

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, October 26, 2010

7:00 PM (MINUTES APPROVED BY BOROUGH COUNCIL NOVEMBER 9, 2010)

- I. Invocation/Pledge of Allegiance – Chair – Mr. Kirkner called the meeting to order at 7:07 p.m. with a Moment of Silence followed by the Pledge of Allegiance.
- 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, Lieutenant Sjostrom, and Mayor Scoda who arrived late.
- III. Minutes of Previous Meetings: October 12, 2010 – Mr. Buckwalter made a motion to approve the meeting minutes, seconded by Mr. Gautreau, and approved by a vote of 8 to 0.
- IV. Public Participation – 30 minutes – There were no members of the public wishing to speak at this time.
- V. Appointments/Public Resolutions – There were no appointments/public resolutions this evening. Mr. Speck suggested having interviews at the meeting on November 9th with the interviews starting at 6:30 p.m.
- VI. Presentations – Presentation by the Phoenixville Parking Authority - Mr. Jeff Abbott, Chairman, read a letter. Mr. Kirkner thanked the residents who served on the authority.
- VII. Communications
 - a. Mr. Speck announced that the Police/Personnel committee meeting scheduled for November 1st is cancelled. He said the Steering Committee that was put together for the fire department has a need for recruitment and retention. He said there are five members undergoing 200 hours of training at the fire academy. He said he met with homeowners on Morris Street regarding sewage backup that occurred and they feel the three large trees should be removed. (Mr. Watson said the line was flushed just this morning and will be videotaped this Thursday).
- VIII. Council Participation
 - a. Mr. Buckwalter spoke about the issue of the letter from the Parking Authority and said we were slammed by the letter. He said he takes exception to Council wanting it to fail. He spoke about funding provided and the ordinances that were not passed.
 - b. Mr. Gautreau made a motion to support the formation of a consolidated dive and rescue entity to serve the Phoenixville Borough community and to request that the fire chief and Council liaison(s) work to create a 501C3 or other appropriate non profit organization with a governing Board of Directors and all requirements to establish such entity no later than March 1, 2011 to the extent that West End #3 Fire Company intends to maintain an independent EMS ambulance service, the newly established board is encouraged to maximize consolidation of all other

services to the extent possible, seconded by Mr. Speck, and approved by a vote of 8 to 0.

c. Mr. Evans asked for clarification on the mandated authority of the Zoning Hearing Board. He said at their last meeting they were reviewing a medical clinic at Starr and First Avenue and one of the members wanted to put restrictions on the opening hours which is beyond their mandate. Mr. Kirkner said as a former member he can tell you we made decisions with restrictions on hours. Mr. Rau said if it is a special exception the MPC specifically mandates that the board who is hearing the matter can impose reasonable conditions. He said in terms of a variance case, part of the burden is to show minimizing conditions on the community. He said they need to be careful about doing that randomly but in terms of their power and depending on the application that is not an unusual condition.

d. Mr. Speck said he was not in agreement with everything that was said in the Parking Authority letter but agreed it is best for the community. He also thanked the members who served on the authority.

e. Mr. Kirkner said he spoke with Adam Dreibelbis who was the last person who was appointed to the Parking Authority and he expressed interest in serving on the Planning Commission.

IX. New Business

a. Mr. Kirkner said what do we do about the Parking Authority. He said he thinks we need some action. (Mr. Rau said there are three components that make it appropriate to discuss in executive session - personnel, real estate acquisition which includes some of the leases, and general Council information).

Council recessed into an executive session regarding the Parking Authority. Council reconvened and in executive session Mr. Kirkner stated we discussed personnel, real estate, and other legal issues related to the dissolution of the Parking Authority.

Mr. Buckwalter made a motion to [acknowledge receipt of the Resolution 1-2010 of the Phoenixville Parking Authority to terminate the Authority and wind down Authority operations.](#)

[Council shall approve the Authority's Certificate of Dissolution, which shall be filed with the Secretary of the Commonwealth, subject to and conditioned upon Borough receipt of Authority documentation showing that the Authority has made, or has arranged for: payment and discharge of all debt incurred and outstanding, including the interest due on them; settlement of all other outstanding claims against it; and provision for the transfer of all of its real and/or personal property or lease and other rights to the Borough, subject to review and approval by the Borough Manager and Solicitor.](#)

[The Borough may take the steps necessary to transfer, accept assignment of Authority rights and duties, or otherwise satisfy the outstanding financial obligations of the Authority. Council directs and authorizes the Borough Manager, Solicitor and staff to take all necessary steps to complete the wind down process. In the interim period, per Borough Ordinances, Borough Police will continue to be authorized to enforce all parking regulations in the Borough, whether related to Authority or Borough operations.](#)

Motion was seconded by Mr. Speck, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Kirkner said for edification of the reporters here, he asked that they receive a copy of the formal letter that was delivered to Council from the Parking Authority and the motion.

X. Resolutions: Consider Adoption of a Resolution Regarding the PennDot Highway Transfer Program – Mr. Reber made a motion to adopt the resolution authorizing Mr. Krack to sign, seconded by Mr. Gautreau, and approved by a vote of 8 to 0.

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 was no one from the public wishing to speak so he closed the hearing.

MR. REBER MADE A MOTION TO ADOPT THE ORDINANCE, SECONDED BY MS. DUGAN, 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) ****Items A to D were skipped because there was no action or any items to report on****
- B. Regional Planning Commission
- C. Parking Authority
- D. Historical Architectural Review Board (No Action Items for Council Approval)
- E. Council Action referred from Council Committees

FINANCE COMMITTEE

- 1. Consider Approval of the Prepays in the Amount of \$1,581,980.91 (Approved in Committee by a Vote of 4 to 0) and items 2 and 3 – Mr. Buckwalter 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 Increase Requests as follows: (Approved in Committee by a Vote of 4 to 0)

Mr. Buckwalter made a motion to approve the budget increases, seconded by Mr. Reber, and approved by a vote of 8 to 0.

- a. \$23,120.43 due to snow removal
- b. \$30,000.00 for the new proposed public works building
- 3. Consider Approval of the Budget Transfer Requests as follows: (Approved in Committee by a Vote of 4 to 0)

Mr. Buckwalter made a motion to approve the budget transfers, seconded by Mr. Reber, and approved by a vote of 8 to 0.

- a. \$ 2,500.00 for Personnel Expenses
- b. \$ 3,500.00 for Vehicle Expenses
- c. \$ 4,300.00 for Low Account Funds
- d. \$ 8,600.00 for being Over Budget
- e. \$12,500.00 for being Over Budget

4. Consider Approval of Instituting a Two Tier System Regarding Health Insurance for Non-Union Employees (Approved in Committee by a Vote of 4 to 0) - Mr. Buckwalter made a motion to institute a two tier system for health care for non union employees, seconded by Mr. Reber, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Evans asked if there is currently a single tier system and we are replacing it with a two tier system. (Mr. Kirkner said there is one healthcare benefit). There was some discussion and Mr. Nease explained the two tier system to Council.

5. Consider Approval of Increasing the Non-Union Employee Contribution from 5% to 10% for Dependent Coverage (Motion Tied in Committee 2 to 2) – Mr. Buckwalter made a motion to increase the employee contribution for dependent coverage, seconded by Mr. Reber, and approved by a vote of 5 to 3.

ON THE QUESTION: Mr. Speck asked if you can translate this into dollar amounts for us? (Mr. Nease stated that the cost would be \$6,400 per employee).

Ms. Dugan said she feels like this is hitting them up twice. She said in order to get the exact same coverage they have now they are going to have to pay twice. She said this is kind of overkill to do both at the same time.

Mr. Buckwalter said a large portion of the population pays more for their health benefits and he thinks it should be 20%.

Mr. Kirkner said he is kind of arguing both sides but when the economy is tough good people are going to stay with you but when the economy picks up good people, if they can get a better deal elsewhere, are not going to stay with you which is another thing to factor into the equation. He said you could lose good people and lose a greater cost of \$6,400 a year.

Mayor Scoda asked if there was any attempt to look at individual situations where a spouse may be working a full time job or a single mother with one or two children.

Mr. Handwerk called for a roll call vote.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Buckwalter, Gautreau, Reber, Speck, and Kirkner

NO - Dugan, Evans, and Handwerk

ECONOMIC DEVELOPMENT COMMITTEE

1. Consider Approval of Donating Confiscated Bikes to the Free Bike Program (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to approve donating the bikes, seconded by Mr. Gautreau. (Mr. Gautreau gave an overview of the program).

- i. Mr. Krack asked Council to table this until we research the length of time before we can give the bikes away. He asked for more time.
- ii. Mr. Buckwalter withdrew the motion, as did Mr. Gautreau being the second on the vote.

2. Consider Approval of Using Unallocated funds from the Elm Street Program (if permitted) for Structural Abatement (Approved in Committee by a Vote of 2 to 0) – Mr. Krack said he doesn't have an answer yet. Mr. Kirkner said to keep this on the agenda.

XIII. Public Participation (con't)

- a. Ed Roper of the 200 block of Church Street said he is unclear what happened with the Parking Authority. He said he buys the resident permit and parks in the lots and would like to know what is going to happen on November 6th.

Mr. Rau said the timing of the action by the Parking Authority leaves us in a position to see how quickly the Borough can step into the shoes of the Parking Authority. He said we are looking at the lease agreements.

Mr. Speck said Mr. Roper wants to know what happens with his October permit and whether that would be good after November 7th. (Mr. Kirkner said Council can clarify that).

Mr. Krack said the police can enforce this starting November 7, 2010 until a new process is adopted by Council. He said there is a lot of legal stuff we have to understand.

Mr. Evans said when and where can the residents get information on what is going to happen.

Mr. Krack said he will create a spot on the website so that the community will know what has been decided.

Mr. Kirkner said in the meantime the Parking Authority ceases November 6th and our next meeting is November 9th. He asked if this motion empowers staff to make a decision with guidance from Council without formal meeting action. (Mr. Rau said it does in the third paragraph).

Mr. Speck made a motion for residents to use their current permits until the end of November using the October parking permits, seconded by Mr. Evans, and approved by a vote of 8 to 0.

Mr. Gautreau asked if the motion maker would table this to see if we could suspend enforcement until the end of the year. (Mr. Evans said he is scared of that and thinks by the end of November we should be able to have a plan in place. He said he would prefer to do a month at a time).

- b. Ellie Acampora of Ellie's Choice said she is the Vice President of the Business Association and right now we are having a problem with parking in the 200 block. She said if we could disband this until after the holidays because the merchants are having a tough time. She said if the customers can't park they pass by. She said there is not a fast turnover like there should be and the lots do not have cars during the day. She said the whole parking thing is a double edged sword. She said if you are going to continue with the parking thing, you should sit down with the merchants to see what is good and what is

wrong. She said give us a chance to recoup some money until after the holidays. She said this needs to be thought through very carefully!

c. Tom Carnevale who is a business owner on Bridge Street asked about the employee parking. He said where will employees park on November 7th.

d. Jan Swarr of 211 Church Street said there are residents with small children who may not have a place to park if the parking passes are eliminated.

Mr. Gautreau said he would like the Lieutenant's standpoint regarding what is going on.

Lieutenant Sjostrom said he knows we are going to be working with Mr. Krack as far as enforcement. He said opening the lots, even for 30 days and allowing staff to come up with a better plan, would benefit the Police Department because he can't guarantee that we'll be able to fairly enforce the lots with the manpower that we have. He said we don't have any knowledge of how those meters even work because they were purchased by the Parking Authority. He said the officers would have to be trained.

There was much discussion by Council at this time.

Mr. Gautreau made a motion to suspend the lot enforcement from November 7th until the first business day in January, seconded by Mr. Buckwalter, and disapproved by a vote of 3 for and five against.

ON THE QUESTION: Mr. Evans said he is opposed to this because he thinks it will be a step backwards so that is why he is in opposition to it.

Mr. Kirkner said it sort of sets a deadline in that we need to come up with a plan by the first business day of January and we are still dealing with a budget. He said we have to give staff time to work through this. He said this leaves the previous motion moot and the lots will be full all the time. He said he would like to have staff get back to us at the November 9th meeting.

Mr. Speck said he is fearful of opening up the lots. He said our immediate concern is the residents who have those permits. He feels we would lose too much if we take this action tonight.

Mr. Scarscione said parking is a concern. He said he is a new member of the Philadelphia Business Association and we were talking about parking. He said he wants to help you out with a survey of the business owners.

Mr. Vince Pleasures said he is out of business over this current parking situation. He said if paid parking was from 2 or 3 p.m. you would have people coming into town. He said we are losing out on the foot traffic.

Ed Roper said didn't the Lieutenant just say that they don't have the manpower to enforce the lots. He said who is going to enforce the lots. (Mr. Kirkner said that is one of the things we have asked the Borough Manager to get back to us on).

Tom Carnevale said he would ask for a follow up on the other motion for employee parking. He said if they could have the same until the end of November because if you come by during the day that is where all the cars are. There was more discussion.

Mr. Kirkner suggested that employee parking permits for October be honored through November for the Taylor Street lot.

Mr. Krack said he would try to work out something with Brandywine to allow the parking to continue through November for their lot. He said he will put the information on the website.

Mr. Carnevale expressed a concern about parking on Main Street.

Ellie Acampora said when tenants pay their rent they are paying towards the taxes so they should not be discriminated against and be able to park in the lots as well. She said they have rights also.

Mr. Reber said with the downtown being part of the middle ward he would invite the residents to e-mail any suggestions.

Mr. Gautreau asked for a roll call vote.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Gautreau, Handwerk, and Buckwalter

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

XIV. Executive Session – Mr. Kirkner said we will hold off on this.

XV. Staff Reports

1. Manager's Report – Mr. Krack reminded everyone that the election is on Tuesday and that there is a special Finance Committee meeting on Wednesday, November 3, 2010 at 7:00 p.m.

2. Mayor's Report – Mayor Scoda said we had the Halloween parade and the turnout was good. He said trick or treating will occur on Sunday, October 31, 2010 from 6 p.m. to 8 p.m. He said he received a letter to Chief Mossman from the Uwchlan Township Police Department regarding providing assistance.

XVI. Old Business – There was no old business to be brought before Council.

Mr. Kirkner said before the adjournment is called for and after the meeting is adjourned, Council will go into executive session to discuss personnel issues.

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