

PHOENIXVILLE BOROUGH COUNCIL
Tuesday, August 10, 2010
7:00 PM

MEETING MINUTES (Approved by Borough Council August 24, 2010)

- I. Invocation/Pledge of Allegiance – Chair - Mr. Kirkner called the meeting to order at 7:00 p.m.
- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Buckwalter, Gautreau, Handwerk, Kirkner, Reber, and Speck. Also present were: Borough Manager Krack, Solicitor Verwey, Chief Mossman, and Mayor Scoda.
- III. Minutes of Previous Meetings: July 27, 2010 – Mr. Handwerk made a motion to approve the meeting minutes, seconded by Mr. Gautreau, and approved by a vote of 5 to 0 to 1 with Mr. Buckwalter abstaining from voting because he wasn't present.

ON THE QUESTION: Mr. Speck said under communications the spelling of the returning service member is Valko.

- IV. Appointments/Public Resolutions
 1. Consider Approval of the Resolution of Gratitude for Aaron Bilash – Mr. Buckwalter made a motion to approve the resolution, seconded by Mr. Reber, and approved by a vote of 6 to 0. Mr. Kirkner read the resolution into the record.
- V. Public Participation
 - a. Tracy Tackett of 225 Church Street said she sent out an e-mail about amending the parking ordinance for residential permit parking on Church Street. She said we received two parking tickets and one was because they could not get a permit from the Parking Authority. She expressed concern about the Parking Authority not addressing the residents need for parking because it is discouraging. She said we need to be acknowledged and kept in the loop. She said we are getting petitions signed by people who agree with the issues.
 - b. Ed Baker of 217 Prospect Street said there are a lot of children in the area and cars are flying down the street. He said there are no speed limit signs. He said it would be in the best interest of the Borough to get signs. He said another issue is Club 212; it is very intimidating for people to look out their windows and see all the people coming out of the club.
 - c. Mary Stewart of 212 Church Street said she supports Tracey Tackett's comments and if there is anything we can do to help it along we will.
 - d. Deborah Wentworth of 338 Church Street said she spoke to you about enforcing the ordinance regarding the rental issues in the community. She said they are really important to improve the quality of life. She said she is part of the community watch and the top three issues we feel are important are rentals, drugs and vandalism. She said we decided to stick to the landlord issue. She said she knows codes is making progress but the penalties need to be stiffer. She commented that the northside has a problem with blight and other issues. She

said she was proposing to submit to the Policy Committee an ordinance to be established where no rental homes could be within 400 feet of the next buyers. She said we need to stop this influx of rental units.

e. Penny Washington of 300 High Street, Apt. 306 said she respectfully asked what is being done with the issues at King Terrace. She said her concern at King Terrace falls under a responsible landlord matter.

f. Michael Hill of 210 East High Street said he would like to thank the Police Department for additional presence in the north ward. He said he would like to thank the Codes Department for citations issued. He said he respectfully asked that the following buildings be considered abatable structures: 226 High Street, 140C Railroad Street, and 35 Dayton Street. He said the Borough could take them via conservatorship.

g. Pam Dunn of Four Richards Lane said she would like to support the other residents who are here to speak. She said we have been here before. She said she is a cheerleader for Phoenixville. She said the buildings Mr. Hill spoke about aren't having anything done to them. She said she has lived on the northside for 10 years. She said she is sure there are plans for the blighted buildings but they always seem to fall through the cracks. She said the little things make all the difference in the world. She asked if there is some kind of sense of urgency and she is here to stand with the rest of the residents on the north side. She said this has gone on for over 20 years and hopes it won't be any longer.

h. Karen Thompson of 119 High Street said she is here to speak about the vacant buildings on the north side. She said she has been having a lot of issues behind her with the section 8 homes. She said the landlord next to her is not taking care of the properties. She asked Council to revisit the curfew because it is not until 11:00 p.m. which is too late. She said she would like to see the curfew enforced.

i. Richard Listen of 159 Main Street said it is hard for him to imagine how a landlord could not address the issues. He said if the fines are not high enough they aren't going to do anything about it. He said if they are not being cited then they are not being forced to address the issues.

j. Bill Evans of 901 Gay Street said he has concerns with water bill costs. He said waste water is not metered. He asked to appear before a utilities committee. He said some communities offer some programs because water in does not equal water out. He said we could use a dual meter program that would be readable.

VI. Presentations – There were no presentations to come before Council this evening.

VII. Communications

a. Mr. Handwerk said we received the e-mail from Ms. Tackett earlier today regarding residential parking permits and asked that this be placed on the Policy Committee agenda.

b. Mr. Gautreau said thank you to the Public Works Department for addressing the issue of the person losing their keys in a storm sewer.

c. Mr. Krack addressed the issue of mosquito spraying because there was an area in the Borough that tested positive for the West Nile Virus.

d. Mr. Kirkner said he has a letter from Ms. Henrietta Sparano at 218 Church Street who has lived here 40 years. He read the letter.

VIII. Council Participation

a. Mr. Kirkner replied to some of the items brought up under public participation. He said with Mr. Baker and the issues with Club 212 he knows the chief is working with the owner to address issues. He said with Ms. Wentworth he is a resident of the north side which is a big area but the entire area is not blighted. He said he wants to set the record straight that it is only a pocket of areas. He said Ms. Dunn made reference to a master plan and there is no master plan for the north side.

IX. New Business

A. Consider Approval of the Pass Through Agreement for the CDC North Side Rehabilitation Grant – Mr. Gautreau made a motion to approve the pass through agreement, seconded by Mr. Speck, and approved by a vote of 6 to 0. ON THE QUESTION: Mr. Buckwalter asked what kind of staffing the CDC has to administer the grant and who will oversee the projects. (Mr. Krack said Mr. Cassidy is still engaged by the CDC and they have indicated he will administer whatever is necessary. He said the process is going to be mostly handled by the estimator. He said we have sent the information to the Governor's Office of Legal Counsel. He said he feels comfortable that the work is going to get done and there is no cost to the Borough. He said the State is willing to invest \$250,000 in 40 or 50 homes).

Mr. Buckwalter said for the publics' education, what is the area that the houses are in that are getting the grants. (Mr. Krack said most of the projects are around the area of High Street, Railroad Street, Franklin Avenue, Dayton Street, Emmett Street, and St. Marys Street).

B. Consider Awarding the Borough Hall Feasibility Study to the Spiegle Group in the Amount of \$14,500 Based on Staff Recommendation – Mr. Kirkner said he and Mr. Buckwalter had a conversation about this today and said we would like this to go back to the Infrastructure Committee for different sites to be looked at. Mr. Krack questioned the need to be taken back to committee for review. Mr. Krack said there are at least five sites which would be addressed and there could be other potential sites. He said we based our recommendation on the fact that there was a broad spectrum of architectural and engineering firms.

Mr. Speck said he was comfortable moving forward; therefore he made a motion to award the feasibility study to Spiegle, seconded by Mr. Handwerk, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Gautreau asked if Mr. Kirkner and Mr. Buckwalter could elaborate why they wanted to put it on hold temporarily. Mr. Buckwalter said we weren't in receipt of the memorandum which has now addressed some of the items. There was more discussion.

- X. Resolutions: Consider Adoption of a Resolution Adopting Pursuant to Act 46 of 2010 a Fee for Providing Written Verification of the Granting of Approvals and the Approvals Extended Expiration Date – Mr. Kirkner said this is an act of legislature. Mr. Krack gave an overview of the resolution.

Mr. Reber asked for a further explanation. Solicitor Verwey gave additional information on the resolution.

Mr. Reber made a motion to adopt the resolution, seconded by Mr. Gautreau, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Reber asked what were the original fees? Mr. Krack provided an explanation.

XI. Public Hearings:

- A. Consider Adoption of an Ordinance Amending the Code of Ordinances of the Borough of Phoenixville for the Purpose of Adding Part 11 – “Master Schedule of Fees” – to Chapter 1 of the Code of Ordinances of the Borough of Phoenixville – Mr. Kirkner opened up the public hearing. No one wished to speak so he closed the hearing.

Mr. Handwerk made a motion to adopt the ordinance for the “Master Schedule of Fees”, seconded by Mr. Speck, and approved by a vote of 6 to 0.

- B. Consider Adoption of an Ordinance Amending Chapter 15 “Motor Vehicles and Traffic”, Part 4, “General Parking Regulations”, Section 406 “Handicapped Parking Zones by Changing the Number of Handicapped Parking Zones” in the Borough of Phoenixville, Chester County, Pennsylvania – Mr. Kirkner opened up the public hearing. No one wished to speak so he closed the hearing.

Mr. Gautreau made a motion to approve the ordinance for handicapped parking, seconded by Mr. Reber, and approved by a vote of 6 to 0.

- C. Consider Adoption of an Ordinance Amending the Code of Ordinances of the Borough of Phoenixville for the Purpose of Amending Part 10 “Snow and Ice Emergency” to Chapter 15 and Amending Part 7 “Snow and Ice Removal” to Chapter 21 of the Code of Ordinances of the Borough of Phoenixville – Mr. Kirkner opened up the public hearing. No one wished to speak so he closed the hearing.

Mr. Handwerk made a motion to approve the ordinance for the “Snow and Ice Emergency”, seconded by Mr. Gautreau, and approved by a vote of 5 to 1 with Mr. Buckwalter being the dissenting vote.

ON THE QUESTION: Mr. Buckwalter said four inches of snow is not a lot of snow to have to clear off all the roads. He said that would be more of a nuisance.

Mr. Handwerk asked if this was based off of other municipalities. Mr. Krack said that amount is the medium answer and we would be looking for more than four inches.

Mr. Steve Atkins of One Walnut Street said you should err on the side of public safety because even an inch or so can create danger.

XII. Reports of Committees, Boards, Commissions and Authorities

- A. Planning Commission (No Action Memos to come before Council this evening)
- B. Regional Planning Commission – Mr. Kirkner said he has nothing to report.
- C. Parking Authority – Mr. Jim Lolli, Vice Chair of the Parking Authority gave a few updates. He said we have relocated to window number three at Borough Hall. He said we have forwarded some draft policies and job descriptions to Mr. Krack. He said there are still some issues to work out with residential parking and we are trying to find a balance with the parking.

Mr. Gautreau asked if the agenda can be put on the website even if it is the Borough website? Mr. Lolli said we will try to do that.

Mr. Reber asked what steps are being taken to address the residents concerns. Mr. Lolli stated that it is a work in progress and we are trying to address the issues. He said we have opened the Prospect Street lot and the residents can park there after 9:00 for free until 9:00 the next morning.

Mr. Buckwalter felt the \$10 per month for residents to get a permit seems steep. He said maybe \$10 a year would be equitable. Mr. Lolli said it made business sense and seemed fair.

Mr. Reber asked what is the target date for the ordinances to be finalized. Mr. Lolli said we are working with our solicitor on the ordinances and stated it is moving forward.

D. Historical Architectural Review Board

- 1. Consider Approval of the Application for 204 Bridge Street to Install a 24" x 40" Double Sided Protruding Sign (HARB Recommended Approval) – Mr. Reber made a motion to approve the application for 204 Bridge Street, seconded by Mr. Buckwalter, and approved by a vote of 6 to 0.
 - 2. Consider Approval of the Application for 219 Church Street to Replace Rotting Structural and Aesthetic Elements of the Front Porch (HARB Recommended Approval) – Mr. Reber made a motion to approve the application for 219 Church Street, seconded by Mr. Buckwalter, and approved by a vote of 6 to 0.
- E. Council Action referred from Council Committees (None)

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

XIV. Staff Reports

- 1. Manager's Report – Mr. Reber asked how much it would cost to demolish a single house. Mr. Krack said it could range from \$5,000 to \$30,000 depending on the situation. Mr. Krack said we may want to pursue a grant with the County for demolition of specific houses. Mr. Speck asked about the newsletter and said that the fire department hasn't been represented. Mr. Krack said they will be represented in the next newsletter. Mr. Speck asked if they can get on the access channel. Mr. Krack said he could arrange to have them taped for a video presentation.

Mr. Kirkner said we received a \$10,000 grant for the Schuylkill River Heritage trail. Mr. Krack said we are having a meeting next Friday to discuss money that is in CMAQ (Conditional Management Air Quality Grant).

Mr. Reber mentioned the number of code violations. Mayor Scoda said it was mentioned about Mr. Hill and asked about house bill 2188 and if it has passed.

2. Code Enforcement Director's Report - Mr. Gautreau said codes has responded quickly to a couple of calls.

3. Public Works Director's Report

4. Fire Chief's Report

5. Finance Director's Report

6. Mayor's Report – Mayor Scoda said he received a request for a statement of support for the national guard and reserves. He said it is asking for employers of reservists to support them in their duties. He said there is a lot of difficulty with abandoned structures because it is not easy to tear them down. He said the parking problems are very complex and the issues need to be addressed. He said apartments need to have dedicated parking. He said he received a letter from the Reading Phillies regarding a Phoenixville Night on Monday, August 30th where they will be honoring Phoenixville. He said Elaine Smith, former director of the senior center, retired and they are going to honor her on Wednesday, September 29th with a luncheon. He said a relative of Freda Hirsch will have an event in October honoring her.

Other Reports

1. CDC Liaison – No report was given.

2. Fire Department Liaison – Mr. Gautreau said tomorrow night will be the next steering committee meeting. He said we plan on making a recommendation on September 21st. Mr. Speck gave an update on personnel and training issues.

Mr. Kirkner requested that we sign the letter of support for the guard and reserve.

Mr. Buckwalter made a motion to sign the letter of support for the guard and reserve, seconded by Mr. Speck, and approved by a vote of 6 to 0.

XV. Old Business – Mr. Gautreau asked that we keep a former veteran's family (Mr. Dolby) in our prayers because he passed away suddenly.

XVI. Executive Session – Mr. Kirkner said we are going to enter into an executive session to discuss the following: contracts, labor negotiations, real estate, and potential litigation.

XVII. Adjournment – Mr. Handwerk made a motion to adjourn. Meeting adjourned at 9:10 p.m.