

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, June 12, 2018

7:00 PM

MINUTES

(Minutes approved by Borough Council on July 10, 2018)

I. Moment of Silence/Pledge of Allegiance

II. Roll Call – Borough Manager

Mr. Kovaleski, President	Present
Mr. Burckley	Present
Mr. Dalton	Arrived 7:09 pm.
Ms. Doherty	Excused
Ms. Dugan	Present
Mr. Ewald, Vice President	Present
Mr. Kirkner	Present
Mr. Soto	Present
Mr. Krack, Borough Manager	Present
Chief Sjostrom	Present
Solicitor Garner	Present

III. Consider Approval of the May 8, 2018 Regular Meeting Minutes.

Mr. Kirkner made a Motion to approve the May 8, 2018 Regular Meeting Minutes.
Seconded By Ms. Burckley.

On the Question:

Mr. Kirkner stated he contacted the Borough Secretary's Administrative Assistant to amend the minutes to include his comments regarding Trail access on the Northside when looking to make improvements in that area.

Mr. Kovaleski asked that Mr. Kirkner make a motion to amend his motion.

Mr. Kirkner made a motion to amend the minutes. Seconded by Ms. Burckley.

Motion Approved 5-0-1. Mr. Soto abstained as he was absent last meeting.

IV. Presentations

A. Swearing in of Corporal Stephen MacDonald – Mayor Urscheler.

V. Public Participation

Carol Sklaroff, resident of North Street. She stated the water issues at her property at the Founders Hill Development are still occurring. She is concerned since the deadline for Mr. Tammaro to submit plans to remedy the situation has passed and nothing has been done to correct it. She stated the water is now moving to adjacent properties and the potential for damage to properties outside the development is increasing.

Richard Garces, resident Cedar Drive. He stated his experience with the recent flooding from the rain storm on May 27, 2018 and he wants to know what will be done to prevent this type of damage in the future.

Theresa Royer, resident Valley Road. She expressed her concerns with the recent flooding in her neighborhood. She stated in the thirty years she has lived there they have never had this type of problem with water in their basements.

Jessica Conran, resident Valley Road. She stated she experienced the same flooding as her neighbors that damaged their lower level of her home.

Andrea, resident of Cedar Drive. She experienced the flooding as well on the 27th of May. She stated that their basement had to be pumped out by the fire department and that her vehicle floated away from her property during the storm.

James Heming, resident Robarts Drive. He stated that his and the neighbor's backyards are still full of water after the flooding making the areas unusable by the families living there.

Dr. David Saneck, resident. He shared his thoughts on the construction of the new Civic Center, the donation of the property at 115 Buchanan Street for Affordable Senior housing and he is concerned that the Borough is moving forward with the Somax proposal without knowing more about the process.

Dave Wilson, resident Cedar Drive. He stated that he was fortunate enough to not have much flooding and that he was away during the storm, he is concerned about the river of water behind the housing on Robarts, it's no longer safe for the neighborhood children to play outside.

Dr. Lou Beccaria, resident and President/CEO of the Community Health Foundation. He stated his support for the Affordable Senior Housing being proposed by the Hankin Group at 115 Buchanan Street. He stated there is a great need for this housing and hopes that Council moves forward

Seth Silber, resident Cedar Drive. He stated his experience with the flooding at his home that destroyed his basement.

VI. Appointments/Public Resolutions

- A. Call for Residents interested in being appointed to various Boards and Commissions.

Mr. Kovaleski reminded the public there are openings for residents interested in applying for our various boards and commissions. Interested applicants should contact the Borough for more information.

- B. Consider request of Joseph Lynch for reappointment to the Tree Advisory Commission.

Mr. Ewald made a Motion to reappoint Joseph Lynch to the Tree Advisor Commission with a term ending on June 30, 2023. Seconded by Mr. Soto.

Motion Approved 7-0.

VII. Communications/Council Participation

Mr. Kovaleski asked Mr. Krack to address the items brought up in Public Participation.

Mr. Krack explained the next steps for the residents of the Founders Hill Development. He stated corrective plans have not been submitted and that the process for issuing citations will be started with the developer until he complies with corrective plans to remedy the problem.

Mr. Krack explained the circumstances that led to the flooding behind the Acme Shopping Center and the storm basin there. He has asked the Borough Engineer to look at the basin and report their findings to the Borough.

Mr. Kirkner addressed Dr. Saneck's concerns regarding Somax and clarified that tonight the agenda item will be about approving the Non-Disclosure Agreement and not an approval of the project.

Mr. Soto asked about travel time delays experienced by residents on Nutt Road (SR23).

Mr. Kovaleski explained that McMahon and Associates is preparing the documentation for the costs involved in a traffic study on Nutt Road (SR23)

VIII. Mayor's Report

Mayor Urscheler reported on the many events occurring in the Borough including Relay for Life, Kiwanis Patriotic Day, Memorial Day wreath laying, Jason Kelce of the Philadelphia Eagles at Videon Chevrolet and Molly Maguires golf outing in support of the Police Department's equipment fund.

IX. New Business

- A. Consider Staff recommendation to reappoint Ray Ott & Associates as the Borough Land Planner.

Mr. Ewald made a Motion to appoint Ray Ott & Associates as the Borough Land Planer. Seconded by Mr. Soto.

Motion Approved 7-0.

- B. Consider Staff recommendation to appoint McNeese Wallace & Nurick, LLC as Bond Counsel.

Mr. Ewald made a Motion to appoint McNeese Wallace & Nurick, LLC. as Bond Counsel for the not-to-exceed fee of \$14,500 with the Borough paying the Debt Act filing fee and two required legal notices . Seconded by Mr. Kirkner.

Motion Approved 7-0.

- C. Consider Approval of the Civil Service Commission recommended changes to their Rules and Regulations as Adopted on June 4, 2018.

Mr. Ewald made a Motion to approve the Civil Service Commission recommended changes to their Rules and Regulations as Adopted on June 4, 2018. Seconded by Mr. Soto.

On the Question:

Mr. Krack explained the changes are minimal and clarify some items as it relates to hiring versus promotion criteria.

Mr. Kirkner asked for clarification on the section for inspection of records and the commission obligations under Right to Know.

Mr. Garner explained that under the right to know they are subject to the Act. However, some of the records have sensitive information and would be exempt from the right to know. Mr. Garner further clarified that the language in the document is typical of any Civil Service Commission Rules and Regulations.

Mr. Soto asked about the use of he in section 803 parts A, B and C of the document.

Mr. Garner stated these are the rules and regulation of the Civil Service Commission and they would have to be approved by them first. He stated the use of "he" is explained on page seven of the document.

Motion Approved 7-0.

X. Resolutions

- A. Consider a Resolution authorizing the signing of all documents required in the PennDOT Congestion Mitigation and Air Quality Improvement Program Federal–Aid Reimbursement Agreement.

Mr. Ewald made a Motion to approve a Resolution authorizing the signing of all documents required in the PennDOT Congestion Mitigation and Air Quality Improvement Program Federal–Aid Reimbursement Agreement. Seconded by Mr. Soto.

On the Question:

Mr. Krack explained the origins of the program and the Borough still has one on the books. These funds will be used to widen the Schuylkill River Trail as it travels over the Mont Clare Bridge. This construction has to be completed in the spring or fall. This project should be completed in the spring of 2019.

Mr. Kirkner asked if Upper Providence was on board with this construction.

Mr. Krack explained it is supported by both Montgomery and Chester Counties as well as by Upper Providence Township. The Borough is the applicant for this project.

Motion Approved 7-0.

XI. Public Hearings - None

XII. Reports of Committees, Boards, and Commissions

- A. Planning Commission – (**Ewald**)

1. Consider a Resolution approving the Waste Water Treatment Plant Minor Subdivision Plan as recommended 5-0 by the Planning Commission in their Action Memo of May 14, 2018.

Mr. Ewald made a Motion to approve the Waste Water Treatment Plant Minor Subdivision Plan. Seconded by Mr. Soto.

Motion Approved 7-0.

2. Consider a Resolution approving the Phoenixville Borough Civic Center Major Commercial Subdivision and Land Development Plan as recommended 4-0 by the Planning Commission in their Action Memo of May 14, 2018.

Mr. Ewald made a Motion to approve a Resolution approving the Phoenixville Borough Civic Center Major Commercial Subdivision and Land Development Plan. Seconded by Ms. Dugan.

Motion Approved 7-0.

B. Historical Architectural Review Board – **(Dugan)**

1. Consider approval of the Sign Request for 164 Bridge Street as recommended 6-0 in the HARB Action Memo of June 5, 2018.
2. Consider approval of the Sign Request for 235 Bridge Street as recommended 6-0 in the HARB Action Memo of June 5, 2018.

Ms. Dugan made a Motion to approve items 1 & 2. Seconded by Mr. Ewald.

Motion Approved 7-0.

C. Regional Planning Committee – **(Ewald)**

Mr. Ewald stated the committee is reviewing the plans submitted for French Creek West and they continue to work on the Comprehensive Plan rewrite. The next meeting is on June 27, 2018 at 7:30 pm.

D. Recreation Board – **(Dugan)**

Ms. Dugan reported on the numerous camps and activities available over the summer through the Recreation Department and reminded the public to come and see the department as it participates at First Friday.

E. Beautification Advisory Commission – **(Soto)**

Mr. Soto reported that the commission is working on the installation of a pocket park next to Vecchia Pizza and some plantings at the Presbyterian Church parking lot. There are still Iron Pot Planters to sponsor and the commission is seeking nominations for its annual awards.

XIII. Council Action referred from Council Committees

A. Parks and Recreation Committee – **(Soto, Dugan, and Kovaleski)**

1. Consider Temporary Community Event Application for Making a Difference Day in Andre Thornton Park on Saturday, July 14, 2018 from 4:00 pm to 9:00 pm. Rain Date would be Saturday, August 2, 2018.

Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Soto made a Motion to approve the Temporary Community Event Application for Making a Difference Day in Andre Thornton Park on Saturday, July 14, 2018 from 4:00 pm to 9:00 pm. Rain Date would be Saturday, August 2, 2018. Seconded by Mr. Kirkner.

Motion Approved 7-0.

B. Policy Committee – (**Dalton**, Doherty, Kirkner, and Soto)

1. Consider Scheduling and Advertising an Ordinance to Repeal and Replace Chapter 25 “Trees”.

Mr. Dalton made a Motion to schedule and advertise a Public Hearing to consider an Ordinance to Repeal and Replace Chapter 25 “Trees.”
Seconded by Mr. Soto.

On the Question:

Mr. Soto asked about the section regarding tree maintenance, what is the intention of having to a section for property owners and the section for the Borough.

Mr. Krack stated it’s written to encourage the property owners to do minor maintenance, like minor trimming and limb collection. Whereas the section for the Borough would mostly likely have a cost for the maintenance.

Motion Approved 7-0.

C. Police and Personnel Committee – (**Burckley**, Doherty, and Ewald)

1. No Action to Report.

Ms. Burckley stated that the Temporary Community Event application for National Night Out should be coming before Council next month.

D. Infrastructure, Technology and Transportation Committee – (**Ewald**, Burckley, Dalton, and Kovalski)

1. No Action to Report

Mr. Ewald reported that the LED Traffic signal replacements are 75 percent complete.

E. Finance Committee – (**Dugan**, Doherty, Kirkner, and Kovaleski)

1. Consider approval of the 2018 Pre-Paid dated 4/15/2018 - 5/12/2018 in the amount of \$736,098.62.
2. Consider approval of the 2018 Pre-Paid ACH dated 4/30/2018 in the amount of \$2,386.27.
3. Consider approval of the 2018 Pre-Paid Credit Card Statement dated 4/27/2018 in the amount of \$4,615.33.
4. Consider Budget Increase 2018-07 in the amount of \$7,900 from Waste Water Fund Balance to Sewer Treatment (Professional Services) for lead paint remediation.
5. Consider Budget Increase 2018-08 in the amount of \$6,000 from Water Fund Balance to Water Treatment (2018 HVAC Upper Plant – 1st Fl) to replace a failed air conditioner unit.
6. Consider Budget Increase 2018-010 in the amount of \$3,950 from Water Fund Balance to Water Treatment (Judgements & Damages) to replace WTP Fencing that was damaged due to storm.
7. Consider Budget Increase 2018-011 in the amount of \$20,000 from Sanitation Fund Balance to Recycling (Tipping Fees) due to increased charges for tipping fees.
8. Consider Budget Increase 2018-012 in the amount of \$16,413.36 from Water Fund Balance to Water Distribution (New Meters & Meter Supplies) for new meters at the WWTP and Fillmore Pumping Station to assist in unaccounted water loss.

Ms. Dugan made a motion to approve items 1-8. Seconded by Mr. Kirkner.

Motion Approved 7-0.

9. Consider Change to 2017 902 Grant Application.

Ms. Dugan made a Motion to approve the change to the 2017 902 Grant Application.

Mr. Krack explained the need for the change to the application that instead of a new recycling truck the request will be for a Yard Waste Collection Truck.

Motion Approved 7-0.

10. Consider Infrastructure Committee recommendation to partner with The Hankin Group to develop a 50 unit affordable senior housing complex at 115 Buchanan Street with the Borough providing the land for the project.

Ms. Dugan stated this item will be deferred until after Executive Session.

11. Consider Infrastructure Committee recommendation to partner with Somax to develop a Hydrothermal Carbonization Plant at the WWTP and to enter into a Non-Disclosure Agreement for additional information.

Ms. Dugan made a Motion to approve the Infrastructure Committee recommendation to partner with Somax to develop a Hydrothermal Carbonization Plant at the WWTP and to enter into a Non-Disclosure Agreement for additional information. Seconded by Mr. Ewald.

Motion Approved 7-0.

XIV. Public Participation

Carol Sklaroff, resident. She asked for clarification on the citations to be issued to the developer of Founders Hill and how will she be notified of the court proceedings.

Mr. Garner explained the citation and court hearing process to Ms. Sklaroff.

XV. Staff Reports

- A. Manager
 - Chester County Grant Award (\$79,410) – All Abilities Playground
 - Chester County Grant Award (\$756,677) – 2018 Waterline Replacement

Mr. Krack explained the Grant Awards and positive impact that the Waterline Replacement Grant has on the Borough's Infrastructure.

- B. Police
- C. Fire
- D. Planning and Codes
- E. Public Works
- F. Finance
- G. Human Resources

XVI. Old Business

XVII. Executive Session – Real Estate, Personnel and Legal Matters

Mr. Ewald made a Motion to Recess at 8:35 pm to discuss Real Estate, Personnel and Legal Matters. Seconded by Mr. Soto.

Motion Approved 7-0.

Mr. Kovaleski reconvened at 9:11 pm.

Mr. Ewald made a Motion to Table item 13 (e) 10. Seconded by Mr. Dalton.

On the Question:

Mr. Kovaleski stated that while this is a unique opportunity it is still a significant investment on the Borough's part.

Motion to Table Approved 7-0.

Mr. Kovaleski asked Mr. Tom Carnevale to the podium to discuss the New Civic Center project and the impact of the Senior Center no longer being part of the project.

Mr. Carnevale stated the portion of the building that would have housed the Senior Center only contains one wall that is load bearing. This will allow for the spaces to be reconfigured easily, the bigger concern is the heating and air conditioning in that part of the building.

Mr. Krack asked Mr. Carnevale if he feels we can maintain the current time line and issue a bid packet with the current alterations.

Mr. Carnevale stated his firm continued to work on the design of the other portions of the building, however we are now at the point where some decisions for the former Senior Space need to be addressed. We can proceed as if the space is vacant space and make educated estimates on what is needed so that we can meet the current time line for the project.

Mr. Soto asked how does changing the floor plan affect the timelines on the electric and HVAC needs.

Mr. Carnevale stated that we just need to make accommodations for the addition of HVAC units in the future.

Mr. Krack asked how the departure of the Senior Center affects the combined uses that were built into the construction.

Mr. Carnevale stated that the Kitchen can be reduced in size as it will no longer need to produce meals on a daily basis.

Mr. Krack asked if the second floor track is remaining in the design.

Mr. Carnevale stated the track will remain and the gymnasium will still be able to be spilt into two areas as needed for Basketball.

Mr. Krack asked if we have accommodated the request of the adjacent neighbor.

Mr. Carnevale stated we have addressed this issue with the installation of a split rail fence.

Mr. Krack asked about accessibility onto Ann Street with the use of a removable bollard to prevent non-emergency access.

Mr. Carnevale stated the bollard for emergency access can be accommodated to fit the Borough's needs.

Mr. Ewald asked if the kitchen could be expanded if need be in the future.

Mr. Carnevale stated a large walk in freezer, a dishwasher line, a food pantry and double wall ovens were removed from the design. Essentially anything that made the space more of a commercial kitchen was removed.

Mr. Burckley asked about the hood system.

Mr. Carnevale stated the exhaust system will remain it's just smaller.

Public Participation

None.

XIII. Adjournment 9:23 pm. Mr. Ewald made a Motion to adjourn. Seconded by Mr. Soto.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
June 2018