

**PHOENIXVILLE BOROUGH COUNCIL**  
**Tuesday, May 25, 2010**  
**7:00 PM**

**MEETING MINUTES (Approved by Borough Council June 8, 2010)**

- I. Invocation/Pledge of Allegiance – Chair – Mr. Kirkner called the meeting to order at 7:04 p.m.
- II. Roll Call – Borough Secretary – Those present were as follows: Buckwalter, Dugan, Gautreau, Handwerk, Kirkner, Senley, and Speck. Also present were: Borough Manager Krack, Solicitor Rau, Chief Mossman, and Mayor Scoda.
- III. Minutes of Previous Meetings: May 11, 2010 (Special Meeting Minutes and Regular Council Meeting Minutes) – Mr. Senley made a motion to approve both sets of minutes, seconded by Mr. Gautreau, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Kirkner asked Mr. Krack if he saw the correction to the minutes he forwarded.

Mr. Handwerk noted a change to Item 3 for the vote, it should read 5 to 0 to 1 and Item 5 should read 6 to 0 because Mr. Buckwalter hadn't arrived yet.

- IV. Public Participation – 30 minutes – There were no members of the public wishing to speak.
- V. Appointments/Public Resolutions - Consider Appointment of Middle Ward Vacant Council Seat – Mr. Kirkner said he sent out an e-mail regarding the process. Mr. Speck made a motion to adopt the process as outlined in the e-mail that Mr. Kirkner sent out, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Speck said he would like clarification on what the majority means? (Mr. Kirkner said the majority would be four and explained the process he had sent out). The first choices were made by Council as follows:

Mr. Gautreau said his first choice is Mr. Reber.  
Mr. Buckwalter said his first choice is Mr. Reber.  
Ms. Dugan said her first choice is Mr. Daly.  
Mr. Handwerk said his first choice is Ms. Faggioli.  
Mr. Senley said his first choice is Mr. Reber.  
Mr. Speck said his first choice is Ms. Faggioli.  
Mr. Kirkner said his first choice is Mr. DiGirolomo.

Mr. Kirkner asked who would support Mr. DiGirolomo for the vacant seat and he received 3 votes from Council.

Mr. Kirkner asked who would support Ms. Faggioli for the vacant seat and she received 4 votes from Council.

Mr. Kirkner asked who would support Ms. Pasekoff for the vacant seat and she received 2 votes from Council.

Mr. Kirkner asked who would support Mr. Reber for the vacant seat and he received 3 votes from Council.

Mr. Kirkner asked who would support Mr. Daly for the vacant seat and he received 4 votes from Council.

Mr. Speck made a motion to appoint Jennifer Faggioli to the middle ward, seconded by Mr. Handwerk, and disapproved by a vote of 3 for and 4 against. Mr. Kirkner asked for a roll call vote.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Gautreau, Handwerk, and Speck

NO - Buckwalter, Dugan, Senley and Kirkner

Mr. Buckwalter made a motion to appoint Mr. Reber to the middle ward, seconded by Mr. Gautreau, and disapproved by a vote of 3 for and 4 against. Mr. Kirkner asked for a roll call vote.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Gautreau, Senley, and Buckwalter

NO - Dugan, Handwerk, Speck, and Kirkner

Mr. Handwerk made a motion to appoint Anthony DiGirolomo to the middle ward. (Motion died for lack of a second). Council took a 10 minute recess.

Mr. Rau said when you are filling an elected position you cannot hold the equivalent of an executive session.

Mr. Buckwalter made a motion to appoint Mr. Reber to the middle ward, seconded by Mr. Senley, and disapproved by a vote of 3 for and 4 against.

ON THE QUESTION: Mr. Senley said does an appointment need to be made tonight? (Mr. Rau responded).

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Gautreau, Senley, and Buckwalter

NO - Handwerk, Speck, Dugan, and Kirkner

Mr. Speck made a motion to appoint Jennifer Faggioli to the middle ward, seconded by Mr. Handwerk, and disapproved by a vote of 2 to 5. Mr. Kirkner asked for a roll call vote.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Handwerk and Speck

NO – Senley, Buckwalter, Dugan, Gautreau, and Kirkner

Ms. Dugan made a motion to appoint Mr. Daly to the middle ward. (Motion died for lack of a second).

Mr. Gautreau made a motion to appoint Marc Reber to the middle ward, seconded by Mr. Senley, and approved by a vote of 4 to 3.

ON THE QUESTION: Mayor Scoda said this seat should be replaced by a democrat. He said we are all making a big mistake because this will haunt you down the line.

Mr. Buckwalter said most votes for Mr. Reber were democrat. Discussion continued.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Senley, Buckwalter, Gautreau, and Kirkner

NO - Speck, Dugan, and Handwerk

Mr. Senley made a motion to approve the resolution to appoint Marc Reber to the vacated position, seconded by Mr. Buckwalter, and approved by a vote of 5 to 2. (Mr. Speck asked for a roll call vote).

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

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

NO - Speck and Dugan

The Mayor swore in Marc Reber as the Middle Ward representative.

VI. Presentations – There were no presentations to be given to Council this evening.

VII. Communications

a. Mayor Scoda said Michael Bedford wrote that the time has come to repaint the pedestrian crosswalk lines in the Borough.

b. Mr. Kirkner announced that on June 6<sup>th</sup> there is a 10 a.m. service and open house at St. Peters Episcopal Church.

### VIII. Council Participation

a. Mr. Speck said at our last meeting we spoke about the establishment at Main and Church Streets; however, it is licensed as a smoking lounge.

### IX. New Business

a. Mr. Senley said the prior meeting was not one of the better meetings in this building but he is going to move on. He said he got an email that Mr. Kirkner's committee appointments which he declined stand. He said the existing committee structure does not promote full representation of all the wards. He said prior to the change in the committee system last year, everyone was a member. He said he would like to see a return to the old way of doing meetings. He said nobody's voice should be excluded from the process.

Mr. Senley made a motion to beginning at the first meeting in June and for the remainder of 2010 the first meeting would be a full Council meeting and the second meeting would be committee meetings to include all Council members, seconded by Mr. Buckwalter.

Mr. Buckwalter asked for an amendment for the second meeting to include a Council meeting on the fourth Tuesday as needed in case there were issues that needed to be taken care of. Mr. Senley said he would not accept the amendment. There was much discussion regarding this topic.

Mr. Handwerk made a motion to table, seconded by Mr. Speck, and approved by a vote of 5 to 3 with Mr. Senley, Mr. Buckwalter, and Mr. Gautreau being the dissenting votes.

X. Resolutions – There were no resolutions to be adopted.

### XI. Public Hearings

a. Consider Adoption of an Ordinance Amending Chapter 15 " Motor Vehicles and Traffic", Part 2, "Traffic Regulations" and Part 4 "General Parking Regulations" in the Borough of Phoenixville, Chester County, Pennsylvania – Mr. Kirkner opened up the public hearing. Mr. Krack gave an overview of the ordinance which will include a stop sign, loading zones, etc.

Mr. John Newns, Pastor of St. Ann's Church, said the stop sign would be a great help to make things safer for us.

Mr. Handwerk made a motion to adopt the ordinance, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

### XII. Reports of Committees, Boards, Commissions and Authorities

A. Planning Commission – Consider Approval of the Preliminary/Final Plan of 254-256 Washington Avenue to Subdivide the Lot into Two (2) Parcels to Include Ten (10) Waivers (Approved by the Planning Commission by a Vote of 4 to 0) – Mr. Senley made a motion to approve the plan, seconded by Mr. Gautreau, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Krack said there is a resolution that didn't get into the packet that goes along with this. Mr. Senley amended his motion to include the resolution.

- B. Regional Planning Commission – Mr. Kirkner said we have our meeting tomorrow night and said East Vincent is still withdrawing from the commission.
- C. Parking Authority – Mr. Cassidy gave an overview. He said the meters are in and there are some bugs. He said we should have our first financial report to you in July. He said we are working with the resident committee for parking on Church and Prospect Street. He said the lots are empty right now but cars that were not used have been removed. Mayor Scoda said some are concerned about signs and paying when not needed. Mr. Reber asked for the parking policy and also if there was anything to help those who could not afford the permit. Mr. Kirkner announced that the next meeting is on June 2 at 5:00 p.m. and that there are two vacancies currently.
- D. Historical Architectural Review Board (No Items to Take Action on for this Meeting)
- E. Council Action referred from Council Committees

**FINANCE COMMITTEE**

- 1. Consider Approval of the 2010 Prepays Dated 4/18/2010 to 5/15/2010 in the Amount of \$827,154.96 (Approved in Committee by a Vote of 2 to 0) – Mr. Senley made a motion to approve the prepays, 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 \$52,000.00 (Approved in Committee by a Vote of 2 to 0) – Mr. Senley made a motion to approve the budget transfer, seconded by Ms. Dugan, and approved by a vote of 8 to 0.

Mr. Krack presented the Schuylkill River Trail grant. He said we need this grant to get easements to make the final connection. He said it is a one to one match and \$5,000 can be in kind. He said the first step is to move forward but we need Council authorization.

Mr. Buckwalter made a motion to apply for the grant, seconded by Mr. Handwerk, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Senley asked what is the amount and the match? (Mr. Krack said we would apply for the full amount of \$10,000 and our match would be \$10,000).

Mr. Handwerk made a motion to approve the expenditure for hardware and software improvements, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

XIII. Public Participation (con't)

- a. Victor Hurdle of 216 Bridge Street asked about the appointments for the parking authority. He said the residents really don't have a voice on that authority at all.
- b. Katie Barnett of 224 Bridge Street said she would like to see someone appointed to the Parking Authority from the Bridge Street area. She said the parking lots are empty right now so that hopefully business picks up but residents should be able to park there.

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

- 1. Personnel
- 2. Legal Matters
- 3. Real Estate

## XV. Staff Reports

1. Manager's Report – Mr. Krack said he had nothing at this time.
2. Mayor's Report – Mayor Scoda said he wanted to praise the Jaycees for the parade and festival. He said he will not be able to participate in the Kiwanis patriotic day on Friday morning at 9:30 a.m. He said he would like to have someone from Council since he will be at the state tennis tournament. He said he talked to kids about local government and last night we had the high school annual sports banquet. He said the prom at the foundry building was a success. He said there was a concern about a polling place change and lack of information. He said he is going to send a letter from the Mayor's office and he thinks Council should back it up also. Mr. Speck said he would be attending the Kiwanis event.

## XVI. Old Business

- a. Mr. Kirkner said he would like Mr. Buckwalter and Mr. Handwerk to serve on the negotiating committee with him.

XVII. Adjournment – Mr. Gautreau made a motion to adjourn into executive session, seconded by Mr. Handwerk, and approved. Meeting adjourned at 9:07 p.m.