

**PHOENIXVILLE BOROUGH COUNCIL**  
**Tuesday, November 1, 2011**  
**7:00 PM**

**MINUTES**

**(Minutes approved by Borough Council on December 13, 2011)**

I. Invocation/Pledge of Allegiance/Moment of Silence – President 7:00 PM

A. Mayor Scoda made special remarks in remembering former Mayor Al Dvorak. Mr. Kirkner made special remarks in remembering former police officer Mr. Thomas Dempsey and Mr. Ted Morgan (Father of Peggy Niemczuk)

II. Roll Call – Borough Secretary all in attendance

III. Minutes of Previous Meetings: October 11, 2011

Mr. Gautreau made a Motion to approve the minutes of October 11, 2011.  
Seconded by Ms. Mayo. Motion approved by a vote of 8 to 0 .

IV. Public Participation

A. Annie Hunter from French Creek Manor stated that she wanted to convey a special thanks to the Mayor, the Police Department, Mr. Evans and Jay Kolick for their service during the power outage.

B. Marcia Eldred stated her concerns about the power outage. She was thankful for the quick response by the Emergency Operations Center and the Red Cross. She stated that Mr. Evans brought warm food and coffee and that the Police stayed on the scene until power was restored. She was very impressed as to how the Borough came together.

C. Susan Marshall – Representing the Historical Society on Church Street. Concern regarding the proposed parking Ordinance. Mr. Kirkner advised her that she may want to wait until the Public Hearing process, to which she agreed..

Public Participation closed at 7:14 pm

V. Appointments/Public Resolutions

A. Consider accepting the resignation of Jay F. Patton from the Civil Service Commission effective December 31, 2011. A call for persons interested in the position or a nomination from Council is needed. This a five year term which expires January 31, 2016.

Mr. Evans made a Motion to accept the resignation of Jay F. Patton from the Civil Service Commission effective December 31, 2011 and added a request that the Manager put together a resolution thanking Jay for his service. Seconded by Mr. Speck. Motion approved by a vote of 8 to 0 .

- B. Mr. Kirkner announced a Call for three citizens interested in being appointed to the Pension Board of Appeals.

VI. Presentations - NONE

VII. Communications:

- A. Mr. Gautreau stated that he received a letter from Margaret Majors stating that she was concerned about paying \$15 to park on the street.
- B. Mr. Evans stated that he received a letter from Billie Goldstein from the Phoenixville Hospital inquiring about the status of any proposed Ordinance to making the Borough's parks smoke free.
- C. Mr. Evans stated that Emmett street residents were concerned that there was work done which caused the cable and telephone wires to be pulled down. Mr. Watson stated that to his knowledge, it was not the Borough's tree contractor.
- D. Mayor Scoda read a Letter from Ed Naratil which was requesting the Borough pass a Resolution for the Clean Air Act. The Mayor asked that his request be presented to the Policy Committee for review.

VIII. Council Participation

Mr. Evans added his comments to the response of the Emergency Operations team on behalf of the public. He said there was also extremely good responses for the businesses which provided food and beverages. He also suggested the Borough consider providing designated emergency services areas for the elderly

Mayor Scoda stated that he too was impressed with the good responses by everyone. He acknowledged the support provided at St. Peters Place. He stated he was most disappointed with the management of the French Creek Manor owners as no one could be found and there was no one to call. He stated that the Borough should require all buildings that have seniors or persons with special needs to have an emergency back up generator and have an Emergency plan on record with the Borough.

Mr. Gautreau stated that although there was a very large fire in the downtown, that the Fire Chief continued to keep aware of what was happening at French Creek Manor.

Mr. Speck stated that he was concerned about the Pennrose management team and asked what immediate action can the Borough take. There needs to be a better system of communication from the owners and their management team.

Mr. Gautreau stated that he was very concerned about the continued problems visitors are experiencing with down parking meters.

Mr. Evans stated that the Policy Committee has asked Staff to look further in to what can be done to alleviate these problems.

Mr. Speck publicly thanked all the mutual aid companies that participated in the fire in the downtown. Their collective response to the situation kept it from losing the building.

Mr. Reber questioned whether there were any Codes related issues in regard to the loss of power and lack of management at French Creek Manor during the snow storm power outage.

Mayor Scoda stated that he received a letter from the Pennsylvania housing Finance Authority dated Oct 12<sup>th</sup> which asked whether the Borough had any objections to the request from the Housing Authority of Chester County for funding for the Fairview Village projects.

Mr. Kirkner provided an update regarding the status of the two union contracts. He stated that the police contract has been before the neutral Arbitrator since August and that the Borough is waiting for the Arbitrator's response. He stated that the Borough had a tentative agreement with the AFSCME union that included changes in health care and slight increase in wages. He stated that the union rejected the agreement 30-1. This item would be discussed in Executive session.

## IX. New Business

- A. Consider approval of a Temporary Community Event for the Eighth Annual firebird Festival on Saturday, December 10, 2011 from 4:00 pm to 11:00 pm with the closure of the 300 Block of Bridge Street between Gay Street and Church Street from 4:00 pm to 10:00 pm.
- B. Consider approval of a Temporary Community Event for the Kiwanis Christmas Parade on Friday, December 2, 2011 with the closure of the 100 Block of Church Street, west side of Starr Street between Church

and Bridge Streets and Bridge Street from Starr Street to Taylor Alley beginning at 5:30 pm and ending at approximately 8:00 pm. This is in conjunction with First Friday

Mr. Evans made a Motion to approve Items A and B. Seconded by Mr. Buckwalter. Mr. Gautreau noted that there was some concern about the PECO line to the north of the event and that the event planner was seeking a clearance from PECO that the event would not be harmful to their power line. Motion approved by vote of 8-0

- C. Consider a contract with IMC Construction in the amount of \$22,750 for project management and design team services to determine all costs associated with the proposed Borough Hall project, responsive to the Borough's Request for Proposal.

Mr. Krack gave an overview of the new Borough Hall.

Mr. Buckwalter made a Motion to award the contract to IMC for project management and design team services in the amount of \$22,750. Seconded by Ms. Mayo. Motion approved by a vote of 8 to 0 .

Mr. Reber asked about the background of Remington, Vernick, and Beach Engineers. Mr. Krack reported on the background of each of the firm's background. Mr. Evans and Mr. Gautreau spoke in favor of IMC Construction.

- D, Letter received from the Pennsylvania housing Finance Authority dated Oct 12<sup>th</sup>. Penrose Application

Mr. Kirkner said the letter received was in response to the Housing Authority of Chester County's Fairview Plan which was previously approved by Borough Council.

Mr. Evans stated that Penrose will only be acting as the developer of the project and would not be managing the property.

At this point, the item was referred to Executive Session

X. Resolutions

XI. Public Hearings

- A. Consider a Zoning Amendment to amend the Code of the Borough of Phoenixville, as amended, Chapter 15 "Motor Vehicles and Traffic", Part 4, "General Parking Regulations", Section 15-410 "Residential Permit Parking" by amending definition, designating residential permit parking

areas, application and issuance procedures for residential parking permits, and setting forth certain eligibility and time regulations.

Mr. Kirkner opened the Public Hearing at 8:03 pm. stating that the Public Hearing was properly advertized in The Mercury and also on the Borough's Website.

Susan Marshall from the Historical Society stated that she knows that a lot of hard work has gone into this project. She has concerns regarding the availability of parking for the volunteers. The Historical Society is a Non-Profit organization with hours between 9 – 3 on Monday and Friday. She currently has a total 12 volunteers. She has concerns that she would lose volunteers if the parking is enforced and maybe not even being able to open the building in inclement weather. She asked Council to take a look at parking for volunteers.

Mike Brango, resident of Church Street. Had questions about how all the information was complied. He stated that he arrived home on Saturday night had to park 4 blocks away. He would like to have parking go until 10:00 PM in the evening and hopes that Council will consider it.

Roberta Cunliffe resident of Hall Street. She stated that parking has always been a problem. The Borough should not expect residents to pay for parking. She stated that she feels discriminated against because these new parking rules do not apply to the 100 block of Church Street. She stated that it is not fair what Council is doing to the residents. The problem is just going to move up the streets that are not permitted.

Mary Gibbons resident of hall street stated that between 8:00am and 5:00 pm there is plenty of parking. The problem is later in the evening. She states that she and others feel the permitted parking should be from 5 pm to 8 am.

Susan Marshall returned and stated that between 9:00 am and 3:00 pm they do not have trouble finding parking. Later hours may help the residents.

TracyTacket of Church Street stated that she would like to thank council for letting the Steering Committee work on the project. It has been always been frustrating finding parking. She hopes Council will pass the ordinance giving residents some relief.

Mr. Kirkner closed the Public Hearing at 8:16 pm.

Mr. Reber made a Motion to amend the Code of the Borough of Phoenixville, as amended, Chapter 15 "Motor Vehicles and Traffic", Part 4,

“General Parking Regulations”, Section 15-410 “Residential Permit Parking” by amending definition, designating residential permit parking areas, application and issuance procedures for residential parking permits, and setting forth certain eligibility and time regulations. Seconded by Ms. Mayo.

### **Discussion**

Mr. Evans expressed his concern about the timing of the enforcement.

Ms Mayo stated there is parking problem. If we are notifying residents, I would like to add Walnut Street to the list of those being notified of the changes.

Mr. Buckwalter stated he is also concerned about the times. He also has concerns for Post-office, historical society, and other organizations not being able to park. He stated that some business and residents host meetings and may not be able to bring people for meetings or as guests. It just may not be time to do this. I think it should be tabled until we address the concerns brought up tonight.

Mr. Gautreau stated that he believed the Borough should issue placards and does not believe residents should be paying for permits.

Mr. Reber stated that someone has to pay for the parking. It costs money to process the permits.

Mr. Buckwalter stated that for the few people involved, he would be willing to help fund the parking in the town as it should be spread over all of the tax payers. He stated that he does not want this to be a revenue generator.

Mr. Evans stated that if this is tabled, the Borough will have to readvertise the entire process all over again. He also stated that this process has come through the policy committee for almost an entire year. The entire reason for having the committees is to provide another medium or residents to voice their concerns on various topics.

Mayor Scoda stated that Council should come down on the side of residents first.

Mr. Kirkner stated that the hours in an Ordinance can be changed. Questionnaires were sent out. The idea is to create manageable parking and that this will be a work in process. We do have a draft that would allow for temporary parking and this is not a revenue generator. The kiosks were put in by the Parking Authority with no thought people go to

the nearest free place. We inherited the parking kiosks and we are trying to play catch-up. Permits are enforceable. It will keep people from parking in places where they should not be parking and should open spaces in front of homes. It is probable that over time we will need to tweak this.

Mr. Reber said it could be looked at as a way of making revenue. I am ok with the cost being spread out over the taxing base. Generally people are for the parking permits. I will be voting for this Ordinance amendment this evening. I definitely think it will need changes but it is the foundation.

Ms. Mayo stated that she just wants to be sure Walnut street is notified. It will free up parking places. In its entirety, this change will probably effect two hundred. Ms. Mayo called for the vote

Motion approved by a vote of 6 to 2.

ROLL CALL VOTE - YES, Dugan, Evans, Mayo, Reber, Speck, Kirkner, NO, Mr. Buckwalter and Gautreau

- B. Consider an Ordinance to amend the Code of the Borough of Phoenixville, as amended, Chapter 15 "Motor Vehicles and Traffic", Part 4, "General Parking Regulations", Section 15-402 by changing the number of "Parking Prohibited in Certain Locations Certain Days and Hours" and Section 15-406 by changing the number of "Handicapped Parking Zones" in the Borough of Phoenixville, Chester County, Pennsylvania.

Mr. Kirkner opened the Public Hearing at 8:45 pm. stating that the Public Hearing was properly advertized in The Mercury and also on the Borough's Website.

Mr. Kirkner stated the proposed Ordinance creates no parking zones on Starr on the West and East sides and adds Handicap spots on Nutt Road, Gay street, and High Street.

Mr. Evans was excused from council at 8:48.

No public comment

Mr. Kirkner closed Public hearing at 8:48 pm.

Mr. Reber made a Motion to approved the proposed Ordinance Amendment as presented. Seconded by Mr. Gautreau. Motion approved by a vote of 7 to 0.

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

A. Planning Commission

1. Consideration of Zoning Hearing Board Application from Anne C, Murphy at 161 Second Avenue. Planning Commission recommends Council not oppose the request per their Action Memo of October 18, 2011.

Council took no action.

2. Consider Scheduling and Advertising a Public Hearing for December 13, 2011 for an Ordinance Amendment to Chapter 27 "Zoning", Part 28, "Uses", Section 27-2803 "Recreational Uses". (Approved in Policy Committee 3 to 0). PC recommends approval with changes per their Action Memo of October 18, 2011.

Ms. Mayo made a Motion to Schedule and Advertising a Public Hearing for December 13, 2011 for an Ordinance Amendment to Chapter 27 "Zoning", Part 28, "Uses", Section 27-2803 "Recreational Uses". Seconded by Ms. Dugan. Motion approved by a vote of 6 to 0.

Mr. Reber had stepped out.

B. Regional Planning Commission

1. No Action to Report

C. Historical Architectural Review Board

1. No Action to Report.

XIII. Council Action referred from Committee

A. Police and Personnel Committee

1. Consider authorization to hire replacement Part-Time secretary for the Police Department.

Mr. Speck made a Motion to hire a replacement Part-Time secretary for the Police Department. Seconded by Ms. Mayo. Discussion - Ms. Mayo asked whether this was cost neutral. Mr. Krack stated that it is. Motion approved by a vote of 6 to 0.

B. Parks and Recreation Committee

1. No Action to Report

C. Finance Committee

1. Consider Approval of the 2011 Pre-pays 9/10/2011 – 10/8/2011 in the Amount of \$700,084.32. (Approved in committee 3 to 0).

2. Consider Approval of Budget Transfers

- a. Transfer \$400 to Legislative Outside Printing Expense from Legislative Insurance, due to increased number of business cards.
- b. Transfer \$10,000 to IT Telephone Expense from Finance Audit Expense due to the later implementation of the new phone system.
- c. Transfer \$95 to Administrative Unemployment from Finance Unemployment. Transfer \$260 to Public Works Unemployment from Finance Unemployment. Transfer \$670 to Worker's Comp Insurance from Finance Unemployment due to the allocation by the insurance companies.
- d. Transfer \$7500 to Streets Operating Expense from Streets Contract Services due to the chemical cost for weed control and cleaning equipment.
- e. Transfer \$1000 to Codes Vehicle Expense from Codes Office Supplies due to the increase in fuel cost and insurance allocations
- f. Transfer \$5000 to Codes Engineering from Planning and Zoning Engineering due to the cost of permit reviews.
- g. Transfer \$3100 to Codes Engineering from Planning and Zoning Legal due to the cost of permit reviews
- h. Transfer \$200 to Planning and Zoning Advertising from Planning and Zoning Legal due to increased cost of advertising of meetings
- i. Transfer \$600 to Police Outside Printing from Police Education Reimbursement due to increase cost of printing citations. (County no longer provides citations) Transfer \$610 to Police Lab Testing and Supplies from Police Education Reimbursement due to increase amount of lab testing needed.

Items (a-i) as a whole, were approved in Committee 3-0.

Ms. Dugan made a Motion to approve items 1 and 2 in their entirety. Seconded by Mr. Speck. Motion approved by a vote of 6 to 0 . Mr. Reber remained out of the room.

3. Consider Approval of Budget Increases

- a. Increase Public Works Vehicle Expense by \$800 to cover increase cost of fuel and change of insurance allocation, using Capital Projects Fund Balance.
- b. Increase Public Works Engineering by \$19000 due to engineering cost for the new streets building, using Capital Fund – Capital Fund Balance.
- c. Increase Public Works Emergency – Hurricane Irene by \$3300 and Increase Police Emergency – Hurricane Irene by \$285 due to response to Hurricane Irene, using General Fund - Fund Balance.
- d. Increase Codes Property Maintenance by \$12000 to cover the up front cost for taking care of properties the owners do not (Owner is billed and liened as appropriate), using General Fund - Fund Balance.
- e. Increase Public Works Emergency – Hurricane Irene by \$5450 and due to response to Hurricane Irene, using General Fund - Fund Balance.

Items (a-e) as a whole, were approved in Committee 3-0.

Mr. Reber returned to the floor

Ms. Dugan made a Motion to approve item 3 (a through e). Seconded by Ms. Mayo. Mr. Buckwalter asked that item 3.b be changed to come from Capital Projects. Motion makers agreed to the change. Motion approved by a vote of 7 to 0.

- f. Increase Parks Capital Projects Expense by \$11,805 to cover the resurfacing and replacement fence at Virginia Avenue Basketball Court, using Capital Fund Balance.
- g. Increase It Capital Projects Expense by \$15,265 to cover cost approved in 2010 for upgrades to the Permit-n-Force Software, upgrades for tracking rental points system, using Capital Projects Fund Balance.
- h. Increase Sanitation Judgment and Damages Expense by \$1410 to cover the cost of an accident, using Sanitation Fund Balance.
- i. Increase Sanitation Judgment and Damages Expense by \$906 to cover the cost of an accident, using Sanitation Fund Balance.

- j. Increase the Street Lights Contracted Services Expense by \$5,000 to cover the additional lighting on Prospect Street, using General Fund Balance
- k. Increase the Fire Fund Vehicle Maintenance Expense by \$23,612.98 to cover the cost of repair to the Ladder Truck which was in an accident. Use increase is covered by the revenue received for the responsible party's insurance.

Items (f-k) as a whole, were previously approved at the September Finance Committee meeting by a vote of 4 to 0.

Ms. Dugan made a Motion to approve item 3 (f through k).  
Seconded by Mr. Buckwalter. Motion approved by a vote of 7 to 0.

- 4. Consider late fee charge for Gingerbread House Preschool Fees to \$10. (Approved in Committee 3-0)
- 5. Consider paying for the accident between Borough vehicles with out turning over to the insurance in the amount of \$905.00. This will be a budget increase in Sanitation. (Approved in Committee 3-0)

Ms. Dugan made a Motion to approve items 4 and 5. Seconded by Mr. Reber. Motion approved by a vote of 7 to 0.

- 6. Consider increasing Police - Capital Purchase to replace Car #11 and Car #12 with two 2011 Ford Crown Victorias from 2011 Capital Fund Balance in the amount of \$60,200. (Approved in Committee 4-0)

Ms. Dugan made a Motion to increase Police - Capital Purchase to replace Car #11 and Car #12 with two 2011 Ford Crown Victoria vehicles from 2011 Capital Fund Balance in the amount of \$60,200. Seconded by Mr. Speck. Motion approved by a vote of 7 to 0 .

D. Infrastructure Committee

- 1. No Action to Report

E. Economic Development Committee

- 1. Consider authorizing the owners of Molly Maguires to install a bump out the length of two parking stalls in front of Molly Maguires and The Fenix on Bridge Street. (Approved in committee 2-1. No vote - Mr. Gautreau)

Ms. Mayo stated that she meant to not vote in favor of this item when it came before the Economic Development Committee as she is opposed to the bump outs on Bridge Street. There was no motion, thus the request is deemed denied.

F. Policy Committee

Mr. Kirkner reported the ad hoc Parking Steering Committee is being terminated as they have accomplished what the Policy Committee had asked of them. He thanked the members of the committee including Ellie Acampora, Mary Foote, Ryan Joyce, Tracy Tackett, Jennifer Mayo and Marc Reber.

Mr. Reber stated that the public is welcome to continue with their comments.

Mr. Gautreau stated that he too would like to thank the members of the committee for all the work they put forth.

XIV. Public Participation - NONE

XV Staff Reports

A. Mayor's Report

He stated that this was the first time in as long as he can remember when Halloween occurred and there was still snow on the ground. He stated that the Borough had a safe Halloween and that is was nice to see the homes decorated. He stated that on Saturday, November 19<sup>th</sup> the police will be doing a gun buy back program. A \$50 gift certificate will be given for each gun turned in.

The Police Chief reported that on this past Saturday the police conducted a prescription drug drop off in which the Department received 31 pounds of medication unused or expired.

The Mayor continued by stating that the community pulled together in response to the needs at French Creek Manner. Emergency Management had a great response.

The Mayor stated that he was asked to attend a meeting with the school district for the purpose of exploring areas where we have common interest. The

Mayor stated that the Monthly Police report will be out on Thursday.

B. Manager's Report

Mr. Krack reported that County Line Magazine did a feature article about Phoenixville and the story was also available on the Borough's website.

Staff and the Emergency Operations Team were preparing for a regional drill which will mobilize the Emergency Operations Center.

Veteran's Day is the Friday, November 11. The VFW has provided 16 flags for the Veteran's Memorial Gay Street Bridge to be flown on this day and other significant holidays. The flags include US, PA, POW, Army, Navy, Marine Corps, Coast Guard and Air Force.

Mr. Krack presented council with the 2012 Draft Budget and budget address. He read the budget address into the record.

Mr. Kirkner asked Council for a Special Meeting on November 29, 2011 at 6:30 PM. Mr. Kirkner also requested that a complete inventory of borough vehicles be provided for the next Finance Committee Meeting on November 15, 2011.

Mr. Krack stated that he was recently notified that the Borough will be receiving a \$285,000 William Penn grant from DVRPC for the engineering and design of the Borough's portion of the Schuylkill River Trail for that portion between North Main Street and Mowere Road.

C. Code Director's Report

Mr. Kirkner noted the number of Codes related issues that were being completed by staff.

D. Public Works Director's Report -

E. Fire Chief's Report – Same as police report

F. Finance Director's Report

Other Reports

A. Fire Department Liaison

Mr. Gautreau stated that he was thankful for the work of the Fire Department and mutual aide responders to the recent fire downtown.

XVI. Executive Session – Personnel (Non-Uniform/Non-Union and Contracts), Real Estate, and Litigation

XVII. Old Business - NONE

XVIII. Adjournment 9:49 PM.