

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

September 4, 2018
7:30 P.M.

PRESIDING: Council President Grossman

INVOCATION: David B. Burton, Mayor

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 Sinquett
Mayor Burton

ABSENT:

2. GUS RUBINO – MAYORAL PROCLAMATION:

Mayor Burton, on behalf of the Malvern Business and Professional Association requested that Borough Council authorize a proclamation be made for Mr. Gus Rubino, a retiring business owner in the Borough for over forty (40) years.

A motion was made by Council Member Laney, seconded by Council Vice-President Uzman, and carried by a vote of 7-0, to authorize the Borough Manager to draft a proclamation for Mr. Rubino's service in the borough. Mr. Bashore stated he will have the proclamation prepared for a public presentation at the September 12, 2018 recognition dinner being held for Mr. Rubino by the Malvern Business & Professional Association.

3. 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.

4. APPROVAL OF MINUTES:

A motion was made by Council Member Laney seconded by Council Vice-President Uzman, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, August 21, 2018, as amended.

5. RESOLUTION NO. 769 – DISPOSITION OF PUBLIC RECORDS:

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A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve to adopt Resolution No. 769, authorizing the disposition of records of the Borough of Malvern pursuant to the Municipal Records Manual.

6. PRESENTATION – JOHN YURICK, P.E. (BOROUGH TRAFFIC ENGINEER) – MALVERN BOROUGH-WIDE MULTIMODAL TRANSPORTATION STUDY (VISION PARTNERSHIP PROGRAM GRANT):

John Yurick, P.E., presented the *Malvern Borough-wide Multimodal Transportation Study* that was completed through the Vision Partnership Program grant received from Chester County. The presentation included detailed information on seven (7) strategic areas of interest for vehicle and pedestrian safety measures to be possibly implemented in the future by Borough Council.

Anthony Mancini, 525 Highland Avenue, recommended that the Borough Council consider adding a left-turn lane on King Street so traffic may turn onto North Warren Avenue. Borough Manager Bashore stated the left-turn lane is included in the North Warren Avenue/King Street Multimodal Transportation Project that is pending PennDOT approval, prior to going out for bids.

Kelly Schmitt, 17 Channing Avenue, asked what crash data was used for studying accidents at the intersection of Sugartown Road and Monument Avenue. Police Chief Marcelli stated Mr. Yurick was provided incident reports from 2012 to 2016, from the Malvern Police Department and the Willistown Police Department.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to accept the *Malvern Borough-wide Multimodal Transportation Study* prepared by McMahan Associates dated, June 2018, and funded through the Chester County Vision Partnership Program.

7. UNFINISHED BUSINESS:

There was no unfinished business to discuss.

8. NEW BUSINESS:

a. John Yurick, P.E. – East King Street – Pedestrian Improvements

Mr. Yurick present a proposal to prepare pedestrian crossing warning device plans for two (2) crossings on East King Street. The proposed locations are at the intersection on East King Street at Church Street and Ruthland Avenue. The *Malvern Borough-wide Multimodal Transportation Study*, previously accepted by Borough Council this evening, recommends the installation of these signals as an immediate recommendation. The Public Safety Committee identified this area as a priority due to: 1) The lack of controls, the study revealed the intersection did not meet the PennDOT traffic warrants, and 2) The high-volume of pedestrian traffic in this

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area due to the construction of East Side Flats and the additional uses in the surrounding buildings.

Council Member Sinquett recommended shielding the warning lights on the posts to prevent light pollution/glare reflecting into the windows of residents in East Side Flats.

Council Member Finkbiner stated she would prefer, as a procedural matter for all Borough Council Meetings, to: 1) Introduce potential projects at one meeting, and 2) Take action at a subsequent meeting to encourage public feedback and time for council members to thoroughly review proposed activities.

Council Member Meisel stated the Public Safety Committee identified this intersection as a high priority for pedestrian safety and Borough Council should not wait to have McMahon Associates, Inc. begin the design and bid documents.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-1, Council Member Finkbiner voted against, to have McMahon Associates, Inc. begin the design and bid documents.

b. Report – Tour of Surrey Services Facilities

Council President Grossman, Councilor Laney, Mayor Burton, and Borough Manager Bashore participated in a tour of the Devon facility for Surrey Services. Robert Madonna, CEO, for Surrey Services presented information on this organization at the August 7, 2018 meeting of Borough Council. Based on the tour of the facility, this organization offers a large variety of services, including dental care, exercise facilities, lunches prepared daily, and social services. In terms of municipal contributions, the organization receives contributions from the following municipalities in the area: 1) Radnor Township – \$25,000.00, 2) Haverford Township – \$10,000.00, and 3) Media Borough – \$1,000.00. After the tour, borough officials decided to make the community aware of this organization by adding a link on the Borough's website and to include articles in the quarterly newsletter and InGreat Valley magazine.

Borough Manager Bashore stated prior to 2016, Borough Council had historically allocated \$1,000.00 to Surrey Services for program support as residents of the Borough utilize its services. Borough Council was in agreement to include a budgetary allocation in the 2019 budget.

c. Pension Plans – Minimum Municipal Obligations

Borough Manager Bashore reviewed the Minimum Municipal Obligation (MMO) for Malvern Borough's Police and Non-Uniform Pension Plans for the 2019 calendar year. The 2019 MMO's for Malvern Borough's Police and Non-Uniform Pension Plans are:

- 2019 Non-Uniform Pension Plan MMO – \$20,451.87
- 2019 Police Pension Plan MMO – \$0.00

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A motion was made by Council Member Laney, seconded by Council Member Finkbiner, and carried by a vote of 7-0, to approve the Minimum Municipal Obligations for Malvern Borough's Police and Non-Uniform Pension Plans for the 2019 calendar year.

d. 2018 Paving Program – Daisy Lane

Borough Manager Bashore reviewed the Public Works Committee's recommendation to repave Daisy Lane at the suggestion of the Superintendent of Public Works. The estimated cost of the repaving project is \$44,928.89.

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 Borough Engineer to prepare bid specifications for a repaving program on Daisy Lane to include mill and overlay with an estimated cost not to exceed \$44,928.89.

e. Parks and Recreation Committee – Appointment Consideration

Borough Manager Bashore stated at the July 17, 2018 meeting of Borough Council, it was announced that Liz Scoropanos would be stepping down from the Parks & Recreation Committee in September as her family is moving out of the Borough. The Committee is recommending Joseph O'Donnell to fill this vacancy. Mr. O'Donnell is a resident of Tidewater. If appointed, Mr. O'Donnell would complete a term that would 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 Joseph O'Donnell to fill the unexpired term of Liz Scoropanos, with a term to expire on January 1, 2021.

f. Zoning Hearing Board

Borough Manager Bashore stated there are no new applications before the Zoning Hearing Board, therefore, the Monday, September 24, 2018 hearing will be cancelled.

Danny Fruchter, 234 Channing Avenue, suggested that, in light of the recent Zoning Hearing Board meeting and subsequent settlement with LaGrie, LLC, Borough Council consider elaborating on how 'Woodlands' are a valuable natural resource and to coordinate any 'Woodlands' terminology, as outlined in the Borough's Zoning Ordinance with the Willistown Conservation Trust.

g. Discussion – Communication

Council President Grossman stated Borough Council will not respond to insults, threats, and inflammatory comments from residents. All communication is to go through the Borough Manager so all of Borough Council may be kept informed. Borough Council and Borough Administration will not be harassed by residents who do not want to follow the procedures the Borough has adopted. Borough Manager Bashore has been doing a great job in communicating with Borough Council of all matters that pertain to the Borough in a timely manner with Borough Council.

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Council Member Laney said there should be no one-on-one emails by a Council Member with the public.

Council Vice-President Uzman read aloud a summary of his recent experiences of dealing with a resident. The summary has been entered into the record of these meeting minutes.

Barbara Rutz, 212 Monument Avenue, thanked Borough Council for their service and likes the job they are doing.

Kelly Schmitt, 17 Channing Avenue, likes how when she sends Borough Council a message she receives an immediate response thanking her for her inquiry and that a follow-up message will be sent.

Frank Ortner, 144 Griffith Avenue, thinks Borough Manager Bashore is doing a great job communicating with residents and does not see any issues with the communication between Borough Administration, Borough Council, and residents.

Council Member Finkbiner clarified the difference between elected state and federal officials verse locally-elected officials, such as Borough Council.

Danny Fruchter, 234 Channing Avenue, would like to be able to engage Borough Council in open discussion and suggested Borough Council consider having a 'Status Log' of pending activities, similar to the 'Case Log' the Malvern Planning Commission maintains and shares on the Borough's website. Mr. Fruchter would like the current members of Borough Council to review the survey results and recommendations that were made by the Borough's Communications Taskforce in 2014.

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.

There were no items raised during the Public Forum.

10. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0, to adjourn the meeting at 9:21 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary

There has been talk about transparency and open communication with Borough Council. It has been on my mind for a couple of months now and I am glad that we are having this conversation.

When I took this position, I knew that part of the job was listening to citizens complaints at meetings and getting angry e-mails. It is what you sign up for when you run for office.

In the past I have tried to answer e-mails that I get when a response is warranted, though most of them are citizens voicing an opinion. I love to read them. 95% of the time, the e-mails are professional and well thought out, bringing points that I had not even considered. I am truly glad that I have received them and at times they have changed my view on issues.

Additionally, I am open to talking to the public when I see them on the streets. Many times, while I am driving around the borough, I will stop and talk to someone working in the yard or walking their dog. These interactions help me know what people think about things.

The seven of us and the mayor are elected officials. Though we get a small stipend, it really is a volunteer position. We all have private lives and some of us are still working during the day. For that reason, I do not read my e-mails as soon as they come in. So, I may not respond right away.

Being elected officials, does not give the public free access to us anytime day or night. We do have private lives. **That line must not be crossed and should be respected.** Two examples of the line being crossed with me are:

1. I have been woken by a phone call early on a Sunday morning by Danny because he wanted to talk to me. I know that he has called on other Councillors at their homes unannounced.
2. Another time was when Danny came to my place of business during the day, without an appointment, interrupting a meeting I was having with one of my engineers asking to speak to me. When my meeting was over, he started talking to me and the volume of his voice increased and the conversation soon became hostile. When he left, my partner and office manager both came out and asked if I just been threatened.

These are just a couple of the things that have happened to me. This does not include the acts on my character and integrity.

We live in a small friendly borough where everyone knows us by name. We are all neighbors. We should treat each other civilly and professionally. If you want to discuss issues with me in a professional manner, we can make an appointment to meet and talk about it. But when I am threatened, interrupted at home or work or my integrity attacked in person and in e-mail, that is not part of the job and will not be tolerated. If I do not answer you when that is how you have behaved, **it is because you have crossed the line.**