

PHOENIXVILLE BOROUGH COUNCIL
Tuesday, April 27, 2010
7:00 PM

MEETING MINUTES (APPROVED BY BOROUGH COUNCIL MAY 11, 2010)

- I. Invocation/Pledge of Allegiance – Chair – Mr. Kirkner called the meeting to order at 7:06 p.m.
- II. Roll Call – Borough Secretary – Those present were as follows: Buckwalter, Dugan, Gautreau, Handwerk, Kirkner, Speck, and Wagner. Also present were: Borough Manager Krack, Solicitor Rau, and Chief Mossman. Mr. Senley and Mayor Scoda were not in attendance.
- III. Minutes of Previous Meetings: April 13, 2010 – Ms. Dugan made a motion to approve the minutes, seconded by Mr. Gautreau, and approved by a vote of 7 to 0.
- IV. Public Participation – 30 minutes – There were no members of the public wishing to speak.
- V. Appointments/Public Resolutions – Mr. Speck made a motion to appoint Randall Morin to the Tree Advisory Commission, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.
 - A. Mr. Handwerk asked that future nominees be put on the agenda.
 - B. Mr. Kirkner announced a special meeting at 6:00 p.m. on May 11th for the purpose of interviewing candidates and letters of interest should be submitted by May 7th. He also announced an opening on the Parking Authority.
- VI. Presentations – There were no presentations to come before Council.
- VII. Communications
 - a. Mr. Speck said he had an e-mail from Congressman Sestak regarding a meeting on April 30, 2010. Mr. Krack said Mr. Nease would be in attendance. He said there was a problem with a light on St. Marys Street near Franklin Avenue and we need to see what the problem is. He said at one of the affairs he attended this past weekend a prominent Republican said Henry Wagner has not lived in the Borough for years. He said he would again put it on the leadership of the Republican party to get representation in the north ward and will speak up until we get representation.
 - d. Mr. Buckwalter said he believes politics should stop at the door and said grandstanding is unbecoming of a Councilman.
 - e. Mr. Speck said he is frustrated and will keep bringing this up.
 - f. Mr. Handwerk said that he received an e-mail concerning permit parking for handicapped residents in the downtown area.
 - g. Mr. Gautreau brought up a concern about the 4 way stop at Fourth Avenue and Main Street. Mr. Speck asked when the study will be completed.
 - h. Mr. Kirkner said the Social Concerns Committee chair asked about naming French Creek Parkway the Reverend Dr. Martin Luther King Parkway. He also said that Franklin Commons has been named a Keystone Investment Zone.
- VIII. Council Participation
 - a. Mr. Handwerk made a motion to recognize Valley Forge Christian College for clean up and asked staff to do a resolution, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.
 - b. Mr. Kirkner has reached out to Mr. Senley to have Mr. Senley provide a note from a physician and Mr. Senley's response was that he is not an employee. He said we basically can't do anything about a Councilperson who decides not to show up at meetings.

Mr. Speck asked the Solicitor if there is anything we can do to remove a Council member. The Solicitor said he would look if Council so directed.

Mr. Handwerk said Mr. Senley did put forward participating via teleconferencing.
 - c. Mr. Kirkner said Mr. Gautreau has accepted a temporary assignment to the Finance Committee.

- IX. New Business – There was no new business to be brought before the committee.
- X. Resolutions: Consider Approval of a Resolution Honoring Henry Wagner for His Years of Service on Borough Council – Mr. Speck made a motion to approve the resolution honoring Henry Wagner, seconded by Mr. Handwerk, and approved by a vote of 7 to 0. (Mr. Kirkner read the resolution into the record as follows: “A resolution by the Council of the Borough of Phoenixville, Chester County, Pennsylvania acknowledging Henry A. Wagner for his years of service on Borough Council – Whereas, Henry A. Wagner has served honorably as Councilman of the Middle Ward since 2004; and Whereas, Henry A. Wagner served as Council President since January 2008; and Whereas, Henry A. Wagner will be completing his term of office as a Councilman April 28, 2010; and Whereas, Henry A. Wagner’s participation in the affairs of the Borough Government has provided invaluable service to his Ward and this community as a whole; and Whereas, Borough Council wishes to express its appreciation to Henry A. Wagner for his public service. Now, Therefore, Be It Resolved and it is hereby resolved by the Borough Council of the Borough of Phoenixville that Henry A. Wagner is recognized and publicly acknowledged for his efforts to provide for the efficient and effective government which is responsive to the needs of its citizens”. (Mr. Wagner thanked his colleagues).
- XI. Public Hearings
- a. Consider Adoption of an Ordinance Amending the Code of Ordinances of the Borough of Phoenixville to Replace Chapter 1, Part 4, Section C “Reserved” with a New Section C “Recreation Board” of the Code of Ordinances of the Borough of Phoenixville – Mr. Kirkner opened up the public hearing. Mr. Rau indicated that this was advertised internally by Borough staff. There were no members of the public wishing to speak.

Ms. Dugan made a motion to adopt the ordinance for the Recreation Board, seconded by Mr. Speck, and approved by a vote of 7 to 0. (There was discussion regarding whether or not the Council member should be a liaison versus a voting member and there should be a change of expiration to expiration of term). The Board will consist of seven people versus eight people with a Council person serving as a liaison.

- XII. Reports of Committees, Boards, Commissions and Authorities
- A. Planning Commission – There were no action memos for approval this evening. Mr. Kirkner said on April 29th there will be a public hearing at Franklin Commons for the Comprehensive Plan.
- B. Regional Planning Commission – Mr. Kirkner said East Vincent still has withdrawing from the regional commission on their docket and have pushed back the hearing on that to May 5th.
- C. Parking Authority – Mr. Cassidy said they have been holding meetings and have a detailed proposal which will be vetted through the CDC committee.
- D. Historical Architectural Review Board – There were no action memos for approval this evening.
- E. Council Action referred from Council Committees
- FINANCE COMMITTEE**
1. Consider Approval of the 2010 Prepays Dated 3/14/2010 to 4/17/2010 in the Amount of \$688,661.65 (Approved in Committee by a Vote of 3 to 0) – Mr. Wagner made a motion to approve the prepaids, seconded by Ms. Dugan, and approved by a vote of 7 to 0.
ON THE QUESTION: Mr. Speck said on page 32 there are three invoices for video production and asked for an explanation and friendly amendment.
2. Consider Approval of the Budget Transfer Requests in the Amount of \$30,500.00 (Approved in Committee by a Vote of 3 to 0) – Mr. Wagner made a motion to approve the budget transfers, seconded by Mr. Speck, and approved by a vote of 7 to 0.
ON THE QUESTION: Mr. Buckwalter said he thought we had a freeze on hiring and asked why we would have advertised when there is a hiring freeze. There was more discussion.
3. Consider Approval of Waiving Any and All Fees Associated with the Rental and Utilization of Reeves Park by the Phoenixville Kiwanis on May 28, 2010 (Approved in Committee by a Vote of 3 to 0) – Mr. Handwerk made a motion to waive the fees for the Phoenixville Kiwanis, seconded by Mr. Gautreau, and approved by a vote of 6 to 0 with Mr. Speck abstaining from voting because he is a member of Kiwanis.

4. Consider Approval of the Outdoor Café Fees (Approved in Committee by a Vote of 3 to 0) Mr. Gautreau said he did talk to merchants and they asked if it could be charged by the number of tables because one merchant may only put out one table whereas another might have eight.

Ms. Dugan made a motion to approve the outdoor café fees, seconded by Mr. Speck, and approved by a vote of 4 to 3.

ON THE QUESTION: Mr. Buckwalter said generally when a fee is charged there is an offsetting cost to that so what is the justification for the fee. Mr. Krack addressed the ongoing inspections of the areas. Mr. Buckwalter asked why the furniture should be brought in every night. Mr. Handwerk said he favors more of a fee schedule so he will be voting against the motion. (Mr. Buckwalter asked for a roll call vote).

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Dugan, Gautreau, Speck, and Kirkner

NO - Buckwalter, Handwerk, and Wagner

5. Consider Approval of Replacing the Borough Mechanic (Approved in Committee by a Vote of 3 to 0) – Mr. Speck made a motion to replace the Borough Mechanic, seconded by Ms. Dugan.

ON THE QUESTION: Mr. Buckwalter said last year we put in effect a hiring freeze and spoke regarding the cost. He said he would like to see the repairs go out to the local shops and have our tax dollars keep those local businesses going.

Mr. Speck said having a mechanic on hand is important during snow storms and said this is a need and well worth the investment.

Mr. Wagner said this is mission critical. He said he wants to make sure that staff has control over the schedule of repairs.

Mr. Gautreau asked if we could have an executive session because there is a personnel issue about this position.

Mr. Buckwalter made a motion to table, seconded by Mr. Handwerk, and approved by a vote of 7 to 0.

After discussion in executive session, Mr. Gautreau made a motion to replace the Borough mechanic, seconded by Mr. Wagner, and approved by a vote of 6 to 1 with Mr. Buckwalter being the dissenting vote.

6. Consider Approval of Adopting the Fund Balance Policy (Approved in Committee by a Vote of 3 to 0) – Mr. Kirkner asked if this has been seen by the Policy Committee and Mr. Krack responded no so this was referred to the Policy Committee meeting for tomorrow evening.

7. Consider Approval of Engaging Valco Capital Financial Advisors for the Bond Issue (Approved in Committee by a Vote of 3 to 0) – Mr. Buckwalter made a motion to engage Valco Capital for the bond issue, seconded by Ms. Dugan, and approved by a vote of 7 to 0. Moved to after executive session. Mr. Kirkner said the bond issue is potentially for improvements to Friendship Field, construction of a new Borough Hall, water and sewer plant upgrades.

8. Consider Approval of Engaging Bruton Financial Advisors to Review the Pension RFP's and Lead Two Classes (Approved in Committee by a Vote of 3 to 0) – Mr. Wagner made a motion to engage Bruton Financial to review the pension RFP's, seconded by Mr. Speck, and approved by a vote of 7 to 0. Mr. Buckwalter asked the cost. Mr. Krack responded that the cost is \$7,200 and \$500 for each class.

9. Consider Approval of Hiring Replacements for any Attrition in Water, Waste Water, and Sanitation (Approved in Committee by a Vote of 3 to 0) – Mr. Speck made a motion to approve hiring replacements in water, waste water, and sanitation, seconded by Mr. Wagner,

PARKS AND RECREATION COMMITTEE

1. Consider Approval to Accept the Bid from Schaffer for the Fireworks on July 4, 2010 with a Raindate of July 5, 2010 (Approved in Committee by a Vote of 3 to 0) – Ms. Dugan made a motion to accept the bid for the fireworks, seconded by Mr. Handwerk, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Speck asked where the fireworks are being conducted this year?

Mr. Gautreau said in the bluffs. He said in committee we decided it would be best to close off from the low bridge to Molly Maguires. (Mr. Kirkner asked when they will be going back to Friendship Field and Mr. Krack responded we will take it into consideration).

POLICY COMMITTEE

1. Consider Accepting the Police Department Recommendation for a Handicapped Parking Sign at the Following Locations: 21 E. High Street, 393 Second Avenue, and 394 Washington Avenue and to Advertise and Schedule a Public Hearing for May 11, 2010 to 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 made a motion to approve advertising and scheduling a public hearing for May 11, 2010, seconded by Mr. Wagner, and approved by a vote of 7 to 0.

XIII. Executive Session – Council entered into executive session at this time to discuss land acquisition, personnel, and potential litigation.

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

Mr. Gautreau made a motion to direct the Borough Fire Chief to have a Steering Committee of 13, seconded by Mr. Speck, and approved by a vote of 7 to 0. (Mr. Gautreau invited the public if they are interested to contact him).

Mr. Handwerk made a motion to appoint Mr. Gautreau as the fire liaison with Mr. Speck as the alternate, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.

XV. Staff Reports

1. Manager's Report – Mr. Krack reported on the moving of the farmers market under the bridge. (Mr. Kirkner announced the ceremony on Friday, May 7, 2010 at 1:00 p.m. for the renaming of the bridge.)

2. Mayor's Report – Mayor Scoda was not present.

XVI. Old Business – There was no old business to come before Council.

XVII. Adjournment – Mr. Handwerk made a motion to adjourn. Meeting adjourned at 10:00 p.m.