

**PHOENIXVILLE BOROUGH COUNCIL**  
**Tuesday, June 8, 2010 (Approved by Borough Council July 13, 2010)**  
**7:00 PM**

- I. Invocation/Pledge of Allegiance – Chair – Mr. Kirkner called the meeting to order at 7:00 p.m. with a moment of silence for Mrs. Sophie Nattle who was a longtime resident on the north side of Phoenixville and the mother of three Borough workers.
- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Buckwalter, Dugan, Gautreau, Handwerk, Kirkner, Reber, Senley, and Speck. Also present were: Borough Manager Krack, Borough Solicitor, Chief Mossman, and Mayor Scoda.
- III. Minutes of Previous Meetings: May 25, 2010 – Mr. Gautreau made a motion to approve the minutes, seconded by Mr. Senley, and approved by a vote of 8 to 0.
- IV. Mr. John Lorusso of the VFW presented a certificate and letter of accommodation for the hard work of the Borough employees for the renaming ceremony of Veterans Memorial Gay Street Bridge. He said the employees hard work is not overlooked.
- V. Public Participation – 30 minutes
  - a. Barry Cassidy, Main Street CDC Director of 204 Bridge Street, said he told the HARB he would come and bring attention to item #6 and said the HARB is strongly opposed to that.
  - b. Vince Jacianis, owner of 100 North Bank Street, said he is not looking to bump out the windows or destroy the structure in any manner. He said it is a simple modification that he is requesting to have done. He said he isn't facing any other business. (Mr. Kirkner accepted the pictures).
  - c. Ed Rocher of the 200 block of Church Street said he believes the leadership has completely dropped the ball on the parking issue. He said the communication with the citizens is minimal at best. He said he researched this area extensively before coming here and found no news of the upcoming regulations. He said the meetings held at 5:00 p.m. are not convenient for the hard working residents of the town.
  - d. Annie Hunter of 501 Mason Street (French Creek Manor) said she called Dave Boelker the week before Memorial Day about the weeds. She said we shouldn't have to call every year to get the weeds trimmed.
  - e. Jim Evans of Two Emmett Street said he has lived in Phoenixville for 36 years. He said back in a day he served on an advisory committee for revitalization in the downtown. He said one of the ongoing issues is parking downtown. He said Phoenixville is one of the communities that real estate has not dropped. He said he is appreciative and applauds the downtown parking effort. He said we need long term solutions like parking that is affordable but until we get to that there will be conflict and pain but we had to do this to keep up the land values.
  - f. David Saneck of 299 Fillmore Street asked the hours of closure for item e under new business for the bike race. He asked if there was something that could be done to keep Franklin Avenue partially open during the race and asked Council to consider this issue seriously.
  - g. Melissa Ballick said she lives at the corner of Main and High Street and wanted to point out that a lot of people are here tonight because of the parking situation. She said we feel like we haven't been heard very much. She said Phoenixville is a town where the residents are the customers except for Friday nights. She said Barry Cassidy is so disrespectful to the residents and wonders why one person has all this power. She said it seems that the parking authority only has the businesses in mind for parking.
  - h. Manny DeMutis said he knows that the parking is an incredible change. He said the conflict between the residents needs and the business needs are real and need to be addressed. He said we have just started this and there will be adjustments that need to be made. He said there are a lot of changes happening, we just don't know what all of them will be and that we are far from our goals. He said our town is defined by three things - our high school, hospital, and the downtown. He said he hopes you trust the people that you appointed to the Parking Authority.
  - i. Liza Houck of Church Street said since the parking meters have been implemented in the parking lot across from her home it has been a trial to park. She said the parking lot is always empty

except in the off hours. She said she understands Phoenixville needs revenue but could we have the parking so that it makes sense from 9 to 5.

j. David Friday of 365 Second Avenue said he has owned his home there for 10 years and has a business on Bridge Street for the last three years. He said he was talking with a resident on Main Street that said since 1977 he has been renting a space behind the firehouse because he wanted to leave the space for the customers. He said the streets on Bridge Street are free from 6 p.m. until 10 a.m. the next day.

- VI. Appointments/Public Resolutions: Consider Appointments to the Parking Authority – Mr. Kirkner said there is one vacancy on the Parking Authority and there is also a term that has expired. He said there is an individual he would like to appoint to the vacant term which was held by Adam Deveney. He said he would like to recommend the appointment of Anthony DiGirolomo because he has background in municipal finance and understands accounting procedures.

Ms. Dugan made a motion to appoint Anthony DiGirolomo to the Parking Authority, seconded by Mr. Reber, and approved by a vote of 7 to 1 with Mr. Speck being the dissenting vote.

ON THE QUESTION: Mr. Senley said you mentioned the financial responsibility but does the Parking Authority have an appointed treasurer or fiscal authority? (Mr. Kirkner said he is not aware of that role either and said Council has limited authority when it comes to the Parking Authority).

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Buckwalter, Dugan, Gautreau, Handwerk, Reber, Senley, and Kirkner

NO - Speck

Mr. Kirkner asked to appoint Victor Hurdle to the Parking Authority with his term expiring April 2015. He said Mr. Hurdle is an HR Analyst with SEI Investments and besides being a resident of downtown Phoenixville he thinks he has a lot of resources. He asked Council to confirm his appointment.

Mr. Handwerk made a motion to appoint Victor Hurdle to the Parking Authority, seconded by Mr. Senley, and approved by a vote of 7 to 1 with Mr. Reber being the dissenting vote.

ON THE QUESTION: Mr. Reber said he would appreciate a little more time with this. (Mr. Kirkner said you could make a motion to table the appointment or vote no).

Mr. Reber made a motion to table. (Motion died for lack of a second). A roll call vote was asked for.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Dugan, Gautreau, Handwerk, Senley, Speck, Buckwalter, and Kirkner

NO - Reber

Mr. Krack said just a clarification on Mr. DiGirolomo's appointment, Mr. Deveney's term was a five year term so that would make it April 15, 2013.

Mr. Kirkner said he would like to make an announcement that the Borough is accepting applications for the Emergency Response Coordinator. He said this person oversees some kind of disaster such as a flood or other major evacuation.

VII. Presentations

- a. 422 Corridor Master Plan Presentation – Ms. Natasha Manbeck and Justin Smiley from the Chester County Planning Commission, and Jerry Coyne from DVRPC are here this evening because Phoenixville is one of 24 municipalities that is included in the U.S. 422 corridor plan. She said although 422 does not cross through the Borough, it definitely has an influence on the

Mayor Scoda said you speak of Phoenixville as an urban area in the plan and when you look at Chester County there are really no big cities. He said he doesn't see that Landscapes really addresses this. Ms. Manbeck said Landscapes II has a lot of goals and policies and is a vision for the future. She said the County has tried to assist the urban areas. Mr. Krack said only boroughs receive monies from the revitalization programs and we have received over \$4 million dollars. He said it is fair to say that the County has put money into the infrastructure.

Mr. Kirkner said thank you for the presentation. He said he looked at a lot of the things in here and sees a lot of potential tools. He said East Vincent is talking about dropping out of the regional plan which will leave a gap between the Pottstown and Phoenixville region.

Ms. Manbeck said we do encourage the Borough to endorse the 422 Master Plan by adopting a resolution. She said this may help to gain intergovernmental assistance for grants.

- b. Audit Presentation by Maillie Falconiero – Mr. Ed Furman gave an overview of the audit. Mr. Kirkner said there seem to be some issues with grant revenue and questioned that. There was some discussion regarding this.

#### VIII. Communications

- a. Mr. Speck said that the Route 139 Septa bus will discontinue service on the north side due to low ridership. He said there is a meeting at Borough Hall on June 23rd at 2:00 p.m. to discuss this. Mr. Krack said he did receive a snapshot of the ridership and it is remarkably low but we don't want to support cutting off the north side.
- b. Mr. Reber said a resident is requesting a stop sign at First Avenue and Main Street. Mr. Kirkner asked that this be added to the Policy Committee and asked the chief to do a study.
- c. Mr. Kirkner said he received a letter from DVRPC which was included in your packets about a meeting tomorrow evening which he will attend on long range planning. He said we received a letter from PASD that they would not be continuing the use of the school resource officer.

IX. Council Participation – There were no members of Council wishing to participate at this time.

#### X. New Business

- a. Consider Approval of Request from Holy Family School to Waive Fees in the Amount of \$430 (Including a \$250 Security Deposit) for Two Events on June 15 (Reeves Park Picnic) and June 17 (Third Avenue Closure) – Mr. Handwerk made a motion to waive the fees for Holy Family School, seconded by Ms. Dugan, and approved by a vote of 7 to 0 to 1 with Mr. Gautreau abstaining.
- b. Consider Approval of Temporary Community Event Road Closure on North Main Street for the Firebird Festival on December 11, 2010 – Mr. Handwerk made a motion to approve the road closure for the Firebird Festival, seconded by Mr. Senley, and approved by a vote of 8 to 0.
- c. Consider Approval of Temporary Community Event Road Closure on Third Avenue from Buttonwood to Jones Street for the Holy Family Fun Day on June 17, 2010 – Mr. Buckwalter made a motion to approve the road closure for the Holy Family Fun Day, seconded by Mr. Senley, and approved by a vote of 8 to 0.
- d. Consider Approval of Temporary Community Event Road Closure on North Street between Penn and St. Mary's Streets for a Summer Block Party on June 19, 2010 – Mr. Buckwalter made a

motion to approve the road closure for the summer block party, seconded by Mr. Senley, and approved by a vote of 8 to 0.

e. Consider Approval of Temporary Community Event Road Closure on Franklin Avenue, Fillmore Street, South Street, and Grant Street for the Phoenixville Criterion on August 22, 2010 – Mr. Buckwalter asked what are the implications of closing these roads as requested. Mr. Kirkner said he lives right in the middle of this area so he does have a vested interest although this is not a conflict, this is a nine hour closure of these roads. Mr. Krack noted that he signed off on this back in April and Council didn't change the policy until May. He said if Council does not approve this staff will respond accordingly. Discussion continued. Mr. Senley said that in the future he would not support the event.

f. Consider Approval of Temporary Community Event Road Closure on North Main Street for the Fourth of July Fireworks on July 4, 2010 – Mr. Buckwalter made a motion to approve the road closure for the July 4<sup>th</sup> Fireworks, seconded by Mr. Senley, and approved by a vote of 8 to 0.

XI. Resolutions – There were no resolutions to be approved by Council this evening.

XII. Public Hearings – There were no public hearings to be held this evening.

XIII. Reports of Committees, Boards, Commissions and Authorities

A. Planning Commission (No Action Memos to Act on for this Meeting)

B. Regional Planning Commission – Mr. Kirkner said that we received an estimate for changing the regional plan to accommodate East Vincent exiting the plan. He said the estimate is \$11,444.33 per municipality and none of the six municipalities have budgeted this. He said it is a one year process to make the change.

C. Parking Authority – Mr. Cassidy said we have received preliminary information from weights and measures that we are not subject to this because we are on an atomic clock. He said there was some question concerning the charge on the resident lot and we asked that the solicitor review this. Mr. Kirkner asked that they use their solicitor. He said next Thursday we are going to have our committee meeting for the residents.

D. Historical Architectural Review Board

1. Consider Approval of the Application for 184 Bridge Street to Install One (1) 24" x 42" Double Sided Hanging Sign and Install a 78" x 36" x 36" "Shed" Style Black Vinyl Awning – Ms. Dugan made a motion to approve the application for 184 Bridge Street, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

2. Consider Approval of the Application for 238 Bridge Street to Install a 22" x 22 Exhaust Fan to the Roof at Rear Entry – Ms. Dugan made a motion to approve the application for 238 Bridge Street, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

3. Consider Approval of the Application for 324 Bridge Street to Re-letter Existing Sign Panels with Vinyl Graphics and Install a 30" x 72" Single Aluminum Panel Sign Mounted to Storefront – Ms. Dugan made a motion to approve the application for 324 Bridge Street, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

4. Consider Approval of the Application for 121 Church Street to Install a New Metal ADA Ramp and Wood Door, Install a New Walkway Link, Install a Seasonal Awning, and Replace Existing Aluminum and Glass Doors with Like Kind – Ms. Dugan made a motion to approve the application for 121 Church Street, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

5. Consider Approval of the Application for 12 South Main Street to Install a 30" x 72" Single Aluminum Panel Sign Mounted to the Storefront – Ms. Dugan made a motion to approve the application for 12 South Main Street, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

6. Consider **DENIAL** of the Application for 100 North Bank Street to Remove 2 Pains of Window – Mr. Gautreau asked for more clarification because he had a hard time understanding before.

Mr. Jacianis said he wants to remove part of the window to make it a sliding window hoping to improve business.

Mr. Speck said he didn't see anything in the memo as to why HARB denied the request. Ms. Dugan responded that we didn't want to set a precedent downtown and then everybody will want the same thing.

Mr. Handwerk made a motion to approve the application for 100 North Bank Street, seconded by Mr. Speck, and approved by a vote of 8 to 0.

E. Council Action referred from Council Committees

Mr. Handwerk made a motion to fill the position in the Recreation Preschool and Summer Program Assistant Positions, seconded by Mr. Gautreau, and approved by a vote of 8 to 0.

Mr. Kirkner said he would like to note two referral items for the Finance Committee – take action on determining health insurance co-pays for exempt employees in 2011 and come up with a decision on addressing delinquencies for water/sewer/sanitation and other service type fees.

XIV. Public Participation (con't)

a. Ed Rocher of the 200 block of Church Street said he copied all of you on an open letter to Mr. Cassidy. He said the people aren't being listened to. He said he pointed out some open postings Mr. Cassidy has made on the internet. He said he sees Council giving him free reign to do what he wants. He asked how this benefits the community. Mr. Kirkner said those concerns have not gone unheard.

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

XVI. Staff Reports

1. Manager's Report – Mr. Krack had nothing new to report.

2. Code Enforcement Report

3. Public Works Director's Report - Mr. Speck said he noticed that trash and recycling is down.

He asked about the food collection at Molly Maguires. (Mr. Watson responded that they are our first test restaurant).

Mr. Gautreau asked about the painting of fire hydrants around town. Mr. Watson said the responsibility has been put on his department but he will put information on the website regarding the color the hydrants can be painted if a resident wishes to paint them.

4. Fire Chief's Report

5. Finance Director's Report

6. Mayor's Report – Mayor Scoda said he didn't have much to report. He said he would like to take a few minutes to talk about the oil spill in the Gulf of Mexico which is an environmental catastrophe. He said down the road we are all going to be paying the price. He gave an overview of the effects of the oil on the sea, economy, and marsh lands.

Other Reports

1. CDC Liaison – Mr. Cassidy gave an update on the following: French Creek Parkway, spike funding, multi-purpose stadium with a baseball team, no word on Streetscapes Phase IB, plan for a permanent place for the farmers market, a meeting with Mr. Neilson at Valley Forge Railroad to get an easement, housing grant with 42 homes to be completed on this round with a maximum of \$5,000 they can get, green fest on August 20<sup>th</sup> as part of the summer music series, and the steel site has a new owner.

2. Fire Department Liaison – Mr. Gautreau said tomorrow evening will be our second steering committee meeting where we will be figuring out what to do.

XVII. Old Business: Consider Changing the Committee Meeting Dates and Structure (Tabled at the May 25, 2010 Council Meeting) – Mr. Senley made a motion to remove the item from the table, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

Mr. Buckwalter said he would like to ask Mr. Senley if he would look at rearranging committees and have three of them meet on the fourth Tuesday and the other three on the second Tuesday. He went over which committees would meet when.

Mr. Krack said on the fourth Tuesday we would have to advertise a time specific.

Mr. Handwerk suggested the Finance Committee be a committee as a whole on the fourth Tuesday of the month starting at 7:00 p.m., change the business meeting on the fourth Tuesday at 7:00 p.m. to 8:00 p.m., and move Police/Personnel to the third Tuesday of the month at 6:00 p.m. beginning in July. He said the meetings would be streamlined. He said committees are a recommending body.

Mr. Reber said his concern is that Council meetings take up a fair amount of time and feels it could be three nights.

Mr. Kirkner said the committee structure may not be perfect but we are getting stuff done. He said we knew this was going to take up a couple nights out of a month but that doesn't mean we can't look at a better way to get stuff done. He said any Council person can attend any committee meeting they desire. He said he thinks committees of three are too small. He said he expressed concern about having finance as a whole Council meeting. He said he can see keeping things the same because it will work.

Mr. Buckwalter asked that CDC and Finance be on the fourth Tuesday because he believes they need to be televised. There was much more discussion.

Mr. Senley made a motion to call for the vote, seconded by Mr. Speck, and approved by a vote of 7 to 1 with Mr. Kirkner voting no. (Mr. Gautreau asked for a roll call vote).

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Gautreau, Handwerk, Reber, Senley, Speck, Buckwalter, and Dugan

NO - Kirkner

Mr. Kirkner read the original motion and asked for a roll call vote for which there was a tie. Mayor Scoda said if he were to vote he would vote no.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Reber, Senley, Buckwalter, and Gautreau

NO - Handwerk, Speck, Dugan, and Kirkner

Mr. Handwerk made a motion to change the Finance Committee to committee as a whole on the fourth Tuesday of the month at 7:00 p.m. and be televised, change the business meeting on the fourth Tuesday to begin at 8:00 p.m., and change Police/Personnel to the third Tuesday of the month at 6:00 p.m. (Motion died due to lack of a second).

Mr. Buckwalter made a motion to have the Parks and Infrastructure meetings on the second Tuesday starting at 6:00 p.m. with Council starting at 7:30 p.m. and on the fourth Tuesday we would have Policy, Community Development, and Finance as committees of the whole, seconded by Mr. Senley.

Mr. Kirkner said we are talking about a committee of the whole which is not really a committee and is fine when you have a body of three or five members such as a township does with supervisors. He said a committee is a fraction of the body as a whole. He suggested four people on each committee and have meetings on the third Tuesday of the month. He asked for a roll call vote.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Reber, Senley, Buckwalter, and Gautreau

NO - Speck, Dugan, Handwerk, and Kirkner

Mr. Kirkner said the motion dies so this is what we are going to do. He said the first Monday will be the Police Committee meeting, the second Tuesday of the month starts at 6:00 p.m. with the Parks Committee followed by the Council meeting at 7:00 p.m.; third Tuesday of the month will be three committee meetings – Community Development at 7:00 p.m., Finance Committee at 6:00 p.m., and Policy Committee at 8:00 p.m.; and on the fourth Tuesday Infrastructure at 6:00 p.m. followed by the Council meeting at 7:00 p.m.

Council entered into executive session to discuss personnel, contracts, litigation, and real estate. Council reconvened at 11:27 p.m.

Mr. Buckwalter made a motion to approve the MOU for the first level supervisors with a three year term, seconded by Mr. Senley, and approved by a vote of 8 to 0.

Mr. Buckwalter made a motion to bring an employee into a salary adjustment structure as it currently exists, seconded by Mr. Reber, and approved by a vote of 8 to 0.

Mr. Handwerk made a motion to cancel the CDC contract, seconded by Mr. Senley. (Mr. Kirkner asked for a roll call vote).

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Senley, Handwerk, and Kirkner

NO – Speck, Buckwalter, Dugan, Gautreau, and Reber

Motion failed by a vote of 5 to 3.

Mr. Handwerk made a motion to send a letter of reprimand to the Main Street Community Development Corporation in reference to an employee, seconded by Mr. Senley, and approved by a vote of 7 to 0 to 1 with Mr. Reber abstaining.

ON THE QUESTION: Mr. Handwerk said just for clarification, the employee is Barry Cassidy.

Mr. Kirkner asked if your motion would encompass the Council President writing that letter and hand delivering the letter. He said the letter is due to a comment on a blog spot naming a resident.

Mr. Reber made a motion to table. (Motion died for lack of a second).

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Speck, Buckwalter, Dugan, Gautreau, Handwerk, Senley, and Kirkner

NO -

Mr. Reber abstained from voting.

XVIII. Adjournment – Mr. Handwerk made a motion to adjourn. Meeting adjourned at 11:34 p.m.