

**PHOENIXVILLE BOROUGH COUNCIL**  
**Tuesday, November 23, 2010**  
**7:00 PM**

**MEETING MINUTES (APPROVED BY BOROUGH COUNCIL DECEMBER 14, 2010)**

- I. Invocation/Pledge of Allegiance – Chair – Mr. Kirkner called the meeting to order at 7:00 p.m. with a Moment of Silence followed by the Pledge of Allegiance. Mr. Kirkner asked everyone to remember Ike Thomas Frost, Corporal Frost's infant son who passed away.
- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Buckwalter, Dugan, Evans, Gautreau, Handwerk, Kirkner, Reber, and Speck. Also present were: Borough Manager Krack, Solicitor Rau, Mayor Scoda, and Lt. Sjostrom.
- III. Minutes of Previous Meetings: November 9, 2010 – Mr. Kirkner said on page 3, item 7 e.1, he believes the record should show the amount that was approved for that expense and the vendor who is receiving that work.

Mr. Gautreau made a motion to approve the meeting minutes, seconded by Ms. Dugan, and approved by a vote of 8 to 0.

- IV. Public Participation – 30 minutes
    - a. Todd Artz said he is a 20 year veteran of the Police Department. He said he would like to bring some information to everyone's attention before making a decision regarding the police layoffs. He said since 2007 the incident numbers have risen. He said on April 23<sup>rd</sup> there was a shooting incident and there was only one full time officer on and one part time officer on. He described other incidents where there were only a certain number of officers on duty. He said in 2007 there was a study done which said we needed more officers. He said we know there is a trend to do more with less and we feel we have been doing that for quite some time. He said the officers who would be laid off have been here about two years and the Borough paid for training and outfitting them with a uniform. He said with layoffs you have a problem tracking qualified officers. He said it is best to train people and keep them here for the long term. He said on November 16<sup>th</sup> there was talk of a tax increase of roughly 25%. He said this increase would rise about one mill from the current 4.01 to 5.01 which is the average in all the counties. He said for the average homeowner, the 25% increase would mean about \$10-12 a month. He said there is a fund that contains \$500,000 and you could use that money to divert the layoff of officers. He said in tougher economic times, criminals go to where there is less police protection. He said he doesn't want to see the community take a setback. He said he is asking you to reconsider the police layoff option and make a fair and responsible decision.
    - b. Joe Carroll, District Attorney in Chester County, said although he doesn't live in Phoenixville, he has an interest in what happens here. He said he is going to make some comparisons to the City of Coatesville regarding crime rates, etc. He said in 2006 Coatesville laid off police officers and crime rates went up and property values dropped. He said public safety is the most important function of government. He said cut library hours if you have to but don't cut the Police Department. He said the crime rate is directly related to the number of officers.
    - c. Les Neri, President of the State FOP, said he is here to echo what the DA has already explained to you. He said he has worked with your officers. He said from a state wide level when you lower the number of officers you impact the lives of the citizens as well as officer safety. He said you are targeting the biggest part of the budget which is public safety. He asked that you please reconsider the reduction in the Police Department.
- Mr. Kirkner said he is going to invoke the Sunshine Law that we limit comments to residents of the Borough of Phoenixville. He said this law only requires us to hear from residents of the Borough or from people who have a vested interest in the Borough.
- d. Mike Mikita of 5003 Swan Drive said he is here representing the Phoenixville Dogwood Festival. He said we are embarking on our 60<sup>th</sup> anniversary. He said he is here to inform everyone what benefit the Dogwood Festival brings to the community. He said it benefits all the groups who participate. He said the people who are selling tickets for the rides make money also. He said the

Jaycees spend around \$10,000 to put on park entertainment and \$15,000 to put on the parade. He said as you go forward, please keep in mind what the Dogwood Festival means to the community.

e. Maria O'Leary of 217 Bridge Street said she was walking home one night last year and was followed by a man who then attacked her. She said luckily Officer Sutton was driving by and saved her. She said we should have more officers, not less. She said it makes her feel better knowing that Officers Stabilo and Dobry are always downtown.

f. Steve Atkins of Walnut Street said the Police Department is doing a good job. He said the Borough Manager asked you to make cuts by 10%. He asked how much a Council member makes, the Police Chief, and the Mayor. He said he thinks the cuts should come from the Police Department. He said you are responsible for every dollar you misspend and we will hold you accountable. He said you are fiscally irresponsible. He said Mr. Krack even suggesting 24% is mismanagement. He said we hired you to manage our Borough, you should be fired because you are incompetent.

g. Carlos Ciruelos of 142 First Avenue said you are here to represent us. He said there are key things that we must do to grow and survive. He said we need investment which creates growth in the future. He said when you are considering the Police Department and how to support the Dogwood Festival, remember that investment doesn't always have an immediate reward but we are already seeing the strength that Phoenixville has.

h. Brooke Sober of 353 Washington Avenue said she was a legal intern for the assistant district attorney's office in Chester County. She said she spent a year here in Phoenixville and would say that the severity of cases was in line with Coatesville and West Chester. She said she can walk downtown and enjoy herself. She said to her \$15 a month is not much, it is three lattes. She said she would rather pay the \$15 than not have the officers.

i. Brian O'Leary of 352 Washington Avenue said he is an investigator and said please don't be afraid of doing the responsible thing. He said we are at a critical moment right now because of the recession. He said if one mill is needed to support the level of police officers he is in favor of it and would support it.

j. Mike Edwards said he is not a resident of the Borough but rather an employee of West End through the fire station. (Mr. Kirkner asked him to please sit down).

k. Michelle Anastacio of 1003A Paradise Street said she is appalled that you would not let this man speak because he works with the Police Department and has every right to speak. She said she was born and raised in Phoenixville. She said she can't imagine that we're having a meeting tonight about jeopardizing public safety. She said she would gladly pay the additional cost per month. She said what if it were you that needed to call 911 and officers weren't available to respond. She said she was a victim of crime in the Borough over 10 years ago. She said you need to trust in them and keep them in their positions.

Mr. Handwerk made a motion to open the floor for non-residents, seconded by Mr. Speck, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Reber said he would be open to that as long as the residents have the right to speak first.

l. Virginia Murphy of 222 Church Street said she has learned a lot by attending the last few meetings. She said she would like to offer a gesture of respect because you are our decision makers. She said it is not fair to ask you to make decisions without our input. She said we have put out a petition on the web that says cuts in the Police Department would be unacceptable. She thanked Council for all they do, especially in these difficult times.

m. Ginny McDermott of 119 Pennsylvania Avenue said she respects the decision you have to make. She said she loves this community. She said with the alcohol consumption there is more rowdiness and a mixture of different people. She said drugs and alcohol effect behavior. She said she does not want to lose one police officer. She said safety is key in our community and we need our police officers.

n. Ed Roper of 219 Church Street said he would like to lend his voice of support for the Police Department. He said he came to Phoenixville because he wanted to be safe. He said in the last year and a half he has seen things get more active. He said he has seen some pretty bad fights on Church Street. He said if things get worse he will be leaving.

o. Tj Ralph of 500 Chester Avenue said he is a newer resident since June. He said one of the reasons why he moved to the Borough is because of the revitalization. He said he thinks any cut would strongly discourage any people moving into the Borough.

p. Michael Hill of 210 East High Street said according to the peer to peer study done in 2007 the population is 16,120 and we should have 18 patrol officers but currently we only have 16. He said we need to look at the overall picture for Phoenixville and what we want. He said will people still want to come to Phoenixville if crime increases. He gave statistics and said Phoenixville has one of the best averages for solving crimes. He said you are risking the image of the Borough if you move forward with your plan. He said you need to look at the expenditures that would not risk the services of the community. He said you need to look at what you want for the future of Phoenixville.

q. Mike Edwards said he is currently employed at West End as an EMT in Phoenixville. He said due to the quick response of two officers they saved a family of four.

r. Tom Mitchell said he works in downtown Phoenixville and has seen a tremendous increase in business. He said people are coming from outside the Borough into town and the stores are being rented which means property values go up. He said he doesn't think you can put a price on safety.

s. Adam Dickinson said he is a state trooper and works with these gentlemen. He said with mutual aid in this county it affects other departments. He said he has watched Phoenixville officers assist in capturing suspects. He said we are faced with the same budgetary restrictions working for the state. He said it makes him feel safe knowing they are our protection. He said it doesn't just affect Borough residents.

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

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

VII. Communications

a. Mr. Gautreau said he is very proud of the Police and Fire Departments for their heroic actions this past Saturday morning in saving that family.

b. Mayor Scoda read a letter from Bob and Flo Hartman who were away and the fire alarm went off which was checked by the police and no fire found. He said they are giving a donation to Mom's House. He said he received other letters regarding the parking, specifically one from Ed Naratil. He also read another letter that said we need to look at the whole parking situation.

VIII. Council Participation

a. Mr. Kirkner said he has a comment about police protection in the schools and we did have a policeman who was a school resource officer in the high school. He said the school district chose not to renew that agreement which caused a \$65,000 shortfall in our budget. He said that was a loss for the entire community because it was an excellent resource to have. He said he appreciates all the comments we have heard and will keep all those thoughts in mind when we make our decision.

b. Mayor Scoda said at the meeting where we were discussing how to raise money to keep from laying off officers, he brought up the special events because it costs a lot for overtime. He said we spend \$13,000 for the Dogwood. He said he suggested a set fee based on how many police you need, etc. He said if we do not get the money from the organizations it comes from the residents. He said he also brought up the downtown too and having a business improvement district. He said someone has to pay for the events. He said you have to look at all the things that go into making a good police force.

c. Mr. Gautreau asked if the Jaycees ask for the officers. He said the Jaycees do make a donation to the Police Equipment fund.

d. Mr. Reber asked about a give and take with the public because he received a number of emails on the parking issue.

IX. New Business – There was no new business to be brought before Council this evening.

X. Resolutions – There were no resolutions to be considered for adoption this evening.

XI. Public Hearings

- a. Consider Adoption of an Ordinance Amending Chapter 15 "Motor Vehicles and Traffic", Part 4 "General Parking Regulations", by Changing the Number of Handicapped Parking Zones in the Borough of Phoenixville, Chester County, Pennsylvania – Mr. Kirkner opened up the public hearing. There were no members of the public wishing to speak so Mr. Kirkner closed the hearing.

MR. REBER MADE A MOTION TO APPROVE THE ORDINANCE, SECONDED BY MR. GAUTREAU, AND APPROVED BY A VOTE OF 8 TO 0.

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

**FINANCE COMMITTEE**

1. Consider Approval of the Prepays in the Amount of \$1,146,336.16 (Approved in Committee by a Vote of 6 to 0) – Mr. Reber made a motion to approve the prepaids, seconded by Ms. Dugan, and approved by a vote of 8 to 0.
2. Consider Approval of the Budget Increase Request as follows: (Approved in Committee by a Vote of 4 to 0)
  - a. \$104,998.29 for the Pension Fund

Mr. Reber made a motion to approve the budget increase, seconded by Ms. Dugan, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Gautreau asked for the reason for the shortfall. (Mr. Kirkner said it was because of a shortfall in our obligations).

3. Consider Approval of an Annual Business License in the Amount of \$100.00 (Approved in Committee by a Vote of 5 to 1) – Mr. Kirkner said while this was approved in committee, he would ask that we defer making a decision on this until we act on the budget.
4. Consider Approval of Paying Down the 1994 Loan (Approved in Committee by a Vote of 6 to 0) – Mr. Reber made a motion to approve paying down the 1994 loan, seconded by Ms. Dugan, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Buckwalter said he wasn't here that evening and is wondering if this is coming out of the water fund? He said what is the reason for paying it down? Discussion ensued.

5. Consider Approval of Ratifying the Decision to Pay the Solvency Fee in the Amount of \$6,616.14 – Mr. Reber made a motion to ratify the decision to pay the solvency fee, seconded by Ms. Dugan, and approved by a vote of 8 to 0.
6. Consider Approval of a One Time cost of \$10,000 to Upgrade the Data Collection of Points in Permit-n-Force – Mr. Reber made a motion to approve the one time cost of \$10,000 for the data collection upgrade, seconded by Ms. Dugan, and approved by a vote of 8 to 0.

**POLICY COMMITTEE**

1. Consider Approval of Scheduling and Advertising a Public Hearing on December 14, 2010 for 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 (Approved in Committee by a Vote of 3 to 0)

Mr. Evans made a motion to schedule and advertise a public hearing for December 14, 2010 amending Chapter 15, seconded by Mr. Gautreau, and approved by a vote of 8 to 0.

2. Consider Approval of Scheduling and Advertising a Public Hearing on December 14, 2010 for an Ordinance Amending the Code of the Borough of Phoenixville, as amended, Chapter 1, "Administration and Government", Part 2, "Appointed Officials", by Adding Subsection B "Parking Enforcement Officer"; and Chapter 15, "Motor Vehicles and Traffic", Part 4, "General Parking Regulations", by Providing Parking Enforcement Officers with the Authority to Ticket Vehicles for Violations of the Provisions of Part 4; Part 5, "On Street Metered Parking", to Provide Parking Enforcement Officers with the Authority to Ticket Vehicles for Violations of the Provisions of Part 5; Part 6, "On Street Unmetered Parking", by Providing Parking Enforcement Officers with the Authority to Ticket Vehicles for Violations of the Provisions of Part 6; and Part 8, "Off Street

Mr. Evans made a motion to schedule and advertise a public hearing for December 14, 2010 amending the code for parking, seconded by Mr. Speck, and approved by a vote of 8 to 0.

3. Consider Approval of Scheduling and Advertising a Public Hearing on December 14, 2010 for an Ordinance Amending the Code of the Borough of Phoenixville, as amended, Chapter 15, "Motor Vehicles and Traffic", Part 4, "General Parking Regulations", by Changing the Time Limitations for Parking in Certain Locations on Certain Days and Hours, Addressing Eligibility and Application for Residential Parking Permits, Designating Residential Permit Parking Areas, Eliminating Certain Parking Prohibitions Related to Street Sweeping, Providing for Parking Lot Stickers in Lots Owned or Leased by the Borough of Phoenixville and Setting Penalties for Violations of the Provisions of Part 4; Part 5, "On Street Metered Parking", by Setting Penalties for Violations of the Provisions of Part 5; Part 6, "On Street Unmetered Parking", by Setting Penalties for Violations of the Provisions of Part 6; and Part 7, "Reserved" by Providing for Electronic Metered Parking Lots within the Borough, Regulations, Enforcement and Penalty Provisions (Approved in Committee by a Vote of 3 to 0)

Mr. Evans made a motion to schedule and advertise a public hearing for December 14, 2010 amending the code for parking permits, seconded by Mr. Speck, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Evans said it is important to set a time for the hearings.

4. Consider Approval of Advertising and Scheduling a Public Hearing for December 14, 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 for the following locations:

- a. 259 Washington Avenue (Police Department does Not Oppose the Application)
- b. 122 Starr Street (Police Department Disapproves the Application)

Mr. Speck made a motion to schedule and advertise a public hearing for December 14, 2010 amending Chapter 15 for 259 Washington Avenue, seconded by Mr. Evans, and approved by a vote of 8 to 0.

Mr. Kirkner brought up the Parking Advisory Committee. He said he is waiting to hear back from a resident and still needs to speak to PABA.

Mr. Handwerk made a motion to approve a Parking Advisory Committee, seconded by Mr. Speck, and approved by a vote of 7 to 1 with Mr. Buckwalter being the dissenting vote.

ON THE QUESTION: Mr. Buckwalter said we had a Parking Authority comprised of similar people and said this Council is very knowledgeable about how to handle this at a business level without having another committee.

Mr. Evans said he voted for this in committee and thought about it afterwards and is more reserved now about it. He said it would be an Advisory Committee and Council would still make the decisions.

Mr. Speck said he sees the committee as a clearing house and the time frame as long as it will be can be determined by the committee. He said he supports this.

Mr. Buckwalter said the initial overview shows parking spaces are used only 5% of the time which means 95% of the time we have nobody in those spaces. He said we need to just take ownership of this. He said we just need to act on what has been said by the residents.

Mr. Kirkner said he doesn't see this as pushing this off on other people. He said we are trying to facilitate a process to garner input from the public. He said Council owns this whether we want to own it or not. He said this would act as a subcommittee to the Policy Committee and get the parking hours and fees off the back of the Policy Committee. He said one of the criticisms he heard about the Parking Authority was that the residents and businesses felt like they didn't have any input. He said we are creating a structure to get input into how we can do this better.

Mr. Speck said this is embracing the issue. He said also on this committee are the chief and manager who would serve as advisors.

Mr. Handwerk said several months ago the Policy Committee started working on a peddlers/special events ordinance. He said we gave a lot of input as to what should be in it and what shouldn't be and for the last several months no progress has been made. He said he views this as a document that has been accepted by the Policy Committee.

Mr. Handwerk made a motion to approve scheduling and advertising a public hearing for December 14, 2010 for the peddlers/solicitation/special events ordinance, seconded by Mr. Gautreau, and disapproved so the item will stay in committee.

ON THE QUESTION: Mr. Kirkner said first off, he begs to differ with Mr. Handwerk's comment that the Policy Committee has reviewed and approved this document because he joined the Policy Committee in May and Mr. Evans joined just this month. He said at the meeting last week we received the cleaned up draft of the ordinance and they didn't make a recommendation to move this along to Council. He said he hasn't read the ordinance. He said he would vote in opposition to this tonight because he is not ready to act on this.

Mr. Handwerk said the draft was in our packets so why didn't you read it?

Mr. Kirkner said he thinks we are acting in haste. He asked the substance of the ordinance.

Mr. Speck said he could go either way on this. He said he is comfortable with it if you would like to move it out of committee.

Mr. Reber made a motion to table to the next Council meeting, seconded by Mr. Buckwalter, and tied by a vote of 4 to 4 with the motion failing.

Mr. Buckwalter said he thinks there are other things in the ordinance that need to be looked at a little further.

Mr. Kirkner said we will go into our next round of public participation with Borough residents speaking first.

#### XIII. Public Participation (con't)

a. Kelly Deveney of 329 Westridge Circle said she does support the Police Department and the Jaycees. She said she is a member of the Phoenixville Kiwanis and are an organization that benefits from the Dogwood Festival. She said she understands it is a hard decision you have to make but do not cut the police force. She said during election years, these are times for you to come out and get in touch with the community.

b. Katie Ciruelos of 142 First Avenue said she is here as a teacher and resident of the Borough. She said the Dogwood is celebrating 60 years this year. She said there is a common misunderstanding with the Jaycees and the Dogwood Festival. She said the amount left over goes to support the community groups. She said she would hate it if there were job cuts in the Police Department but if it comes down to the Dogwood having to supply a mandated amount, it might result in the elimination of that event. She said we don't make enough to supply \$13,000. She said it would be a shame to lose such a vital, important event.

c. Ed Toner, President of the Chester County FOP, said he is here to represent his fellow brothers. He said the only time crime and the people who commit crime get laid off is when police are not laid off. He said you have a very professional department.

#### XIV. Staff Reports

1. Manager's Report – Mr. Krack said in the Policy Committee we addressed the employee parking lot because we could not negotiate an agreement with the owner. He said our recommendation is to take lots 1, 3, and 4 where permit parking would be authorized. He said we don't need to separate types of permits. He said he has a lot of vacation time that he can carry over and can't authorize himself to carry over the additional 60 hours.

Mr. Evans said he can see what you are after in terms of spreading the parking out for employees. He said he is not sure what to do for the long term solution but we need to do something. He said there are private lots in the downtown area and the issue for us to consider is insurance liability. He said that resource should be evaluated.

Mr. Reber made a motion to have the Manager take vacation time, seconded by Mr. Handwerk, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Buckwalter encouraged the Manager to take vacation time in 2011.

2. Mayor's Report – Mayor Scoda brought up a question about the master fee schedule. He said he knows you are aiming at peddlers but he knew at one time they had a background check done so that we knew they didn't have a criminal history. He said there are vendors at community events that would have to pay twice. He said it is going that it is going back to committee. He said we have the holiday parade coming up on Friday, December 3<sup>rd</sup> and the Firebird Festival is December 11<sup>th</sup> and he has seen street vendors at both. He said there have been some serious incidents in Pottstown during the last several weeks. He said there are 42 police officers in Pottstown for a Borough of 22,000 people. He said Valley Forge Christian College is doing their annual holiday program on December 3<sup>rd</sup> and 4<sup>th</sup>.

XV. Old Business – There was no old business to come before Council.

XVI. Executive Session – Council entered into an executive session to discuss personnel and possible litigation.

XVII. Adjournment – Mr. Buckwalter made a motion to adjourn. Meeting adjourned.