

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

February 19, 2019
7:30 P.M.

PRESIDING: Council President Grossman

INVOCATION: Council Member Laney

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL

PRESENT

Council President Grossman
Council Vice-President Uzman
Council Member Finkbiner
Council Member Laney
Council Member Meisel
Council Member Raynor
Council Member Siquett

ABSENT

Mayor Burton

2. RECORDING OF MEETING

Council President Grossman asked in accordance with Resolution No. 714 if any member of the audience was recording the meeting.

No member of the audience identified themselves as recording the meeting.

3. APPROVAL OF MINUTES

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, February 5, 2019, as submitted.

4. APPROVAL OF REPORTS

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the Treasurer's Report, the Committee Reports for Finance & Administration, Public Safety, Public Works and the Chief of Police Report, the Code Enforcement Department Reports (Building Inspector's Report, Housing and Property Maintenance Report, and Zoning Report), the Superintendent of Public Works Report, and the Manager's Report for the month of January 2019, as submitted.

5. BOROUGH COUNCIL COMMITTEE REPORTS

a. Finance & Administration

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Council Vice-President Uzman stated the Finance & Administration Committee met on February 5, 2019 and February 11, 2019.

At the February 5, 2019 meeting, the Committee met with INR Advisors to review the fourth quarter performance of the Police and Non-Uniform Pension Funds, discussed the Borough's current CDs with Meridian Bank, the development of an internship program, upgrades to the A/V system in the Borough Council meeting room, and a proposed Community Installation Policy.

At the February 11, 2019 meeting, the Committee met with Michael Fuller from Keystone Lighting Solutions to discuss the Preliminary Feasibility Study completed as part of the Delaware Valley Regional Planning Commission's Regional Streetlight Procurement Program. The study shows a significant energy cost savings. The Committee is recommending moving to Phase 2 of the program in order to complete an audit of the Borough's streetlights and a project design. This would involve the approval of a professional services agreement with Keystone Lighting Solutions. A resolution in regards to this is before Borough Council this evening. The Committee also discussed the upcoming lease with Comcast for the building on Ruthland Avenue.

b. Public Safety

Council Member Meisel stated the Public Safety Committee has not met since the January 15, 2019 meeting of Borough Council.

c. Public Works

Council Member Siquett stated the Public Works Committee last met on January 29, 2019. Items before the Committee included recommendations for Old Lincoln Highway, a review of a sketch plan for sidewalk and parking around Quann Park, discussion of the drainage concerns on Highland Avenue, and the 2019 Paving Program.

6. RESOLUTION NO. 784 – AUTHORIZING COOPERATIVE PURCHASING AND PARTICIPATION IN THE REGIONAL STREETLIGHT PROCUREMENT PROGRAM ADMINISTERED BY THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION

A motion was made by Council Vice-President Uzman, seconded by Council Member Finkbiner, and carried by a vote of 7-0, to adopt Resolution No. 784, authorizing cooperative purchasing and participation in the Regional Streetlight Procurement Program Administered by the Delaware Valley Regional Planning Commission and authorizing the execution of a Professional Services Agreement with Keystone Lighting Solutions.

7. UNFINISHED BUSINESS

a. Verizon Franchise Agreement – Proposal from The Cohen Law Group

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Borough Manager Bashore stated before Borough Council this evening is the cost proposal from The Cohen Law Group. The costs are based on two (2) factors: the number of municipalities participating and the population. The Borough's costs would range from \$4,550 to \$6,500. A copy of the proposal and engagement letter were attached in the Borough Council packets.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0 to approve the proposal of The Cohen Law Group dated February 12, 2019 to perform Verizon Cable Franchise Renewal Services as submitted to the Chester County Consortium and authorizing the Borough Manager to execute the necessary engagement letter.

8. NEW BUSINESS

a. Amendments to the Home Rule Charter

Borough Manager Bashore stated on January 25, 2019, a memorandum was issued to Borough Council regarding potential goals for 2019, as well as items for Borough Council to be aware of for the future. In the discussion about goals, one item was considering amendments to the Home Rule Charter. If Borough Council is interested in looking at amendments to the Home Rule Charter, then an ad hoc committee should make recommendations to Borough Council. In 2018, the ad hoc committee consisted of Council Vice-President Uzman, Councilor Laney, and Councilor Raynor. The 2018 ad hoc committee made three (3) recommendations to amendment meeting attendance requirements, teleconferencing, and advertising requirements for the annual budget. In order to have any proposed amendments appear on the ballot for the November general election, the ordinances must be delivered to the Chester County Board of Elections at least 13 Tuesdays prior to the election (by August 6, 2019).

Council President Grossman recommended an ad hoc committee be formed to review the meeting attendance requirements of the Mayor, and to increase stipends for Borough Council to the allowable state limits.

Council Member Sinquett suggested an ad hoc committee to evaluate whether to provide a stipend to the Planning Commission and Zoning Hearing Board. Borough Manager stated the stipends would be an amendment to the Borough's Administrative Code, by means of an ordinance amendment.

Borough Council agreed to table discussion to provide time for members to think of 2019 topics, prior to reconvening the ad hoc committee that was formed in 2018.

b. Proposed Ordinance Amendments

- Amendment to Chapter 48 (Shade Tree Commission) – Authorization to advertise

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Borough Manager Bashore stated before Borough Council this evening is proposed ordinance to amend Chapter 48 of the Borough's Code of Ordinance. This chapter pertains to the functions of the Borough's Shade Tree Commission. The proposed ordinance would establish a requirement for the replanting of any shade tree that is removed and provide oversight by the Shade Tree Commission on plantings in Borough-owned parks and open spaces. The proposed ordinance has not been advertised for a public hearing and would need to be authorized for advertisement.

Joe Bones, 25 High Street, member of the Shade Tree Commission, asked how the replanting requirements would be enforced. Borough Manager Bashore stated the Zoning Officer would be the responsible official for ensuring compliance.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to authorize for advertisement a public hearing and consideration of adoption at the March 5, 2019 meeting of Borough Council.

- Amendment to Chapter 181 (Subdivision & Land Development Ordinance) – Authorization to send to the Chester County Planning Commission for review

Borough Manager Bashore stated at the February 5, 2019 meeting, Borough Council voted to direct the Planning Commission to review section 181-511.F. of the Borough's Subdivision & Land Development Ordinance. This section states as follows:

"Lots shall be regularly shaped, and the depth of lots shall generally not exceed their width by more than 2½ times."

Councilor Finkbiner provided research indicating that the area and bulk requirements found in the Borough's Zoning Ordinance do not correspond to this requirement.

At their meeting on February 7, 2019, the Planning Commission reviewed this section and are recommending removing the provision that establishes the depth-to-width ratio, while retaining the language that lots shall be regularly shaped. A letter from the Planning Commission chair outlining the recommendation has been attached. The Borough Solicitor has prepared a draft ordinance for review.

The proposed ordinance would amend section 181-511.F. to only read that lots shall be regularly shaped. This ordinance has not been reviewed by the Chester County Planning Commission as required by the Municipalities Planning Code and would need to be authorized to be sent to them for review prior to scheduling a public hearing.

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 7-0, to authorize Borough Administration to send the proposed ordinance amendment to the Chester County Planning Commission for it review and comment.

- c. 361 Old Lincoln Highway Subdivision – Release of Maintenance Bond

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Borough Manager Bashore stated before Borough Council this evening is consideration to release the maintenance bond for the subdivision project completed by Renehan Building Group at 361 Old Lincoln Highway. The applicant was required to post an 18-month maintenance bond for both the project at 361 Old Lincoln Highway and 347 Old Lincoln Highway per the Municipalities Planning Code.

The applicant has requested release of both bonds. This request has been reviewed by the Borough Engineer. In a letter dated February 13, 2019, the Borough Engineer recommended release of the maintenance bond for the project at 361 Old Lincoln Highway. An additional letter has been provided in regards to the project at 347 Old Lincoln Highway, where the Borough Engineer noted that there is a settlement in the private road by Old Lincoln Highway at the water meter pit. This must be addressed before the maintenance bond for 347 Old Lincoln Highway may be released.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0 to authorize the release of the maintenance bond for the subdivision project at 361 Old Lincoln Highway in the amount of \$6,869.81 as recommended by the Borough Engineer's letter dated February 13, 2019.

d. Community Installation Policy

Borough Manager Bashore stated before Borough Council this evening is a proposed policy governing proposals for projects that are intended for Borough property (e.g., municipal parks, open spaces, etc.). Recent examples of projects that may have fallen under this policy would include the little free library in Burke Park, the Eagle Scout ramp installed in Quann Park, and the swing set in Burke Park.

The policy sets forth requirements for such proposals (notification to neighboring property owners), an evaluation criteria, and a review process. All projects must be endorsed by a Borough taxpayer, including residents and/or business owners. Initial reviews of applications will begin with the Public Works Committee of Borough Council and may be referred to other relevant boards and committees at their discretion.

Borough Council agreed to table any action to allow members to review and provide comments to the Finance & Administration Committee, prior to adoption.

e. Parks & Recreation Committee – Appointment Consideration

At the October 2, 2018 meeting, it was announced that Erin DeRafelo had submitted her resignation from the Parks & Recreation Committee. The vacancy was advertised on the Borough website and in the *Borough Broadcaster*. At their meeting on February 6, 2019, the Committee met with Michael Panuschka in regards to this vacancy. Mr. Panuschka is a resident of Kingsbury.

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The Committee is recommending that Mr. Panuschka be appointed to fill this vacancy. If appointed, Mr. Panuschka would complete a term set to expire on January 1, 2021.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0 to appoint Michael Panuschka to the Parks & Recreation Committee with a term to expire on January 1, 2021.

f. Zoning Hearing Board

Borough Manager Bashore stated that there the Zoning Hearing Board is scheduled to hear the appeal of 331 Old Lincoln Highway on March 25, 2019. The applicant is appealing a Notice of Violation issued by the Zoning Officer for violations against sections 220-201, 220-701, and 220-2309 of the Zoning Ordinance. These sections pertain to the use of the property as a junk yard. The attorney for the applicant contacted the Borough Solicitor in regards to reaching a settlement. As settlement discussions are underway, the Zoning Hearing Board agreed to grant a continuance.

No action was taken at this time.

9. PUBLIC FORUM

Council President Grossman informed all present that Public Forum is the time to offer comments on any item not on the agenda and to bring any issues/concerns before Council.

Police Chief Marcelli announced that schools will be closed on Wednesday, February 20, 2019 due to the impending winter storm.

10. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Finkbiner, and carried by a vote of 7-0 to adjourn the meeting at 8:14 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary