

PHOENIXVILLE BOROUGH COUNCIL
Tuesday, September 28, 2010
7:00 PM

MINUTES APPROVED BY BOROUGH COUNCIL ON OCTOBER 12, 2010

- I. Invocation/Pledge of Allegiance – Chair – Mr. Handwerk called the meeting to order at 7:00 p.m.
- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Buckwalter, Dugan, Gautreau, Handwerk, Kirkner, Reber, and Speck. Also present were: Borough Manager Krack, Solicitor Rau, Lieutenant Sjostrom, and Mayor Scoda. (Mr. Kirkner arrived at 7:20 p.m.)
- III. Interview of Candidates for the North Ward Vacant Seat – The interview process occurred for the following candidates:
 - A. Robert Tigro gave an overview of his qualifications. Council asked questions.
 - B. Kevin Pound gave an overview of his qualifications. Council asked questions.
 - C. Heidi Kaminsky gave an overview of her qualifications. Council asked questions.
 - D. Mr. Kirkner stated Father Evans is currently out of the country.
 - E. Jon Ichter gave an overview of his qualifications. Council asked questions.
 - F. Michael Hill gave an overview of his qualifications. Council asked questions.
 - G. Chris Bauers gave an overview of his qualifications. Council asked questions.
 - H. David Saneck gave an overview of his qualifications. Council asked questions.

Mr. Handwerk made a motion to advertise a special meeting on October 5, 2010 starting at 6:00 p.m., seconded by Mr. Speck, and approved by a vote of 7 to 0 with the Finance Committee starting immediately after.

ON THE QUESTION: Mr. Buckwalter said we could continue this meeting to next Tuesday so that we could save on advertising costs.

Mr. Buckwalter made a motion to table Mr. Handwerk's motion, seconded by Mr. Gautreau, and approved by a vote of 4 to 3. Solicitor Rau suggested that they advertise the meeting which will cost probably about \$100.00.

Mr. Buckwalter made a motion to remove the item from the table, seconded by Mr. Handwerk, and approved by a vote of 7 to 0.

Council took a brief recess.

- IV. Minutes of Previous Meetings: September 14, 2010 – Mr. Gautreau made a motion to approve the meeting minutes, seconded by Ms. Dugan, and approved by a vote of 7 to 0.
- V. Public Participation – 30 minutes

- a. David Saneck of 299 Fillmore Street said there are two issues that are before you tonight, one is the LERTA. He said he doesn't think LICO-1 should be cut out of the LERTA because commercial development should be part of that. He said out of infrastructure he believes there will be a motion for the solicitor to draft an RFP for the sale of outside water franchises and he believes you should direct the solicitor to see the most effective way to go before the PUC. He said the water company has been a blessing and kept our water rates low. He said he would urge a no vote on that issue.
- VI. Appointments/Public Resolutions – There were no appointments or public resolutions to be made this evening. Mr. Speck said there is a HARB vacancy for next month and asked that it be placed on next months agenda. Mr. Kirkner said there are two open seats on the Parking Authority. He said he would like to recommend appointing Adam Dreibelbis to the Parking Authority but we'll hold off on this until we get to the Parking Authority.
- VII. Presentations: Presentation by the Phoenixville Fire Department Steering Committee and Recommendation - Mr. Kirkner gave an overview of the Steering Committee. Mr. Gautreau suggested that Council review the information. He said he would like to see a Board of Directors seated before the beginning of the new year. He suggested revisiting this at the last meeting in October.
- VIII. Communications
- a. Mr. Speck brought up a concern about breaking in cars in the area of Milligan Street and Nutt Road.
- b. Mr. Kirkner said he received a letter from a Spring City councilman asking that Council support tolling Route 422 to address the growth of the area. He asked that the letter be put in the packets.
- IX. Council Participation
- a. Mr. Reber said he received a communication about parking at Fourth and Gay. He asked who would handle the issue outside of the downtown area.
- b. Mr. Rau brought up the need to address the EIT ordinance and the LST/EIT resolution. He said this should be addressed under the Public Hearings as item C.
- X. New Business
- a. Consider Appointment of New Council Member to Fill the North Ward Vacant Seat – Mr. Kirkner said we will deal with this on Tuesday, October 5, 2010.
- b. Receive and Consider Award of Bid for 2011 Chemicals – Mr. Reber made a motion to award the bid for the 2011 chemicals, seconded by Mr. Speck, and approved by a vote of 7 to 0.
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| | Delta Chemical at \$0.764 for Liquid Aluminum Sulfate |
| Univar USA | Chlorine - One Ton Containers \$613.00 |
| | Chlorine – 150 Pound Cylinders \$88.80 |
| | Liquid Caustic Soda - \$0.85 |
| | Ammonium Sulfate - \$996.00 |
| Main Pool | Fluosilic Acid \$3.88 |
| | Soda Ash \$494.00 |

- a. David Saneck of 299 Fillmore Street said when it came before the Planning Commission we didn't have the timeline or a map that you could read. He said it did not include LICO 1 or 2. He said instead of 10 years maybe it could be reduced to five years.
- b. Mr. Rau gave an overview of the issues and said Council should be able to move ahead.

Mr. Reber made a motion to adopt the ordinance for the LERTA, seconded by Mr. Handwerk, and approved by a vote of 7 to 0. Mr. Kirkner noted that this is a 10 year program and there are provisions that any amounts due to the Borough must be current.

- c. Consider Adoption of an Ordinance Amending the Code of Ordinances of the Borough of Phoenixville for the Purpose of Amending Chapter 24 - Taxations Special - Mr. Kirkner opened the public hearing. No one wished to speak so he closed the public hearing.

Mr. Buckwalter made a motion to adopt the ordinance for EIT, seconded by Ms. Dugan, and approved by a vote of 6 to 0. (Mr. Reber had stepped out of the room at the time the vote was taken).

Mr. Buckwalter made a motion to adopt the ordinance for the resolution for EIT and LST, seconded by Mr. Gautreau, and approved by a vote of 6 to 0. (Mr. Reber had stepped out of the room at the time the vote was taken).

XIII. Reports of Committees, Boards, Commissions and Authorities

A. Planning Commission

1. Consider Whether or Not to Oppose the Zoning Hearing Board Application for 100 First Avenue (Planning Commission Recommended by a Vote of 4 to 0 that Council Not Oppose the Application) – No action was taken on this item.

B. Regional Planning Commission – Mr. Kirkner said he had nothing new to report.

C. Parking Authority - Mr. Kirkner said he would like to appoint Adam Dreibelbis to the unexpired term of April 15, 2012.

Mr. Buckwalter made a motion to accept the appointment of Adam Dreibelbis, seconded by Mr. Handwerk, and approved by a vote of 6 to 1 with Mr. Speck being the dissenting vote.

ON THE QUESTION: Mr. Speck said he is not in favor of appointing anyone to the Parking Authority at this time because there have been four resignations within a year. He said they are dysfunctional and have no home. He said they are an embarrassment to the Borough.

Mr. Speck made a motion to table. There was no second. (There was more discussion).

Mr. Gautreau said he agrees with Mr. Speck but believes we need to make this work. Mr. Buckwalter said that even though he voted against it, he believes we should help make it.

Mr. Speck made a motion to form a Steering Committee to come up with a plan to transition the Parking Authority over to the Borough. There was no second on the motion; therefore, the motion died.

- 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 \$836,696.65 (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to approve the prepays, seconded by Ms. Dugan, and approved by a vote of 7 to 0.
2. Consider Approval of the Budget Transfer Requests as follows: (Approved in Committee by a Vote of 2 to 0)
 - a. \$ 336.04 for Advertising Costs
 - b. \$ 6,000.00 for Recruitment and Retention

Mr. Buckwalter made a motion to approve the budget transfers, seconded by Ms. Dugan, and approved by a vote of 7 to 0.

3. Consider Approval of the 2011 Non-Smoothing MMO (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to approve the 2011 non-smoothing MMO, seconded by Ms. Dugan, and approved by a vote of 7 to 0.
4. Consider Approval of Giving the CDC a 90 Day Notice to Cancel the Current Five Year Contract (Approved in Committee by a Vote of 2 to 0) – Mr. Reber made a motion to approve giving the CDC a 90 day notice to cancel, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Gautreau said we had asked the CDC to come forward with some possible funding for programs that they might need in the future.

Mr. Reber amended his motion to include the reason being due to financial reasons with Mr. Buckwalter accepting as the second.

Mr. Buckwalter said there is an opening on the Finance Committee and he would like to be considered for it. He said he would give up being on the Policy Committee.

POLICY COMMITTEE

1. Consider Approval of a Resolution to Adopt the Water and Sanitary Sewer Services Collection Policy (Approved in Committee by a Vote of 4 to 0) – Mr. Reber made a motion to approve the resolution to adopt the water/sanitary sewer collection policy, seconded by Mr. Handwerk, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Gautreau asked if the arrears are still in the area of \$500,000.

2. Consider Accepting the Police Department Recommendation for a Handicapped Parking Sign at Two East Morgan Street and to Advertise and Schedule a Public Hearing for October 12, 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 – Mr. Handwerk made a motion to advertise and schedule a public hearing for the handicapped parking sign at Two East Morgan Street, seconded by Mr. Reber, and approved by a vote of 7 to 0.

XIV. Public Participation (con't) – There were no members of the public wishing to speak.

XV. Executive Session – Mayor Scoda said he would like to bring up a personnel issue.

XVI. Staff Reports

1. Manager's Report – Mr. Reber asked about the timeline for the Schuylkill River Trail and the funding. Mr. Krack noted this is a work in progress.

Mr. Speck asked about the date for the Halloween parade. Mayor Scoda responded that it is on Tuesday, October 19, 2010.

Mr. Kirkner asked how the new deli at the Pennsylvania House is getting a Use & Occupancy (U & O) permit.

2. Mayor's Report – Mayor Scoda said the newsletter is excellent and was very well done. He reminded Council that the snow emergency ordinance needs to be revisited. He said he went to the historical society annual dinner and they continue to actively try to preserve the history. He said the Blues Festival was well received. He said he is in favor of the 422 master plan but not in favor of 422 being a toll road.

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

Mr. Kirkner said we will be entering into an executive session to discuss personnel issues which will not require Council action afterward.

XVIII. Adjournment – Mr. Handwerk made a motion to adjourn. Meeting adjourned at 10:49 p.m.