Finance Committee, seconded by Mr. Senley, and approved by a vote of 8 to 0. (Mr. Nease explained that the auditor would like to visit each of the three fire companies and then provide a quote as to the cost for the audit).
9. Consider Approval of Waiving the Second Quarter Water, Wastewater, and Trash Interest and Penalties Applied to the Second Quarter Fees for State Employees (Approved in Committee by a Vote of 3 to 0) – Mr. Kirkner made a motion to approve waiving the second quarter water, wastewater, and trash interest and penalties, seconded by Mr. Senley, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Buckwalter said just out of curiosity, do we have any state employees that this will affect within the Borough?

10. Consider Approval of Pursuing a Longer Contract with Applied Video Technology to Include Taping/Broadcasting Services (Approved in Committee by a Vote of 3 to 0)

Mr. Handwerk asked if we have a contract? (Mr. Wagner responded a month to month contract).

Mr. Handwerk made a motion to delay the discussion of this issue until Council can review the current agreement, seconded by Mr. Buckwalter with the motion failing by a vote of 3 to 5 with Mr. Handwerk, Mr. Buckwalter and Mr. Senley voting yes. (Mr. Wagner said there is no motion to table because it has already been to committee and if you would prefer to delay discussion he supposes we could. (There was much discussion).

Mr. Kirkner made a motion to approve pursuing a longer contract with Applied Video Technology to include taping/broadcasting services, seconded by Mr. Ciruelos, and approved by a vote of 5 to 3 with Mr. Handwerk, Mr. Senley, and Mr. Buckwalter being the dissenting votes.

ON THE QUESTION: Mr. Wagner asked if an RFP is required? (Solicitor Rau said an RFP is your option as it is a professional service).

11. Consider Approval of a Wage Freeze for the Non-Union Employees in 2010 and a Hiring Freeze for the Remainder of 2009 and 2010 (Approved in Committee by a Vote of 2 to 1) – Mr. Kirkner made a motion to approve a wage freeze for non-union employees in 2010 and a hiring freeze for the remainder of 2009 and 2010, seconded by Mr. Wagner. (There was discussion).

ON THE QUESTION: Mr. Ciruelos said being that this was the only Finance Committee vote that was unanimous, he would like to ask who voted against this and why. (Mr. Senley responded he felt it was premature in the process).

Mr. Speck made a motion to divide the question, seconded by Mr. Senley, and approved by a vote of 8 to 0.

Mr. Kirkner made a motion for a wage freeze for non-union employees in 2010, seconded by Mr. Wagner with the vote failing by a vote of 1 to 7 with Mr. Kirkner voting yes.

There was much discussion regarding this topic.

Mr. Kirkner made a motion for a hiring freeze in 2009-2010 limited to non-seasonal employees, seconded by Mr. Wagner, and approved by a vote of 5 to 3 with Mr. Buckwalter, Mr. Gill and Mr. Handwerk being the dissenting votes.

Mr. Senley made a motion to remove \$80,000 from the budget for the replacement of the phone system, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Ciruelos said what are we paying Verizon in total?

Mr. Senley said the current Finance Committee is set for September 21st which conflicts with the TDR meeting so we would like to meet on September 15th instead at 7:00 p.m.

XIII. Public Participation (con't) – Mr. Bill Martin of 132 Buchanan Street said he is concerned about the parking hours being limited to 8 a.m. to 8 p.m. so he believes that it should be extended to 10 p.m. to generate more money. He also addressed concerns with the Sanitation Department and said the Borough could save more than \$56,000 by not having this department. He asked for an RFP for sanitation. He said yard waste is not making very much money. He said he was very happy with the Police presence downtown and likes seeing the bike officer.

XIV. Executive Session – Moved to the end of the meeting.

- a. Discussion Regarding Personnel Matters
- b. Discussion Regarding Real Estate Matters
- c. Discussion Regarding Legal Matters

XV. Staff Reports

1. Manager's Report – Mr. Krack said everything he wants to talk about will be done in executive session.

2. Code Enforcement Report
3. Public Works Director's Report
4. Fire Chief's Report
5. Finance Director's Report

6. Mayor's Report – Mayor Scoda briefly reported on his monthly activities focusing on the last two Friday evenings downtown on August 28th (Marine Friday) and September 4th (First Friday). He also read two letters from citizens thanking the police department for their service. He suggested a committee be appointed to plan the opening ceremony for the Gay Street Bridge. (Mr. Wagner assigned it to Mr. Handwerk and the Community Development Committee).

XVI. Old Business – There was no old business to come before committee. Council entered into executive session at this time.

XVII. Adjournment – Meeting adjourned.