

PHOENIXVILLE BOROUGH COUNCIL
Tuesday, April 13, 2010
7:00 PM

MEETING MINUTES (APPROVED BY BOROUGH COUNCIL APRIL 27, 2010)

- I. Invocation/Pledge of Allegiance – Chair – Mr. Wagner called the meeting to order at 7:04 p.m.
- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Buckwalter, Dugan, Gautreau, Handwerk, Kirkner, Speck, and Wagner. Also present were: Borough Manager Krack, Mayor Scoda, Solicitor Rau, and Chief Mossman. (Mr. Senley was not in attendance).

Mr. Wagner made an announcement that he is resigning as the President of Council effective immediately and in addition, will be resigning his seat on Council. (Mr. Handwerk took over the meeting).

Mr. Kirkner made a motion to accept the resignation of Mr. Wagner as President and resignation of his seat on Council effective April 28th, seconded by Mr. Speck, and approved by a vote of 7 to 0.

- III. Minutes of Previous Meetings: March 23, 2010 – Mr. Kirkner made a motion to approve the March 23, 2010 minutes, seconded by Mr. Gautreau, and approved by a vote of 7 to 0. (On the Police and Policy minutes make a note that Mr. Kirkner was present).
- IV. Public Participation – 30 minutes
 - a. David Saneck of 299 Fillmore Street spoke to the issue of selling part of the water franchise and asked Council to take a careful look before doing so.
- V. Appointments/Public Resolutions – There were no appointments or public resolutions this evening. Mr. Speck read the resignation of Tracy Lee Tackett from the Shade Tree Commission.

Mr. Speck made a motion to accept the resignation of Tracy Tackett, seconded by Mr. Wagner, and approved by a vote of 7 to 0.

- VI. Presentations – There were no presentations to come before Council this evening.
- VII. Communications
 - a. Mr. Buckwalter shared that the Route 23 traffic light syncing is off and that Main Street and Nutt Road are on a 15 second cycle. He asked that we talk to PennDOT about the problem. Mayor Scoda also spoke to the problem on Route 23, specifically about the lanes at Starr and Nutt. (Mr. Krack said they are working with PennDOT regarding the turn lanes and are addressing the lighting issues as well. He said it is a regular communication between the Borough and PennDOT).
 - b. Mr. Buckwalter brought up the possibility of having the lights flash from 12:00 a.m. to 5:00 a.m. (Mr. Krack said he would approach PennDOT).
 - c. Mr. Kirkner said the monument at Nutt Road and Gay Street has not been addressed. Mr. Krack said they are reconfiguring.
 - d. Mr. Speck asked about a resident who wanted to close a street for a block party. Mr. Krack gave the procedure including filling out a community event form and said to give at least a 30 day notice.
 - e. Mr. Speck announced that Veterans can get a discount at Home Depot and Lowes.
- VIII. Council Participation - Mr. Kirkner made a motion to have a resolution honoring Mr. Wagner, seconded by Mr. Buckwalter, and approved by a vote of 6 to 1 with Mr. Wagner being the dissenting vote.
- IX. New Business: Consider Approval of a Motion to Accept the Reduction of the Term of Yvonne Brownlee to January 31, 2011 and That to the Extent that the Terms of the Other Zoning Hearing Board Members do not end on the Dates Indicated, the Said Terms are Hereby Extended and Set in Accordance with the Attached Schedule – Mr. Speck made a motion to accept the terms of the

ON THE QUESTION: Mr. Kirkner asked how long these terms are. Mr. Krack responded five years.

Ms. Dugan made a motion to advertise the ordinance for the Recreation Board at the April 27, 2010 meeting, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Kirkner said this means there will no longer be a Council member on the board.

Ms. Dugan said the representative would be a liaison and go to the meetings but wouldn't be a voting member of the board.

Mr. Kirkner said there should be a vote from a Council person on that board. He said he would like to see this go back to the committee. Mr. Krack said the Recreation Board is a recommending body and that the things needing votes would come through the Recreation Committee. Mr. Kirkner asked if the REC Board could hire the director and Mr. Krack responded no.

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

XI. Public Hearings

a. Consider Adoption of an 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. Handwerk opened up the public hearing. No one wished to speak so Mr. Handwerk closed the hearing.

Mr. Kirkner made a motion to adopt the ordinance, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.

XII. Reports of Committees, Boards, Commissions and Authorities

A. Planning Commission – There were no action memos to be approved this evening.

B. Regional Planning Commission – Mr. Kirkner said East Vincent has postponed its hearing for withdrawing from the RPC. He also announced the inter-regional planning group meeting on April 28th at 7:00 p.m. at Owen J. Roberts to review a manual that the group has put together.

C. Parking Authority – Mr. Cassidy said we are moving forward with a start date of the first week in May with a grace period of two weeks. He said he is having a meeting with the residents on April 21st and 22nd at 7:30 p.m. at The Bistro to seek public input regarding the residential parking.

D. Historical Architectural Review Board

1. Consider Approval of the Application for 234 Bridge Street to Install a 26" x 40 ½" Double Sided Hanging Wood Sign with Digitally Printed Faces – Mr. Gautreau made a motion to approve the application for 234 Bridge Street, seconded by Ms. Dugan, and approved by a vote of 7 to 0 .

E. Council Action referred from Council Committees

PERSONNEL/POLICE

1. Consider Approval of the Memorandum of Understanding (MOU) for the First Line Supervisors (Approved in Committee by a Vote of 3 to 0) - Mr. Krack asked to table this item to the May 11th meeting because we haven't had a response from the bargaining unit.

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

XIV. Executive Session - Litigation will be discussed at the end of the session.

XV. Staff Reports

1. Manager's Report – Mr. Krack said he talked with PennDot and the sign is ready to rename the Gay Street Bridge to the Veterans Memorial Gay Street Bridge. He said we will be sending out invitation this week for the renaming ceremony on May 7th at 1:00 p.m. He also noted that the website won a first place award.

2. Code Enforcement Report - Mr. Kirkner requested information about complaints.
3. Public Works Director's Report - Mr. Speck asked for an update on the muffin monster. (Mr. Watson stated we are waiting for an estimate on the repairs that are causing a problem with the pumps which will probably take three or four weeks).

Mr. Gautreau made an announcement that yard waste is being collected this week. Mr. Buckwalter asked if the Borough could pickup every week for the next five weeks. Mr. Watson said it was not possible due to the volume that is being dropped off and being short staffed.

Mayor Scoda asked about the waste water being discharged from the Middle School. Mr. Watson addressed the issue stating that it has been reviewed by the Borough and DEP.

4. Fire Chief's Report – Mr. Speck asked that the fire department contribute to the next newsletter. Mr. Gautreau donated the 50/50 drawing back to the fire department in the amount of \$238.
5. Finance Director's Report
6. Mayor's Report – Mayor Scoda said you received the monthly police report and spoke about community events such as the Valley Forge Christian College breakfast, job fair held at the civic center, and ceremony at Babe Ruth baseball field for the kick off of the season. He said Phoenixville has gotten a lot of good publicity in Montgomery Living and Philadelphia Magazine lists Phoenixville as one of the top ten places to live. He said tomorrow will be clean up day by the Christian College and he is proclaiming tomorrow Arbor Day. He reminded residents to turn in the Census Forms.

Ms. Laurie Williams, Schuylkill Township Supervisor, said she would like to borrow the Mayor's magazines and had a question regarding the census.

OTHER REPORTS

1. CDC Liaison – Mr. Cassidy gave a copy of the audit to Steve Nease. He said we are working on the steel site with the new owner to mimic the master plan, French Creek Parkway has been cut back in funding from the state and only the bridge at Taylor Alley will be completed at this time.

Mr. Kirkner asked if the bridge at Taylor Alley is part of the plan that Council approved. Mr. Cassidy responded. There was much discussion regarding the French Creek Parkway.

Mr. Cassidy went on with the CDC report by addressing Phase 2 of Streetscapes, Phase 1B will start as soon as we get money from the County, street sweeping, farmers market needing to be moved because of the parking authority using the lot, and he will be honored for improving the downtown.

2. Fire Department Liaison – Mr. Gautreau said we met last Wednesday evening. He said they are receiving grants for two Kenwood base units, ladder testing is under way, credentialing for Council is under way, Mont Clare is celebrating 100 years and is holding a parade, junior fire fighter programs are now limited to 16 year olds. (Jim Gable spoke about the issue and brought up doing a summer program for the 14 and 15 year olds).

XVI. Old Business

- a. Mr. Krack and Mr. Nease spoke regarding having a signature for checks.

Mr. Speck made a motion to nominate Rich Kirkner as President of Council, seconded by Mr. Gautreau, and approved by a vote of 6 to 1.

ON THE QUESTION: Mr. Buckwalter said he thinks we are jumping the gun to reorganize, particularly when we are missing a member and we would not be allowing the new member a say. He said a temporary fix might be better.

Mr. Wagner spoke in favor of moving forward with Mr. Kirkner as President. He said it is time for Mr. Senley to do the right thing and inform Council and his constituents of a resignation.

Mr. Handwerk opened up the floor for public participation regarding this topic. No one wished to speak.

Mr. Speck said if Councilman Senley were a member of his party which is the Democratic Party they would have asked for his resignation months ago. He said he is begging the leadership of the Republican Party to speak to Mr. Senley because the north ward deserves representation and he should either resign or serve his constituents.

Mr. Handwerk said he feels similar to Mr. Buckwalter in that we do not need to take action on this tonight so he will be voting no on the motion.

Mr. Buckwalter said he would like to clarify his position on this, he has no problem with Mr. Kirkner's abilities and thinks he would be a fine president and the only reason he would be voting no is because he thinks we are jumping the gun on this.

Mayor Scoda said he thinks it is more than just the signature; the president is the key liaison between the Borough management and the Council. He said he thinks we should get on with the vote.

Mr. Wagner asked Mr. Speck if he made the motion based on signatures. (Mr. Speck responded no and said quite frankly he is ready to have a Councilman take office as President and that person is Mr. Kirkner. More discussion ensued. Mayor Scoda said we are playing political games here.

Mr. Handwerk made a motion to table until two weeks from now, seconded by Mr. Buckwalter, and failed by a vote of 2 in favor and 5 against.

Mr. Kirkner asked if the chair can make a motion. (Mr. Rau responded that under Roberts Rules the chair can make a motion).

Mr. Speck called for a roll call vote.

ON ROLL CALL THE VOTE WAS AS FOLLOWS TO END DEBATE ON THE MOTION:

YES – Dugan, Gautreau, Kirkner, Speck, and Wagner

NO – Buckwalter and Handwerk

ON ROLL CALL THE VOTE WAS AS FOLLOWS TO NAME MR. KIRKNER COUNCIL PRESIDENT:

YES – Dugan, Gautreau, Kirkner, Speck, Wagner, and Buckwalter

NO - Handwerk

Mr. Buckwalter made a motion to nominate Mr. Gautreau as the Vice President. (Mr. Rau commented that it was not required to change the Vice President).

Mr. Buckwalter made a motion to nominate Mr. Gautreau as the Assistant Secretary, seconded by Mr. Handwerk, and approved by a vote of 7 to 0.

Mr. Speck made a motion to have Mr. Kirkner and Mr. Gautreau as the additional signers for checks, seconded by Mr. Wagner, and approved by a vote of 7 to 0.

Council entered into executive session to discuss litigation.

XVII. Adjournment – Meeting adjourned.