

**PHOENIXVILLE BOROUGH COUNCIL**  
**Tuesday, January 12, 2010**  
**7:00 PM**

**MEETING MINUTES (Approved by Borough Council January 26, 2010)**

- I. Invocation/Pledge of Allegiance – Chair – Mr. Wagner called the meeting to order at 7:02 p.m.
- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Buckwalter, Dugan, Gautreau, Handwerk, Speck, and Wagner. Also present were: Borough Manager Krack, Solicitor Rau, Lt. Sjostrom, and Mayor Scoda. (Mr. Wagner said both Mr. Kirkner and Mr. Senley are not present due to illness).
- III. Minutes of Previous Meetings: December 8, 2009 and January 4, 2010 – Mr. Gautreau 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. Mr. Gonzales of 501 Mason Street said he is here on behalf of the people at Pennrose with regard to the parking. He said Pennrose keeps saying there is no money in the budget, yet they are paying a years rent for the people at Fairview; something is wrong somewhere.
- V. Appointments/Public Resolutions: Consider Adoption of Resolution to the Basca Family for their Donation of the Borough Christmas Tree – Mr. Handwerk made a motion to adopt the resolution for the Basca Family, seconded by Mr. Buckwalter, and approved by a vote of 6 to 0.
- VI. Presentations – There were no presentations to come before Council this evening.
- VII. Communications
  - a. Mr. Speck said he has been informed that Officers Thomas Hyland and Christopher Bucci have completed their one year probationary period and are now permanent employees.
  - b. Mr. Wagner read a letter from Debra J. Morris, Property Manager of French Creek Manor regarding the parking expansion. (see attached)
- VIII. Council Participation
  - a. Mr. Speck announced that there are several open positions that need to be filled for 2010 for a variety of Boards and Commissions.
  - b. Mr. Wagner also mentioned that there are positions available to serve on Council committees.
  - c. Mayor Scoda said in December he asked the Manager and Public Works Director to add additional parking for the right-of-ways on Mason Street. (Mr. Krack said we looked at the area of the property and said it would be easier for Pennrose to expand the lot they currently have). Mayor Scoda also addressed a concern about the letter received this evening.
- IX. New Business
  - A. Mr. Speck said he received an e-mail from Mr. Senley stating that he is resigning from the Police and Personnel Committee so we will need another member from Council.
- X. Resolutions - Consider Adoption of Resolution Authorizing the Submission of a **\$2,600** PECO Grant Region Program Grant – Mr. Buckwalter made a motion to authorize the submission of the resolution for the PECO Grant, seconded by Ms. Dugan, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Gautreau said we did bring it up in the committee meeting just held and we all agreed that we should move forward with it.

- XI. Public Hearings
  - A. **CONSIDER APPROVAL OF THE CONDITIONAL USE APPLICATION FOR GATEWAY BODYWORKS TO OPERATE A MASSAGE/WELLNESS CENTER AS PART OF ITS FLEX USE SPACE WITHIN THEIR BUILDING AT 333 MORGAN**

Mr. Wagner asked how much parking is available off street. (Ms. Firey responded three or four spots in front and 45 in the lot across the street).

Mayor Scoda asked the hours of operation. (Ms. Firey said we will be open from 8:00 a.m. to 8:00 p.m. Monday through Saturday).

Mr. Buckwalter made a motion to accept the application with the restriction of hours (above), seconded by Mr. Handwerk, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Gautreau said it won't matter if she opens at 7 a.m. on Saturday.

- B. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF PHOENIXVILLE, AS AMENDED, CHAPTER 1, "ADMINISTRATION AND GOVERNMENT," PART 2, "APPOINTED OFFICIALS," BY DELETING SUBSECTION B "PARKING ENFORCEMENT OFFICER"; AND CHAPTER 15, "MOTOR VEHICLES AND TRAFFIC," PART 4, "GENERAL PARKING REGULATIONS," BY SETTING TIME LIMITS FOR PARKING ON CERTAIN SECTIONS OF BRIDGE STREET, GAY STREET AND MAIN STREET, AND PROVIDING THE PHOENIXVILLE PARKING AUTHORITY WITH JOINT JURISDICTION TO TICKET VEHICLES FOR VIOLATIONS OF THE PROVISIONS OF PART 4; PART 5, "ON-STREET METERED PARKING," TO PROVIDE THE PHOENIXVILLE PARKING AUTHORITY WITH JOINT JURISDICTION TO TICKET VEHICLES FOR VIOLATIONS OF THE PROVISIONS OF PART 5; PART 6, "ON-STREET UNMETERED PARKING," BY LIMITING PARKING ON PORTIONS OF BRIDGE STREET TO RECESSED AREAS, PROHIBITING PARKING, STOPPING AND/OR STANDING IN THE NON-RECESSED AREAS ON CERTAIN PORTIONS OF BRIDGE STREET, AND PROVIDING THE PHOENIXVILLE PARKING AUTHORITY WITH JOINT JURISDICTION TO TICKET VEHICLES FOR VIOLATIONS OF THE PROVISIONS OF PART 6; PART 7, "OFF-STREET METERED PARKING," BY DELETING THE PART IN ITS ENTIRETY AND MARKING IT "RESERVED"; AND PART 8, "OFF-STREET UNMETERED PARKING," BY PROVIDING THE PHOENIXVILLE PARKING AUTHORITY WITH JOINT JURISDICTION TO TICKET VEHICLES FOR VIOLATIONS OF THE PROVISIONS OF PART 8. – MR. WAGNER OPENED UP THE PUBLIC HEARING. NO ONE WISHED TO SPEAK SO HE CLOSED THE PUBLIC HEARING.

MR. HANDWERK MADE A MOTION TO APPROVE THE ORDINANCE, SECONDED BY MR. SPECK, AND APPROVED BY A VOTE OF 6 TO 0.

- C. CONSIDER ADOPTION OF ORDINANCE AMENDING CHAPTER 15 "MOTOR VEHICLES AND TRAFFIC", PART 4, "GENERAL PARKING REGULATIONS" BY CREATING ADDITIONAL HANDICAPPED PARKING ZONES IN THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA – MR. WAGNER OPENED UP THE PUBLIC HEARING. NO ONE WISHED TO SPEAK SO HE CLOSED THE PUBLIC HEARING.

MR. SPECK MADE A MOTION TO ADOPT THE ORDINANCE FOR GENERAL PARKING REGULATIONS, SECONDED BY MR. HANDWERK, AND APPROVED BY A VOTE OF 6 TO 0.

ON THE QUESTION: MAYOR SCODA SAID IN THE PAST WE HAVE LOOKED AT HANDICAPPED REQUESTS AND GRANTED THEM OR DIDN'T GRANT THEM. HE ASKED WHO DID THE EVALUATION. (MR. KRACK SAID THIS HAD BEEN PREVIOUSLY DONE BY THE POLICE DEPARTMENT AND STATED THE FOUR LOCATIONS THAT WERE APPROVED FOR SIGNAGE).

XII. Reports of Committees, Boards, Commissions and Authorities

A. Planning Commission

1. Consider Approval of Opposing the Application for 254-256 Washington Avenue (Planning Commission Approved by a Vote of 6 to 0) – Mr. Rau said Ryan Costello, Attorney representing the applicant, could not be here this evening but asked that his position be stated on this whereas this is an existing twin dwelling that is headed to the Zoning Hearing Board. (There was much discussion regarding this application with the outcome being that the applicant needs to go back before the Planning Commission).
2. Consider Adoption of Resolution for 525 Rhoades Street to Divide the Existing Lot into Five Separate Parcels and to Construct Four Single Family Dwelling Units with One Lot for the Existing Townhouse (Planning Commission Approved by a Vote of 6 to 0) – Mr. Gautreau made a motion to adopt the resolution for 525 Rhoades Street, seconded by Mr. Speck, and approved by a vote of 6 to 0.
3. Consider Approval of Resolution for 1330 Main Street to Construct a New Middle School, Administration Building, and Athletic Fields (Planning Commission Approved by a Vote of 6 to 0) – Mr. Buckwalter made a motion to approve the resolution for 1330 Main Street, seconded by Mr. Handwerk, and approved by a vote of 6 to 0.

B. Regional Planning Commission – No report was given.

C. Parking Authority – Mr. Cassidy said we have selected a consultant and are moving forward.

D. Historical Architectural Review Board – There were no action memos to come before Council.

E. Council Action referred from Council Committees

**POLICY COMMITTEE**

1. Consider Authorizing the Advertising and Scheduling of a Public Hearing for the Purpose of Adopting a Zoning Ordinance Amendment to Provide for Electronic Signs – Mr. Handwerk made a motion authorizing the advertising and scheduling of a public hearing to adopt the electronic sign ordinance, seconded by Mr. Speck, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Buckwalter asked why it was sent back to committee. (Mr. Krack said to revisit the language in the ordinance change itself).

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

XIV. Executive Session

1. **Discussion Regarding Personnel/Litigation**
2. **Discussion Regarding Real Estate**

Council entered into executive session at 7:45 p.m. Council returned at 9:15 p.m. In executive session, the following matters were discussed: personnel/litigation and real estate.

XV. Staff Reports

1. Manager's Report

- a. **Consider Advertising and Scheduling a Public Hearing on January 26, 2010 for the Possible Adoption of a Resolution for the Submission of a \$250,000 Elm Street Program Grant** – Mr. Speck made a motion to advertise and schedule a public hearing for the Elm Street Grant, seconded by Mr. Gautreau, and approved by a vote of 6 to 0.

Mayor Scoda brought up creating a census committee and said there is a meeting on January 29, 2010.

Mr. Gautreau made a motion to create a census committee, seconded by Ms. Dugan, and approved by a vote of 6 to 0.

2. Code Enforcement Report
3. Public Works Director's Report

**a. Consider Award of Bid for the Paradise Street Interceptor** – Mr. Speck made a motion to award the bid for the Paradise Street interceptor and siphon box replacement, seconded by Mr. Buckwalter, and approved by a vote of 6 to 0.

4. Fire Chief's Report

5. Finance Director's Report – Mr. Nease said we would like to change the signatures on checks going forward with Henry Wagner as President of Council and the other signature being a live signature by either Jean Krack and/or Brian Watson, Public Works Director.

Mr. Buckwalter made a motion to change signatures to Henry Wagner, Jean Krack and Brian Watson, seconded by Mr. Handwerk, and approved by a vote of 6 to 0.

6. Mayor's Report – Mayor Scoda said we need a motion regarding the two police officers for permanent appointment. He reported about a letter from East Pikeland Township regarding Sergeant Sutton and note about the Shade Tree Commission volunteer raking from the fall.

Mr. Speck made a motion that Officers Thomas Hyland and Christopher Bucci be granted permanent status, seconded by Mr. Buckwalter, and approved by a vote of 6 to 0.

#### Other Reports

1. CDC Report – Mr. Cassidy reported on the steel site/trail, streetscapes projects, Bank Street, CDC promotions for First Friday's, community watch, and a green team forum on January 20, 2010 at 7:00 p.m. at Molly Maguires. (There were a couple of questions from Council).
2. Fire Liaison Report – Mr. Gautreau reported that he met with Mr. Gable and the two assistant chiefs to get familiar with what is going on.

#### XVI. Old Business

a. Mr. Wagner brought up the new members training through PLCM. (Mr. Krack said he has checked with both members and neither one can attend).

XVII. Adjournment – Mr. Gautreau made a motion to adjourn. Meeting adjourned.