

PHOENIXVILLE BOROUGH COUNCIL
Tuesday, November 9, 2010
7:00 PM

MINUTES (MINUTES APPROVED BY BOROUGH COUNCIL NOVEMBER 23, 2010)

- I. Invocation/Pledge of Allegiance – Chair – Mr. Kirkner called the meeting to order at 7:05 p.m. with a Moment of Silence followed by the Pledge of Allegiance. Mr. Kirkner acknowledged Veterans Day this week.
- 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, Chief Mossman, and Mayor Scoda who arrived at 7:58 p.m.
- III. Minutes of Previous Meetings: October 26, 2010 – Mr. Kirkner noted a correction to the minutes on page seven for the roll call vote on parking. He said his name was omitted as voting no.

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

IV. Public Participation

- a. Virginia Murphy of 222 Church Street said she would like to share her concern with learning that Council may have to consider cuts in our police force and she has a grave concern about that. She said we have a persistent drug problem here in the Borough. She said she is concerned about the lack of service. She said she has an ongoing concern about parking. She asked how the issue of resident permits will be addressed.
- b. Michael Hill of 210 East High Street said the neighborhood blight act was signed by Governor Rendell on October 27th. He said the bill has three main points which it addresses. He said he would like to talk about the police force because by cutting the number of police on the force you are endangering the quality of life of the residents in the Borough. He said they have a hard enough time servicing all of Phoenixville. He said he doesn't want to go back to where Phoenixville was. He said you need to increase the fines for violations.
- c. Tracy Tackett of 225 Church Street said she would like to suggest postponing charging for parking lots until there has been a comprehensive program overview of parking issues. She said she would not suggest cutting the police force.
- d. Deborah Wentworth of 338 Church Street said several years ago a study was done that showed we were down six officers. She said as it stands now, we are still down five officers and are in need of more.
- e. Mary Stewart of the 200 block of Church Street said she would encourage Council not to make any cuts in the police force.
- f. Richard Liston of 159 Main Street said he would like to add his voice regarding the needs of the police force. He said now is the time that we need an effective police force.

V. Appointments/Public Resolutions

1. Consider Appointment to the Planning Commission – Mr. Speck made a motion to appoint Kyle Guie to the Planning Commission, seconded by Mr. Evans, and approved by a vote of 5 to 3. Mr. Handwerk asked for a roll call vote.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Dugan, Evans, Handwerk, Speck, and Kirkner

NO - Buckwalter, Gautreau, and Reber

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

VII. Communications

- a. Mr. Speck brought up the fact that on November 10, 2010 the Marines will celebrate their 235th birthday.
- b. Mr. Reber read a letter into the record from a resident supporting the parking permits.

VIII. Council Participation

- a. Mr. Kirkner said no decision has been made at this time regarding parking but it will be discussed later this evening. He said Council has not made any decision at this point on any cuts in any department.
- b. Mr. Reber said he brought up about the Planning Commission stipends. Mr. Kirkner suggested it be discussed during the Finance Committee.

IX. New Business

1. Consider Approval of Temporary Community Event Possible Road Closures for the Following Events:
 - a. Christmas Parade and Tree Lighting on December 3, 2010 from 6 p.m. to 10 p.m. with the road closures on the following streets:
 1. 100 Block of Church Street from 6 p.m. to 7 p.m.
 2. Starr Street from 7 p.m. to 8 p.m.
 3. 100, 200, & 300 Blocks of Bridge Street from 7 p.m. to 8 p.m.

Mr. Reber made a motion to approve the road closures for the Christmas Parade, seconded by Mr. Gautreau, and approved by a vote of 8 to 0.

2. Consider Accepting the Declaration of Dedication and Easement for Sanitary Sewer Improvements at the Phoenixville Hospital Company, LLC

Mr. Rau said this is the final step for the hospital project which will provide for dedication of the sewer easement to the Borough. He said there is also an 18 month maintenance agreement.

Mr. Evans made a motion to accept the sanitary sewer improvements for the Phoenixville Hospital, LLC, seconded by Mr. Reber, and approved by a vote of 8 to 0.

X. Resolutions – There were no resolutions to be adopted by Council this evening.

XI. Public Hearings – There were no public hearings to be held by Council this evening.

XII. Reports of Committees, Boards, Commissions and Authorities

- A. Planning Commission (No Action Memos to be Acted Upon this Evening)
- B. Regional Planning Commission – Mr. Kirkner said we are going into 2011 and looking at expenses. He said the solicitor has been appointed a judge so we now have a new solicitor.
- C. Parking Authority - Mr. Kirkner stated this should come off the agenda.
- D. Historical Architectural Review Board
 1. Consider Approval of the Application for 99 Bridge Street to Install One Set of Pin Mounted Letters to the Wall, Back Panel, and Door and Eight 18" x 12" Parking Signs (HARB Recommended Approval) – Ms. Dugan made a motion to approve the

2. Consider Approval of the Application for 120 Bridge Street to Install a 36" x 36" Single Sided Aluminum Panel Wall Mounted Sign (HARB Recommended Approval) – Ms. Dugan made a motion to approve the application for 120 Bridge Street, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.
3. Consider Approval of the Application for 227 Church Street to Install a 24" x 42" Double Sided Protruding Sign to the Store Front, 30" x 100" Single Sided Aluminum Panel Sign and Non-Illuminated Dark Red Vinyl Awning (HARB Recommended Approval) – Ms. Dugan made a motion to approve the application for 227 Church Street, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.
4. Consider Approval of the Application for 301 Bridge Street to Install a 48" x 72" Single Sided Aluminum Panel Wall Mounted to the Side of Building Brick Wall on Gay Street and 12" x 60" Aluminum Panel Sign Flush Mounted to Stucco Wall on the Front of the Building (HARB Recommended Approval)
Ms. Dugan made a motion to approve the application for 301 Bridge Street, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.
5. Consider Approval of the Application for 371 Walnut Street to Remove the Existing Overhead Doors and Install a 2 x 6 Stud Infill Wall and Pair of 3' x 7' Painted Steel Doors in Each Opening (HARB Recommended Approval) – Ms. Dugan made a motion to approve the application for 371 Walnut Street, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

E. Council Action referred from Council Committees

1. Recreation Committee – Mr. Kirkner said they took action which needs a motion for Friendship Field.

Ms. Dugan made a motion to go with option two of the letter from the Public Works Director to the manager for repairing Friendship Field using restricted funds in the amount of \$41,500 from the sale of the East Pikeland property with the work to be done by Melchiorre Construction, seconded by Mr. Speck, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Reber asked why we are using the restricted funds versus the capital fund.

Mr. Evans said he speaks in favor of fixing this issue.

FINANCE COMMITTEE

1. Receive for Consideration a Draft of the 2011 Budget – Mr. Kirkner said is it necessary to have an executive session before we get into this. Mr. Krack said there are items that we've worked through with regard to personnel.

Mr. Kirkner said at 7:38 p.m. Council will enter into an executive session to discuss personnel issues. Council reconvened at 7:55 p.m. Mr. Krack read his memo regarding the budget.

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

ON THE QUESTION: Mr. Kirkner asked if this will be included on the website.

Mr. Reber made a comment about the stipend the Planning Commission members receive. He said he would like to see it accepted as a whole.

Mr. Reber made a motion to have all Planning Commission members accept the stipend. (Motion died for lack of a second).

2. Consider Approval for Hiring Part Time Parking Enforcement Officers – Mr. Kirkner asked if this is another executive session thing. Mr. Krack said it is more of a policy thing. He said before we can move in that direction it would be appropriate to have dialogue so he gave an overview of the Parking Authority and where the Borough is today. He said the authority has a 50 year life and became its own entity. He said at the end of the day there is a \$100,000 loan out there that needs to be paid.

Mr. Reber said if we do nothing, how much are we on the hook for? Mr. Krack responded \$100,000.

Mr. Evans asked what are our other options and what kind of human resources would this require. Mr. Krack responded. There was more discussion by Council.

Mr. Kirkner said if there is anyone in the public who would like to address parking you may do so at this time.

Mr. Albert Scarcioni of the Philadelphia Area Business Association said we went to some of the stores downtown and got some responses. He surveyed 29 shop owners and had 27 no answers and 2 yes answers regarding the current parking. He said the parking tickets are chasing people away. (Mr. Kirkner said this would be looked at by Policy).

Mr. Reber asked do you get a sense that the businesses want administered parking? Mr. Scarcioni said during the day they felt the parking should be free in the parking lots.

Peter Hovey of 217 Church Street said he would like the residential concerns addressed. He said we would like to get residential parking permits for evenings and weekends.

Tracy Tackett of 225 Church Street said the residential aspect can't be lost in this process because it is killing us on Church Street. She said please don't continue to let this be ignored because it is still a problem for us.

Janice Swarr of 211 Church Street said maybe we could request an accounting of the certified letters that were sent to all of us who are residents on Church Street. She said this is part of the money that has already been spent. She said she is concerned about money that has already been spent and wasted.

Mr. Kirkner closed public participation as it relates to the parking issue.

Mr. Gautreau made a motion to dissolve all parking enforcement until further notice, seconded by Mr. Buckwalter, and disapproved by a vote of 3 for and 5 against.

ON THE QUESTION: Mr. Evans said he would like to speak against the motion because some progress has been made and we need to rectify the situation. He said we are asking for a load of additional problems that we should not initiate and need to solve the problems that exist.

Mr. Buckwalter said he seconded the motion because he believes as he did last month that until we get through the budget process we should get a plan before we jump into this. He said we can make some money on this.

Mr. Handwerk said if we are going to do this the right way we need a plan. He said we shouldn't proceed into this recklessly. He said we saw what happens when plans are just rolled out.

Mr. Evans said he thinks it is financially irresponsible to give up the income because then it becomes the responsibility of the taxpayers.

Mr. Gautreau said to do something correct you need a plan. He said he is not suspending it altogether, he only wanted it suspended temporarily until the plan is formed.

Mayor Scoda said since the Parking Authority never adopted another ordinance regarding parking, he wants to know what is on the books right now. (Mr. Krack explained there are two ordinances that will be coming to the Policy Committee). More discussion ensued.

Mr. Speck said he is not prepared to support the motion and would like to see what comes out of Policy.

Mr. Kirkner said regardless of where this motion goes, Council needs to decide if we are going to pay off the loan and take on the other costs. He said a concern he has is we have assets in place in all the parking lots and they will be vandalized. He said we are stuck with the meters and a lousy situation but we need to do the best with what we have to work with. He said backing out of enforcement at this time would push us back even further with the situation downtown. He said the meters never should have been put in.

Mr. Buckwalter said there is \$48,000 in a checking account to pay off the parking meter company and he doesn't agree that the parking meters are going to turn to junk because he has more faith in the Police Department.

Mr. Reber said we have to figure out if we want to be in the parking business. He said it would be inconsistent of us to enforce then not enforce and enforce again. He said he is not in support of the motion because he thinks we are close to a decision.

Mr. Evans called for the vote and all of Council was in favor. A roll call vote was asked for.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Gautreau, Handwerk, and Buckwalter

NO - Dugan, Evans, Reber, Speck, and Kirkner

Mr. Kirkner called for an executive session to discuss personnel. Council entered into executive session at 9:01 p.m. and reconvened at 9:15 p.m. Mr. Kirkner said we discussed personnel.

Mr. Evans made a motion to approve hiring part time temporary parking enforcement officers, seconded by Ms. Dugan, and approved by a vote of 8 to 0.

Mr. Speck made a motion to approve the resolution authorizing signatures on the NOW Account, seconded by Mr. Reber, and approved by a vote of 8 to 0.

Mr. Buckwalter made a motion to pay outstanding checks, seconded by Mr. Gautreau, and approved by a vote of 8 to 0.

Mr. Reber made a motion to pay Duncan not to exceed \$37,000, seconded by Mr. Speck, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Buckwalter said we still have \$4,000 in the checking and money market without dipping into Borough funds.

Mr. Buckwalter made a motion to pay off the Parking Authority loan from the capital fund, seconded by Mr. Reber, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Evans asked if we will make an attempt from parking revenue to ever pay that back?

Mr. Kirkner asked Mr. Handwerk to address the parking ordinances and policies and set up a sub committee of residents, businesses and Council members to move this along.

POLICY COMMITTEE

1. Consider Approval of Advertising and Scheduling a Public Hearing for November 23, 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 (Request is for 523 Gay Street and the Police Department Does Not Oppose the Application Request for a Handicapped Parking Sign)

Mr. Buckwalter made a motion to approve advertising and scheduling a public hearing for November 23, 2010, seconded by Mr. Handwerk, and approved by a vote of 8 to 0.

XIII. Public Participation (con't)

a. Virginia Murphy of 222 Church Street said there is a bit of urgency for parking during the bad weather coming.

b. Ellie Acampora of Ellie's Choice asked if you are going to change any hours for the parking or are you going to leave it as is. She asked about the permits. She said there should be some kind of distribution to people. She said snow is a concern because parking lots get plowed last.

c. Vincent Pleasures said he went out of business but maybe day time parking would be good and the meters need to be serviced which means you are losing revenue.

XIV. Executive Session – Council went into executive session at 9:30 p.m. Council returned at 10:03 p.m. Mr. Kirkner stated Council discussed personnel issues and also that Mr. Buckwalter left for the evening.

XV. Staff Reports

1. Manager's Report – Mr. Krack reported on the employee parking lot needs for November and December.

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 you have the Police Department report for review. He said on Halloween we didn't have any major incidents and there were a lot of children out.

Other Reports

1. CDC Liaison – ELIMINATE THIS LINE

2. Fire Department Liaison – Mr. Gautreau said he didn't attend the meeting last week so he has nothing to report.

XVI. Old Business – There was no old business to come before Council this evening.

XVII. Adjournment – Mr. Handwerk made a motion to adjourn. Meeting adjourned at 10:07 p.m.