

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

MEETING MINUTES (Approved by Borough Council August 10, 2010)

- I. Invocation/Pledge of Allegiance – Chair – Mr. Kirkner called the meeting to order at 7:03 p.m.

Mr. Krack said Mr. Senley is not here tonight because his father passed away suddenly yesterday. He said Terry Senley was in the Air Force. He asked for a moment of silence in memory of Mr. Senley's father.

- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Dugan, Gautreau, Handwerk, Kirkner, Reber, and Speck. Also present were: Borough Manager Krack, Solicitor Rau, Chief Mossman, and Mayor Scoda. (Mr. Buckwalter and Mr. Senley were not in attendance).

- III. Minutes of Previous Meetings: July 13, 2010 – Mr. Reber said under communications it said someone requested a stop sign at Fourth and Main but actually it was at Third/Fourth and Starr Street. He said his name is also spelled wrong.

Mr. Gautreau made a motion to approve the meeting minutes, seconded by Ms. Dugan, and approved by a vote of 6 to 0.

- IV. Public Participation – 30 minutes
- a. Robb Frees, Chairman, said on behalf of our Executive Director, Barry Cassidy, the Main Street Development Corporation would like to apologize for the recent blog incident. He said we appreciate the public/private partnership.
 - b. Ed Roper of the 200 block of Church Street spoke about enjoying living in Phoenixville and said Phoenixville has done a lot of good things but there is still a lot of room to grow. He said he sees a handful of entities who are not working together. He said what we need is clear leadership from the Borough itself to market the town the right way. He said there are people willing to help.
 - c. Mr. Stephen Atkins of One Walnut Street said in March he applied for a handicapped space. He said the recommendation from the Police was denied. He said the block we are talking about is between Dean Street and Jackson Street. He said we are asking for one by the house. He said we are looking for a reasonable accommodation under the 1984 ADA Act. (Mr. Kirkner said that is an item on our agenda tonight for action).

Mr. Krack said the realities are in the process of getting educated you find out what the laws are.

- d. Karen Thompson of 119 High Street and Karen Bearden said two weeks ago we were here about the Main Street CDC and you said we would get an answer. She said we have complied with everything necessary as homeowners. She said she would like to see the progress continue. (Mr. Kirkner said we did ask the Main Street CDC to deliver specific information to use regarding management of the program. He said from that information we will determine the next step on this).

Mr. Krack said Council has to decide on some contractual issues. He said we have a responsibility to reply to the Governor's Office of Legal Counsel on how certain aspects of this are going to be moving forward which we have to answer. He said it is unfortunate

that you are kind of caught in the process. He said it is going to take a couple of weeks for them to send back their response which could happen within 30 days.

e. David Saneck of 299 Fillmore Street said these questions concern the last Infrastructure Committee meeting and he would like to commend them for wanting to improve the water system. He said that has to be applied to the fee structure. He asked when the asset valuation will become public information. He asked what our cost is to produce 1,000 gallons of water. (Mr. Kirkner said there is no consideration of selling the Borough Water Department). There was more discussion regarding this item. Mr. Saneck said if we keep selling off parts of the system the cost goes up.

f. Paul Kusko of 225 Virginia Avenue said he is here as a member of the Tree Advisory Commission. He said he would like to get the word out that we are seeking property owner comment regarding proposed changes to the Borough owned street trees. He said property owners are invited to make comment at our August 9th meeting at 6:30 p.m. He said if you can't make that meeting comments will also be accepted by calling 610-933-8801 or e-mail sdonato@phoenixville.org.

g. Tony Riley and Michael Hill of 210 E. High Street and Karen Thompson of 119 High Street said we are here again to ask Council to start enforcing the international property maintenance code. He said there are several buildings on our street that are ready to collapse such as 140 Railroad Street and 226 High Street. He said the codes department is not willing to fine these individuals. Ms. Thompson asked about the vacant lot. (Mr. Kirkner said after our walk on the 29th he sent the Borough Manager a list with about eight properties on it. He asked for an update at the next Borough Council meeting).

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

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

VII. Communications

a. Mr. Reber said the Borough was supposed to begin a registration process of all rental properties in the Borough.

b. Mr. Speck said he would like to welcome home Zach Valko from Iraq.

c. Mr. Kirkner said he received a letter from David Friday who is resigning from the Parking Authority. He said if anyone is interested please contact the Borough Manager and submit an application. He said we could act at the first meeting. He said with the apology he asked that the matter with the CDC be put to rest.

VIII. Council Participation

a. Mr. Speck made note that tomorrow is Mr. Gautreau's birthday.

b. Mr. Gautreau asked if there is an update on the intersection of 29 and 23 by the Pizza Box from PennDot. (Mr. Krack said PennDot is not going to change it).

IX. New Business

a. Consider Approval of Temporary Community Event Road Closure in the 200 Block of Church Street on August 3, 2010 for National Night Out – Mr. Reber made a motion to approve the road closure for August 3, 2010, seconded by Mr. Handwerk, and approved by a vote of 6 to 0.

b. Consider Approval of Temporary Community Event Road Closure in the 200 Block of Bridge Street and the Main/Bridge Street Parking Lot on August 28, 2010 for Phoenixville Bike Day/Motorcycle Exhibit – Mr. Gautreau made a motion to approve the road closure for August 28, 2010, seconded by Mr. Handwerk, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Reber asked if this was taking up the entire lot and Mr. Kirkner said he believes it is.

- X. Resolutions – There were no resolutions to come before Council for approval.
- XI. Public Hearings – There were no public hearings to be held this evening.
- XII. Reports of Committees, Boards, Commissions and Authorities
 - A. Planning Commission (No Items to Take Action on this Evening)
 - B. Regional Planning Commission – Mr. Kirkner said he has nothing to report.
 - C. Parking Authority – Mr. Abbott said in the last five weeks there has been a lot of change. He said we have added parking in the Prospect lot and added parking on Church Street. He said we have terminated the administrator and will be hiring public customer service representatives. He said we would like to move to Borough Hall for about three months. Mr. Reber asked when will the policies and ordinances be to the Policy Committee. (Mr. Abbott said we are communicating with Tony Verwey and it is a work in progress).
 - D. Historical Architectural Review Board (No Items to Take Action On this Evening)
 - E. Council Action referred from Council Committees

FINANCE COMMITTEE

1. Consider Approval of the Prepays in the Amount of \$467,161.09 (Approved in Committee by a Vote of 3 to 0) – Mr. Handwerk made a motion to approve the prepaids, seconded by Ms. Dugan, and approved by a vote of 6 to 0.
2. Consider Approval of the Budget Increase Requests in the Amount of \$12,224.26 (Approved in Committee by a Vote of 3 to 0) – Mr. Reber made a motion to approve the budget increase, seconded by Mr. Handwerk, and approved by a vote of 6 to 0.
3. Consider Approval of the 2011 Budget Schedule (Approved in Committee by a Vote of 3 to 0) – Mr. Gautreau made a motion to approve the budget schedule, seconded by Mr. Reber, and approved by a vote of 6 to 0.
4. Consider Approval of Putting Out an RFP for a Loan for Water Treatment Projects (Approved in Committee by a Vote of 3 to 0) – Mr. Reber made a motion to approve putting out an RFP for a loan to include the hypochlorite system, seconded by Mr. Gautreau, and approved by a vote of 6 to 0.
5. Consider Approval of Working with DCED and the Financial Advisor to Breakout the Self Liquidation Debt of the Water and Waste Water Fund from the Borough General Obligation Debt (Approved in Committee by a Vote of 3 to 0) – Mr. Reber made a motion to approve working with DCED, seconded by Ms. Dugan, and approved by a vote of 6 to 0.
6. Consider Approval of Giving the Finance Director Authority to Notify Centax that Keystone will be the EIT and LST Tax Collector for the County and Phoenixville Next Year (Approved in Committee by a Vote of 3 to 0) – Mr. Handwerk made a motion to approve giving the finance director authority to make notification to Centax, seconded by Mr. Reber, and approved by a vote of 6 to 0.

ON THE QUESTION: Mayor Scoda said he would like to know the reason why.

Mr. Kirkner said with the change in state legislation we are going to county wide collection. He said there will be one collector for the consortium.

7. Consider Allowing the Parking Authority to Lease Space in Borough Hall for a Period Not to Exceed Three Months by Authorizing Staff to Negotiate a Lease Rate with the Parking Authority – Mr. Gautreau made a motion to allow the Parking Authority to lease space in Borough Hall, seconded by Ms. Dugan, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Reber said he doesn't remember this being recommended from committee.

POLICY COMMITTEE

1. Consider Scheduling and Advertising a Public Hearing for August 10, 2010 to Consider Adoption of an Ordinance Amending Chapter 1 "Administration and Government" by Adding a New Part 11 "Master Schedule of Fees" to the Code of Ordinances of the Borough of Phoenixville (Approved in Committee by a Vote of 3 to 0) – Mr. Handwerk made a motion to advertise the public hearing for the "master schedule of fees", seconded by Mr. Reber, and approved by a vote of 6 to 0.

2. Consider Scheduling and Advertising a Public Hearing for August 10, 2010 to Consider Adoption of an Ordinance Amending Chapter 15 "Motor Vehicles and Traffic", Part 10 "Snow and Ice Emergency" and Amending Chapter 21 "Streets and Sidewalks", Part 7 "Snow and Ice Removal" to the Code of Ordinances of the Borough of Phoenixville (Approved in Committee by a Vote of 3 to 0) – Mr. Handwerk made a motion to advertise the public hearing for "snow and ice removal", seconded by Mr. Gautreau, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Reber asked if this is all new or just specific changes.

Mr. Krack said it is changing certain aspects such as when snow emergencies are declared. He said there is a provision to allow for shoveling of snow on sidewalks.

Chief Mossman asked about the parking lots and it was stated it will include the Parking Authority lots.

3. Consider Accepting the Police Department Recommendation for a Handicapped Parking Sign at the Following Locations: 241 Fourth Avenue, One East Walnut Street, and 14 East Walnut Street and to Advertise and Schedule a Public Hearing for August 10, 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. Reber made a motion to advertise a public hearing for handicapped parking signs, seconded by Mr. Handwerk, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Reber made a comment about the Walnut Street application.

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

XIV. Staff Reports

1. Manager's Report – Mr. Krack said we are going through fiduciary responsibilities and are looking at September 14th to have a training session. He said he would like to ask Ms. Dugan to cancel the recreation meeting which would allow us to have everybody come in that night to have a training session. He said he would ask that this be videotaped.

Mr. Handwerk made a motion to videotape the training session, seconded by Mr. Reber, and approved by a vote of 6 to 0.

Mr. Krack said Mr. Reber had asked some questions about the rental ordinance and how that is moving forward and said this is not the cure all of rental units, but a process. He said we don't have the ability personnel wise to take care of all the issues.

2. Mayor's Report – Mayor Scoda said he sees more bikes on the streets and encouraged kids to wear helmets and use lights at night. He said it is a state law that bikes need to have a light in both the front and back. He said Friday, August 6th is the Kiwanis Duck Race. He said national night out is being handled by town watch.

XV. Executive Session – Council entered into executive session at 8:39 p.m. Council reconvened at 10:50 p.m. Mr. Kirkner said in executive session we discussed litigation and personnel matters.

Mr. Gautreau made a motion to authorize the CDC to administer the Housing and Redevelopment Assistance Program Grant subject to compliance with the State and its conditions and subsequent Council approval of a pass through agreement acceptable to the Borough, seconded by Mr. Speck, and approved by a vote of 4 to 2 with Ms. Dugan and Mr. Handwerk being the dissenting votes. (Mr. Handwerk asked for a roll call vote).

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Gautreau, Reber, Speck, and Kirkner

NO - Dugan and Handwerk

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

XVII. Adjournment – Mr. Handwerk made a motion to adjourn. Meeting adjourned at 10:52 p.m.