

**PHOENIXVILLE BOROUGH COUNCIL**  
**Tuesday, July 13, 2010**  
**7:00 PM**

**MEETING MINUTES (Approved by Borough Council July 27, 2010)**

- I. Invocation/Pledge of Allegiance – Chair – Mr. Kirkner called the meeting to order at 7:02 p.m.
- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Buckwalter, Dugan, Gautreau, Handwerk, Kirkner, Reber, Speck, and Senley. Also present were: Borough Manager Krack, Solicitor Rau, Lt. Sjostrom, and Mayor Scoda.
- III. Minutes of Previous Meetings: June 8, 2010 and June 22, 2010 – Mr. Senley made a motion to approve the meeting minutes of June 8, 2010, seconded by Mr. Gautreau, and approved by a vote of 8 to 0.

Mr. Speck made a motion to approve the meeting minutes of June 22, 2010, seconded by Mr. Gautreau, and approved by a vote of 7 to 1 with Mr. Senley being the dissenting vote.

ON THE QUESTION: Mr. Kirkner said as one who was here that evening, he does not see any inaccuracies in the minutes as to what occurred at the meeting.

- IV. Public Participation – 30 minutes
  - a. Deborah Wentworth of 338 Church Street said she is the co-chair of the Community Watchband. She said she and her husband moved to Phoenixville five years ago and came here because of the possibilities. She said drug users moved in next door last year. She said Council passed two resolutions in December (Fair Housing and International Property Maintenance Code). She said we are working very hard to try and get these enforced but we need more code enforcement and police officers. She said we want to help get this area cleaned up. She said we would like to see fees for violations increased.
  - b. Tracy Tackett of 225 Church Street said the parking situation is still a nightmare for the residents. She said she has two babies and has to park a block and a half from her house. She said we have invested in this community and this is getting unbearable. She said she knows the parking authority is reorganizing. She said she is concerned about parking authority problems and the fact that the parking lots are empty. She said at a certain point we may need to address this issue for the cost.
  - c. Karen Thompson of 119 High Street and Tony Riley of 210 High Street said we have a lot of old buildings that are vacant and not addressed which are causing problems with unwanted visitors. She said there are drug dealers. She said we sent a request to code enforcement in May and haven't heard anything. She said the children are out past curfew. Mr. Riley said his concern is about the problems in the area of run down homes. He said citations are not being issued for trash or run down properties. He said there were girls outside running around and yelling

past one in the morning. He said on weekends this is a high area for drug dealing at High and North Streets.

d. Michael Hill of 212 East High Street said he has been in contact with codes since May and the items are not being followed up on.

e. Karen Bearden of 232 St. Marys Street said she is here about the Main Street CDC Program involving property improvement/rehabilitation. She said there were three phases to this. She said they have now placed this on hold. (Mr. Krack said he told the CDC not to take any checks because there was no signed contract. He said the program is funded and we need to figure out how we are going to administer this program. He said we now have the guidelines and contract from the state that we have to adhere to. He said the contract and check arrived last Friday. He said the Borough was not aware that the CDC had taken checks from residents. Mr. Kirkner said Council has to make a decision about how to move forward and we have to do that here.

f. Denise Mellon of 114 Marshall Street said there is a lot of drug activity on the north side. She asked if there is an easier way of calling somebody other than 911? She asked if the police could ride around more frequently.

g. Ed Roper of the 200 block of Church Street said with the recent shakeup of the CDC director he doesn't know where Council is going with this. He said he thinks there was a monopoly of one person handling all the events in the community and there is no reason for that. He said there are ways to build a community without one person doing it all. He said there are people who care and are willing to help.

h. Paul Wentworth of 338 Church Street said he was here three weeks ago about not enough police in the Borough. He said there is a grant to get two or three more police and asked the status of that. (Mr. Kirkner said the grant has been filed and is for three officers and there is heavy competition because other communities have laid off officers). He said Council did pass the rental ordinance and more pressure needs to be put on the landlords.

Mayor Scoda said we were not chosen in the first round so we are resubmitting another grant. He said we have also applied in the past for similar grants.

#### V. Appointments/Public Resolutions

1. Consider Reappointment of Paul Kusko to the Tree Advisory Committee – Term Expiration Date June 2015 – Mr. Handwerk made a motion reappoint Paul Kusko to the Tree Advisory Committee, seconded by Mr. Senley, and approved by a vote of 8 to 0.

ON THE QUESTION: Mayor Scoda said having Mr. Kusko on the commission has been such an asset, as well as the entire commission.

2. Consider Approval of the Resolution of Gratitude for Conor Cummins – Mr. Gautreau made a motion to approve the resolution for Conor Cummins, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

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

#### VII. Communications

- a. Marc Reber said he had residents approach him about having a stop sign at Third/Fourth Avenue and Starr Street.

b. Mr. Gautreau said Mr. Stephen Baker, who lives on Prospect Street, is concerned about Club 212 with rioting, etc. and feels someone could really get hurt.

c. Mr. Speck said he would like to comment on the parking authority and the parking lot. He said he would ask them to look at the parking lot for emergency responders and people with young children. He said there have been some calls about the construction of the middle school and there will be a meeting Monday morning to discuss this. He said his last issue has to do with the fire company and his continued gathering of knowledge. He said he appreciates what these volunteers do and has a concern about the false alarms at Kings Terrace.

d. Mr. Kirkner said the CDC was prepared at the last meeting to give an apology and Mary Foote appeared to give that. He said he asked the CDC to appear tonight. He said the executive director removed the comments and sent an apology to the individual. He said Anthony Verwey has been named as a principal at Unruh Turner Burke and Frees. He said Mr. Jim McMaster, Solicitor for the Regional Planning Commission, said the state budget has a provision to extend development related permits from December 31, 2008 to July 2, 2013 so permits will have a longer life due to the economy. He said he received correspondence from the Housing Authority that they are applying for community development block grant funds for Fairview Village. He said he received a letter from the Chester County Planning Commission regarding an item on the agenda. He said he received a letter from Marcus & Hoffman, PC which is a Right to Know request and should be directed to the Borough Manager. He stated that National Night Out is August 3<sup>rd</sup>.

#### VIII. Council Participation

a. Mr. Kirkner informed Council that Mr. Handwerk has asked to step down from the Infrastructure Committee because of a work commitment and Mr. Reber has agreed to take his place.

Mr. Gautreau asked if Mr. Roper could serve on the Community Development Committee and Mr. Kirkner responded yes.

#### IX. New Business

a. Consider Approval of Waiving the Application Fee in the Amount of \$250 for the Third Annual Relay for Life Canines for a Cure Event on Sunday, October, 3, 2010

Mr. Buckwalter asked if we have done this before and if this falls within the guidelines.

Mr. Buckwalter made a motion to waive the application fee for Canines for a Cure, seconded by Mr. Handwerk, and approved by a vote of 8 to 0.

b. Consider Approval of Waiving the Permit Application Fee of \$404 for the Phoenixville Senior Adult Activity Center for their Roof Replacement – Mr. Buckwalter made a motion to waive the permit fee for the Senior Center, seconded by Mr. Handwerk, and approved by a vote of 8 to 0.

- X. Resolutions – There were no resolutions to come before Council this evening.
- XI. Public Hearings – There were no public hearings to be held this evening.
- XII. Reports of Committees, Boards, Commissions and Authorities
  - A. Planning Commission
    - 1. Consider Adoption of a Resolution Approving the Land Development Plan of 498 Nutt Road to Construct One Story, 6' Wide Additions to Both the East and South of the Building Known as the Fountain Inn (Approved by the Planning Commission by a Vote of 7 to 0) – Mr. Kirkner asked the applicant to give an overview of the project which was given by Matt Shartran representing Boller Engineering. He said we would like to get under construction as soon as possible. There was a period of questions.

Mr. Senley made a motion to approve the resolution for 498 Nutt Road, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

Mayor Scoda said with the Starbucks plan it had called for two apartments

Mr. Kirkner mentioned that the County Planning Commission also approved the application. (Mr. Senley asked if the issues in the County Planning Commission letter were addressed in the resolution). Mr. Kirkner replied they were not.

- 2. Consider Whether or Not to Oppose the Application for 347 Bridge Street who is Requesting a Two (2) Year Extension on the Life of a Variance Pursuant to Section 3506.4 of the Phoenixville Zoning Ordinance (Planning Commission Recommended that Council Not Oppose the Application by a Vote of 5 to 0)

Mr. Rau said the permits law did extend the permits as of 1/1/2009 extension of the life of the variance to July 2010. He said Council may wish to take a position on this.

Mr. Senley made a motion to not oppose the application, seconded by Mr. Handwerk, and approved by a vote of 8 to 0. Mr. Senley suggested that the economic conditions warrant this.

- B. Regional Planning Commission – Mr. Kirkner said he has nothing new to report.
- C. Parking Authority – Mr. Kirkner said the next meeting is Thursday, July 15 at 6 p.m. at 140 Church Street.
- D. Historical Architectural Review Board
  - 1. Consider Approval of the Application for 35 East Bridge Street to Install Two 10' x 3' Maroon and Gold Vinyl Overlay Lettering on ¾" Thick Sign Board (HARB Recommended Approval) – Ms. Dugan made a motion to approve the application for 35 East Bridge Street, seconded by Mr. Senley, and approved by a vote of 7 to 0. (Mr. Buckwalter stepped out for a few moments)
  - 2. Consider Approval of the Application for 243 Bridge Street to Install a 24" x 36" x 182" Sign Affixed to the Building using Existing Holes (HARB Recommended Approval) – Ms. Dugan made a motion to approve the application for 243 Bridge Street, seconded by Mr. Senley, and approved by a vote of 7 to 0.

3. Consider Approval of the Application for 260 Bridge Street (HARB Recommended Denial) – Ms. Dugan made a motion to deny the application, seconded by Mr. Gautreau, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Senley asked about the denial. Ms. Dugan gave an explanation. Mr. Speck asked what happens if no action is taken. Mr. Kirkner said he believes this sign should be turned down anyway. (There was much discussion on this application).

4. Consider Approval of the Application for 220 Church Street to Stucco the Exterior of the Building, Replace the Windows and Gutters, and Install a 4" Downspout (HARB Recommended Approval) – Ms. Dugan made a motion to approve the application for 220 Church Street, seconded by Mr. Senley, and approved by a vote of 7 to 0.

E. Council Action referred from Council Committees

**FINANCE COMMITTEE**

1. Consider Approval of the 2010 Prepays Dated 5/16/2010 to 6/12/2010 in the Amount of \$699,779.45 (Approved in Committee by a Vote of 3 to 0) – Ms. Dugan made a motion to approve the prepaids, seconded by Mr. Reber, and approved by a vote of 8 to 0.
2. Consider Approval of the Budget Transfer Request in the Amount of \$1,000.00 (Approved in Committee by a Vote of 3 to 0) – Ms. Dugan made a motion to approve the budget transfer, seconded by Mr. Reber, and approved by a vote of 8 to 0.
3. Consider Approval to Authorize Staff to File a Lien on Delinquent Accounts when that account reaches \$500 or the time for filing a lien will expire, whichever comes first (Approved in Committee by a Vote of 3 to 0) – There was much discussion before a motion was made.

Mr. Senley made a motion to authorize staff to file liens on delinquent accounts, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

**COMMUNITY DEVELOPMENT**

1. Consider Approval of a Resolution Adopting the Pennsylvania History Bill of Rights (Approved in Committee by a Vote of 3 to 0) – Mr. Kirkner gave a review.

Mr. Senley asked why does this body need to make this motion and questioned the motivation behind this. He said he doesn't know enough to say yes. (Mr. Kirkner said the State Historical Commission is asking for support which isn't going to cost us anything).

Mr. Gautreau made a motion to approve the resolution for the PA History Bill of Rights, seconded by Ms. Dugan, and approved by a vote of 7 to 1 with Mr. Senley being the dissenting vote.

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

XIV. Executive Session – Mr. Krack asked to do the Manager's report before entering into executive session.

## XV. Staff Reports

1. Manager's Report – Mr. Krack talked about escrows for development, specifically for the Phoenixville Hospital for a site improvement bond in the amount of \$6.4 million. He said they have asked us to release this bond. He said there is a sanitary sewer line that is on their property and they would have a deed of dedication. He said they would have to post a maintenance bond in the amount of about \$10,000. Mr. Krack spoke about the active grants. He said there is a draft proposal from SEPTA to bring the 205 bus to the Borough. He said he is working on an RFP for Borough Hall. He discussed the Schuylkill River Trail easements. (Mr. Buckwalter asked about the Colonial Anchor grant and said that needs to be added to the grant sheet).

Mr. Buckwalter made a motion to authorize the President to sign the release of the hospital bond, seconded by Mr. Senley, and approved by a vote of 8 to 0.

2. Code Enforcement Director's Report

3. Public Works Director's Report

4. Fire Chief's Report

5. Finance Director's Report

6. Mayor's Report – Mayor Scoda said the Police report is in the packet. He read a letter of appreciation from Chester County Parks and Recreation for traffic support near Black Rock and a letter from the Chief to the Jaycees thanking them for the \$2,000 donation. He said Freda Hirsh retired after 59 years as a business woman in the Borough and thinks it would be nice to honor her with a resolution from Council. He spoke about the fireworks and said they were excellent. He said there is a problem downtown that needs to be addressed with needing more control of the sidewalk cafes because there is not enough walking space. He said there is still a need for clean up in the downtown area with the empty storefronts. He said it is now day 85 and the gulf oil spill is still going on. He talked about the damage to Reeves Park and said we need to use other items to replace the benches. He said money needs to be devoted to Reeves Park to get it fixed up.

### Other Reports

1. CDC Liaison – No report was given.

2. Fire Department Liaison – Mr. Gautreau said next Wednesday at 6:30 will be the next Steering Committee meeting and by the end of the summer we hope to have a recommendation. He said Ms. Lorraine Shell is our chairperson.

XVI. Old Business – Mr. Senley said during public participation you indicated we should take some action on the north side investment project. (Mr. Kirkner said that would be something we discuss in executive session). He asked about the CDC coming to Council with an apology and understands there was no quorum at the last meeting.

Mr. Speck made a motion to have the issue be closed. Motion died for lack of a second.

XVII. Executive Session – Council entered into executive session at 9:20 p.m. Mr. Kirkner said we discussed the following: contracts, potential litigation, personnel, and real estate.

Mr. Senley made a motion to place a hold on the northside façade improvement program pending a financial accounting and program process explanation from the CDC to be provided by 12 noon on Tuesday, July 20<sup>th</sup> at Borough Hall and that the CDC shall not accept applications or resident funds pending further Borough authorization, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

XVIII. Adjournment – Mr. Handwerk made a motion to adjourn. Meeting adjourned at 10:56 p.m.