

PHOENIXVILLE BOROUGH COUNCIL
Tuesday, August 24, 2010
7:00 PM (MINUTES APPROVED BY BOROUGH COUNCIL SEPTEMBER 14, 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, Kirkner, Reber, and Speck. Also present were: Borough Manager Krack, Solicitor Rau, Chief Mossman, and Mayor Scoda. (Mr. Kirkner stated Ms. Dugan and Mr. Handwerk were not present due to illness and Mr. Senley was also not present).
- III. Minutes of Previous Meetings: August 10, 2010 – Mr. Reber made a motion to approve the minutes, seconded by Mr. Speck, and approved by a vote of 5 to 0.

ON THE QUESTION: Mr. Kirkner said he has a name correction of Balko to Valko. Mr. Gautreau said he has another name correction for the record which is Mr. Dolby not Mr. Dalton that passed away.

- IV. Public Participation – 30 minutes
 - a. Dorene Pasekoff of 224 Morgan Street said she sent an e-mail to Council members yesterday about the foundry and the trail. She said whenever there is an event at the foundry they are telling people not to cross the trail. She said they were told that the foundry owns the trail and the bridge. She said they have an issue with not being able to walk on the trail. She said if this is left unchallenged they can take the trail. She said she would like Council to remind the foundry in writing that the Schuylkill River Trail is public property, they seize blocking the trail during events, seize asserting that they own this property, seize asking people not to use the trail during times of its choosing, and that the foundry management inform their clients that the trail is a public right of way and that people passing through the trail are an urban amenity, not a nuisance.
 - b. Jim Younkens of 300 Nutt Road said he would like to address a couple of issues. He said he has a water issue in the front of his home which is a direct result of PennDot cutting out the new curb. He said this has been going on for six months. He said you need to come up with a way to get rid of the water. He said the intersection has taken on so much water that when cars pass by it hits his home. He suggested some sort of relief sewer on Lincoln Avenue that would take on the water. He said he is asking Borough Council to direct the Borough Manager to do something immediately about this water problem at the intersection of Lincoln and Nutt Road. He said his second issue is the parking on Lincoln Avenue between Nutt Road and Milligan Street. He said it was taken away because of the bus and that is not happening anymore. He said please give us a couple of parking spots back. He said he would ask again that you remove the yellow line and signs in our neighborhood. He said the third issue is the movement of the stop bar back because the problem is the yellow line. He said there also needs to be a no turn sign so people stop there.
 - c. Mr. Richard Listen of 159 Main Street said he was here two weeks ago and expressed concerns about absentee landlords. He said the response of Council did not meet our concerns. He said he is here to reiterate that this is a concern that a number of residents have. He said it would go a long way to raising the quality of life. He asked what has transpired over the last couple of weeks.
 - d. Dennis Wright of Main Street said he would like to thank Phoenixville for allowing us to come into the Borough at Cat Pickering for the Headlock on Healthcare event. He said it was a good time.

e. Michael Hill of 210 East High Street said he is here again to speak about the blighted buildings which are worse in the area of East High and Dayton Streets. He said he would like to thank the codes department for the citations written. He said he would respectfully request that the following buildings be deemed abatable structures: 226 High Street, 140C Railroad Street, and 35 Dayton Street because they are blighted. He said 226 High Street is in danger of collapsing and an accident waiting to happen. He said the building needs to be torn down. He said 140C Railroad doesn't seem structurally sound and is rotting and the foundation at 35 Dayton Street is crumbling. He asked to please have these structures torn down before someone gets injured.

V. Appointments/Public Resolutions – There were no appointments or resolutions.

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

VII. Communications

a. Mr. Reber asked if the foundry has been contacted. (Mr. Krack said the Foundry understands the trail is Borough owned property. He said they were hosting a wedding party and therefore taking pictures. He said his recommendation was to put up some signs that say wedding in progress and asking people to go around. Mr. Buckwalter said the foundry was never supposed to take over the whole site. Mr. Krack said the use of the foundry is for events, catering, etc. He said he doesn't know how we prevent them from being outside. He said the trail is the trail and they don't have ownership of it. Mr. Kirkner said there is a public easement to use the trail. He said he would object to people taking a detour because that is not acceptable. He said if there is any communication to them he would like to see it say that people have a right to pass on the trail. Mr. Speck said he agrees with the Council President.

b. Mr. Buckwalter brought up the issues of the fire insurance on the property (224 Main). Mr. Krack said the ordinance has not been recorded with DCED so there is no true enforcement of that at this time. There was more discussion.

c. Mr. Gautreau said he has asked Mr. Krack to put the blighted properties issue on the Community Development agenda for discussion. Mr. Speck asked the Borough Manager to give us the cost of moving this issue forward. Mr. Reber asked the Borough Manager if he has seen the area. Mr. Krack said we are getting costs for a structural engineer and a cost to take it down. He said his staff is working on over 100 citations every couple of days. He said these properties are on our list.

d. Mr. Speck asked Mr. Watson if he has seen the issue with the water problem on Nutt Road. Mr. Watson said he has been out there during the rainstorms and we have tried to address the issue with our equipment the best we can. He said he doesn't think this was an issue prior to the reconstruction by PennDot.

e. Mr. Speck said coming over the Veterans Memorial Bridge he asked about the signs to turn right onto Bridge Street. (Mr. Krack replied we got the signs).

VIII. Council Participation

a. Mr. Kirkner said Mr. Younkens asked for a no turn on red at Lincoln Avenue and Nutt Road. He said with the issue of parking on Lincoln, is this something we have to go through PennDot for. (Mr. Krack responded). There was much discussion on this topic. Mr. Gautreau spoke to the issue of the traffic on Gay Street going to the high school.

Mr. Gautreau made a motion to have a study done of the parking on Gay Street between Griffen Street and Nutt Road, Monday through Friday from 7am to 5 pm, seconded by Mr. Buckwalter, and approved by a vote of 5 to 0.

ON THE QUESTION: Mr. Reber asked how these studies are done and what the cost is? (Mr. Kirkner replied that this is done by the Police Department; therefore, there is no extra cost to the Borough).

Chief Mossman said since this is your road you can decide tonight if you want to eliminate parking on the one side of Gay Street. He said for a study like this he doesn't know what we would be studying.

Mr. Speck made a motion to have an amendment to have the study tell where the no parking should be and have the ordinance prepared for the next meeting so Council could advertise, seconded by Mr. Gautreau, and approved by a vote of 5 to 0.

ON THE QUESTION: Mr. Reber said he tends to agree and it seems like we are taking away parking from the residents.

b. Mayor Scoda brought up an article from Pottstown about blighted properties. He said there are several bills in the state legislature. He said the article stated the bill was sent to the Urban Affairs Committee so he thought it would be a good idea to send a letter to Senator Dinniman saying that we support this bill and would like to see it acted upon as soon as possible. (Mr. Reber suggested that we put this on the agenda for the next meeting to get more information).

c. Mr. Buckwalter said we need to get in touch with PennDot about the No Turn on Red sign. He suggested Mr. Younkens also talk to State Representative Drucker. Mr. Younkens said he is asking for Borough Council to be his representative. Mr. Krack will work with PennDot on this issue.

IX. New Business

a. Consider Approval of Temporary Community Event Road Closure in the 100 and 200 Block of Bridge Street for Octoberfest/Fire Truck Night on October 1, 2010 from 4:30 to 10:00 p.m. – Mr. Gautreau made a motion to approve the road closure for Octoberfest, seconded by Mr. Speck, and approved by a vote of 5 to 0.

b. Consider Approval of a Letter to the Chester County Commissioners in Support of Releasing Funds for Streetscapes in the 200 Block of Bridge Street - There was no action taken on this item.

c. Mr. Buckwalter said coming out of the Infrastructure Committee the committee voted unanimously for an RFP for the solicitation of bids for the sale of out of Borough water infrastructure, seconded by Mr. Speck, and approved by a vote of 5 to 0.

ON THE QUESTION: Mr. Kirkner said he would like to remind everyone that this is strictly part of the water lines that are under streets in East Pikeland, Schuylkill and Upper Providence Township but nothing is for sale in the Borough of Phoenixville.

X. Resolutions – There were no resolutions to be adopted by Council this evening.

XI. Public Hearings – There were no public hearings to be held by Council.

XII. Reports of Committees, Boards, Commissions and Authorities

A. Planning Commission (No Action Items for Council Approval)

B. Regional Planning Commission – Mr. Kirkner said he had nothing to report.

- C. Parking Authority – Mr. Kirkner said Mr. Lolli resigned and now there are three members on the authority with two vacancies.

Mr. Buckwalter made a motion to accept the resignation of Mr. Lolli, seconded by Mr. Reber, and approved by a vote of 5 to 0.

Mr. Buckwalter made a motion to accept the resignation of Mr. Friday, seconded by Mr. Reber, and approved by a vote of 5 to 0.

- D. Historical Architectural Review Board (No Action Items for Council Approval)
E. Council Action referred from Council Committees

FINANCE COMMITTEE

1. Consider Approval of the Prepays in the Amount of \$709,035.63 (Approved in Committee by a Vote of 3 to 0) – Mr. Reber made a motion to approve the prepaids, seconded by Mr. Gautreau, and approved by a vote of 4 to 0 to 1 with Mr. Buckwalter recusing himself.

ON THE QUESTION: Mr. Buckwalter recused himself because his name is on the list for payment.

2. Consider Approval of the Budget Transfer Requests as follows: (Approved in Committee by a Vote of 3 to 0)
- a. \$12,833.56 for Medical Insurance Reimbursement
 - b. \$ 1,950.00 for Copier Expense
 - c. \$ 500.00 for Additional Testing
 - d. \$ 342.75 for Insurance Allocation Adjustment
 - e. \$ 1,284.00 for Insurance Allocation Adjustment
 - f. \$ 8,088.00 for Insurance Allocation Adjustment

Mr. Speck made a motion to approve the budget transfers, seconded by Mr. Reber, and approved by a vote of 5 to 0.

3. Consider Approval of the Budget Increase Request in the Amount of \$44,253.32 (Approved in Committee by a Vote of 3 to 0) – Mr. Gautreau made a motion to approve the budget increase, seconded by Mr. Reber, and approved by a vote of 5 to 0.

ON THE QUESTION: Mr. Speck asked what this amount is for. (Mr. Krack said it represents unemployment deficits in four departments).

4. Consider Approval of Replacing the V Box Spreader in the Amount of \$6,449 (Approved in Committee by a Vote of 3 to 0) – Mr. Buckwalter made a motion to approve replacing the V box spreader, seconded by Mr. Reber, and approved by a vote of 5 to 0.
5. Consider Approval of Purchasing or Leasing a Dump Truck Using Liquid Fuels Funding (Approved in Committee by a Vote of 3 to 0) – Mr. Buckwalter asked staffs recommendation. Mr. Krack said under liquid fuels you can only spend so much of the funding on equipment. He said we would like to buy the truck outright. There was more discussion regarding this topic.

Mr. Buckwalter made a motion to purchase or lease a dump truck, seconded by Mr. Speck, and approved by a vote of 5 to 0.

6. Consider Approval of Using Temporary Employees in the Streets Department (Approved in Committee by a Vote of 3 to 0) – Mr. Buckwalter made a motion to approve using temporary employees in Streets, seconded by Mr. Reber, and approved by a vote of 5 to 0.
7. Report on the 2010 Budget and 2011 Budget Process – Mr. Kirkner said in the general fund 2010 budget we are projecting a deficit of about \$88,000 which is just about breaking even. He said our department heads have slashed spending by 4.5% to get us to what is a break even proposition for 2010. He said there is a lot of work to be done for the 2011 budget because the preliminary shortfall is \$1.2 million.

Mr. Nease reminded everyone that there is a special Finance Committee meeting on September 7, 2010 at 7:00 p.m. which we recommend that all of Council attend. Mr. Krack said there is a pension plan meeting on September 14th at 6:00 p.m. which will be videotaped.

8. Mr. Reber brought up the topic of the Parking Authority and asked if we can use their information to track down people who are not paying their earned income tax. Mr. Speck respectfully requested that the solicitor not look into this right now until we find out what the Parking Authority is doing.

POLICY COMMITTEE

1. Consider Scheduling and Advertising a Public Hearing for September 14, 2010 for an Ordinance Amending Chapter 15 "Motor Vehicles and Traffic", Part 4 "General Parking Regulations", in the Borough of Phoenixville, Chester County, Pennsylvania for No Parking Between Signs in front of 312 High Street and a No Parking Zone to the Existing Zone at Main and Church Streets (Approved in Committee by a Vote of 4 to 0) – Mr. Gautreau made a motion to schedule and advertise a public hearing for September 14th for the motor vehicle and traffic ordinance, seconded by Mr. Speck, and approved by a vote of 5 to 0.

2. Consider Scheduling and Advertising a Public Hearing for September 14, 2010 to Designate a Map of Certain Areas Labeled FCW, FCE, and LIO within the Borough for Eligibility for Tax Assessment Relief under the Local Economic Revitalization Tax Authority (LERTA) – Mr. Buckwalter made a motion to schedule and advertise a public hearing for September 14th regarding LERTA, seconded by Mr. Gautreau, and approved by a vote of 5 to 0.

Mr. Rau said this is a two step process to hear from interested parties and citizens on designating the map. He said this is the purpose of the first hearing. Mr. Kirkner gave an overview of the areas and the tax break.

3. Consider Scheduling and Advertising a Public Hearing for September 28, 2010 to Amend the Earned Income Tax (EIT) Ordinance With No Exceptions (Approved in Committee by a Vote of 4 to 0) – Mr. Speck made a motion to schedule a public hearing for September 28th for EIT pending final review by staff and the solicitor, seconded by Mr. Gautreau, and approved by a vote of 5 to 0.

ON THE QUESTION: Mr. Buckwalter said this has nothing to do with raising or lowering the tax, just the method of collection. (Mr. Rau said yes).

Mr. Rau suggested that if an amendment is moved that we include the language subject to final solicitor and staff review. He said we have circulated a draft but the regional group is in the process of having meetings.

XIII. Public Participation (con't)

a. David Saneck of 299 Fillmore Street said he has a concern about the sale of outside the Borough franchise areas. He asked if you are advertising that they are for sale. (Mr. Krack said we would be gathering all the information we have on the water lines that currently serve Mont Clare in Upper Providence, East Pikeland, and some in Schuylkill Township) Mr. Saneck asked if we have appraised values. Mr. Kirkner said yes we do from a consultant that we hired. Mr. Saneck asked if you have projections on the revenue loss or gain from that consultant? Mr. Krack said the asset valuation is based on the assets themselves. Mr. Saneck asked if Council has investigated leasing these because he assumes we will be selling bulk water. Mr. Kirkner said that would be up to the purchaser. Mr. Saneck said your marginal units of production generally cost you less and this is something you need to consider. Mr. Kirkner said we are supplying water to them at a loss. Mr. Saneck said he

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

XV. Staff Reports

1. Manager's Report – Mr. Krack reminded everyone that at 11:00 a.m. this Saturday is the rededication of Andre Thornton Park and Monday, August 30th is Phoenixville night at the Reading Phillies. He said he called today about the north side grant which will not require prevailing wage. He said we will be able to get this together quickly. Mr. Speck said can we make sure the people who are getting these funds have their taxes, water, sewer, and trash paid up.

2. Mayor's Report – Mayor Scoda said there was an incident where a four year old child was shot in his own home. He said please do not keep loaded guns in your home. He said it is so much easier to hide bullets than the gun. He said gun locks are available for the public if anybody wants them. He said a couple of years ago we had a gun buy back program which we are looking to have again. He said he vetoed the snow emergency ordinance and to override the Mayor's vote you need six votes. Mr. Rau said the State Borough code says its majority plus one so you need six votes. He said you have an additional 10 days after tonight that you could schedule a special meeting or let the veto stand.

Mr. Reber made a motion to refer this back to the Policy Committee, seconded by Mr. Buckwalter, and approved by a vote of 5 to 0.

Chief Mossman said we now have a DOT inspector on the police force. He said yesterday he went out for the first time on Route 23 and put a truck out of order because of the brake system.

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

Mr. Kirkner said we are going to enter into executive session to discuss real estate, contracts, litigation, and personnel.

XVII. Adjournment – Mr. Buckwalter made a motion to adjourn. Meeting adjourned at 8:56 p.m.