

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

September 6, 2016
7:30 P.M.

PRESIDING: David G. Bramwell, President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Bramwell
Council Vice-President Uzman
Council Member Arena (Absent)
Council Member Grossman
Council Member Lexer
Council Member Meisel (Absent)
Council Member Siquett
Mayor Burton

2. RECORDING OF MEETING:

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

No audience member identified themselves as recording the meeting.

3. PUBLIC FORUM:

Council President Bramwell informed all present that copies of the agenda are available at the front entrance. Citizens/taxpayers were advised that Public Forum is the time to offer comments to bring any issues/concerns before Council that are not on the agenda.

a. Elizabeth Deal, 337 West First Avenue, asked Council if children on bicycles are allowed to use their cellphones while riding. Borough Council directed the question to Police Chief Marcelli to address. Lou Marcelli, Police Chief stated there are no laws that specifically address minors using cellphones while on bicycles. He stated PA State law permits talking on cellphones, but text messaging is not allowed while operating a motor vehicle, therefore, in his professional opinion, the same rules may apply for bicyclists.

b. Kelly Schmitt, 133 Church Street, inquired about the yellow paint on Church Street that delineates the "No Parking" area and its enforcement process. Lou Marcelli, Police Chief stated the "No Parking" area is enforced, with consideration given to delivery services (e.g. FedEx and UPS) for making quick drop-offs. He encouraged Ms. Schmitt to call him when she sees a possible violation, or when she has a concern or question rather than waiting till a Borough Council meeting to bring a matter to his attention.

c. John Buckley, 165 Church Street, had a concern about the unresolved clean-up

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issues along Monument Avenue that were not addressed by the paving contractor. Chris Bashore, Borough Manager stated the final escrow release for the project had not been approved by the Borough Engineer, therefore he will bring Mr. Buckley's concern to the Borough Engineer's attention.

d. Jane Yeager, 1404 Raintree Lane, requested additional police presence in her development. Lou Marcelli, Police Chief stated her development is routinely patrolled, however, a majority of the patrols are performed in unmarked vehicles. Chief Marcelli stated he will direct his officers to conduct patrols in marked vehicles, in addition to the unmarked ones.

4. APPROVAL OF MINUTES:

A motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and carried by a vote of 5-0 to approve the minutes of Tuesday, July 19, 2016 and Tuesday, August 2, 2016 as submitted.

5. APPROVAL OF REPORTS:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 5-0 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 and Zoning Officer's 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 July 2016 as submitted.

6. MALVERN FIRE DEPT. PRESENTATION:

Chris Gastwirth, Chief of the Malvern Fire Department provided 2016 statistics of fire responses, hours of personnel training, and expenditure of funds completed by the department.

Joe Rubino, 1 Raffaella Drive, asked Mr. Gastwirth how much money the fire department collected from the 2016 Annual Pig Roast. Mr. Gastwirth stated the fire department raised approximately \$2,100.

Mr. Gastwirth stated the primary reason for his request to speak before Borough Council is to make an appeal for additional financial contributions to the fire department. Two major factors have led to this request: 1) Two Workers Compensation claims have raised insurance premiums; and 2) East Whiteland Township has drastically reduced its financial contribution.

Council Member Sinquett asked why East Whiteland Township decided to reduce its financial contribution. Mr. Gastwirth stated it is because the Township has a paid, full-service fire department.

Council Member Sinquett asked how much of East Whiteland Township's response area is covered by the Malvern Fire Department. Mr. Gastwirth said the Malvern Fire Department covers the southeast area of the Township as "2nd Due In".

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Chris Bashore, Borough Manager asked Mr. Gastwirth if other municipalities, supported by the Malvern Fire Department, have reduced their financial contribution. Mr. Gastwirth stated that Willistown and East Goshen Townships have not abridged their funding support.

Council Member Lexer asked Borough Manager Bashore if Malvern Borough makes a financial contribution to East Whiteland Township. Chris Bashore stated the Borough does not make such a contribution.

7. RESOLUTION NO. 716 – ACT 537 PLAN SUPPLEMENT FOR THE WILSON ROAD FORCE MAIN:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and unanimously carried by a vote of 5-0 to adopt Resolution No. 716, approving the Act 537 Plan Supplement for the Wilson Road Force Main, as prepared by CH2M, dated July 2016.

8. OLD BUSINESS:

a. Ordinance No. 2016-2: Issuance of Non-Electoral Debt
Council agreed to table discussion.

b. Bid Results For 2004 Ford Expedition 4 x 4

Chris Bashore, Borough Manager stated one (1) sealed bid was received, offering \$711.00 to purchase the borough vehicle. He stated the fair market value, per Kelley Blue Book is \$2,600 and Ira Dutter, Public Works Director considers the vehicle to be worth a minimum of \$1,500.

A motion was made by Council President Bramwell, seconded by Council Vice-President Uzman and unanimously carried by a vote of 5-0 to reject the one received bid of \$711.00 and to authorize the Borough Manager to re-advertise for bid.

c. Proposed Ordinance Amendments

i. Chapter 200 – Vehicles & Traffic

ii. Zoning Ordinance Amendment – Front-Yard Setbacks

iii. Zoning Ordinance Amendment – Upper Level

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and unanimously carried by a vote of 5-0 to authorize the Borough Manager to advertise the ordinance amendments for adoption at the September 20, 2016 Borough Council Meeting.

9. NEW BUSINESS:

a. Pension Plan – Minimum Municipal Obligation

A motion was made by Council Vice-President Uzman, seconded by Council Member Lexer and unanimously carried by a vote of 5-0 to accept Borough Manager Bashore's memorandum dated, September 6, 2016 informing Borough Council of its Minimum Municipal

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Obligation as required by Act 205 of 1984 for the 2017 Non-Uniform Pension Plan of \$32,666 and 2017 Police Pension Plan of \$0.00.

b. Proposed Ordinance No. 2016-11: Installation of stop signs at the intersection of Malvern Avenue and Monument Avenue

A motion was made by Council Vice-President Uzman, seconded by Council Member Grossman and unanimously carried by a vote of 5-0 to authorize the Borough Manager to advertise proposed Ordinance No. 2016-11, installation of stop signs at the intersection of Malvern Avenue and Monument Avenue for adoption at the September 20, 2016 Borough Council Meeting.

c. Escrow Release Requests

i. Greenstone Development II Corps./TAG Builders, Inc. – Escrow Release Request #2

A motion was made by Council Vice-President Uzman, seconded by Council Member Grossman and unanimously carried by a vote of 5-0 to release \$10,700.00 to Greenstone Development II Corporation for 217 South Warren Avenue as recommended by the Borough Engineer's letter dated, August 31, 2016.

ii. Renehan Building Group – Escrow Release #2

A motion was made by Council Vice-President Uzman, seconded by Council Member Lexer and unanimously carried by a vote of 5-0 to release \$31,069.80 to Renehan Building Group for 361 Old Lincoln Highway as recommended by the Borough Engineer's letter dated, August 30, 2016.

d. Borough Hall Upgrades

i. Installation of new carpeting

A motion was made by Council President Bramwell, seconded by Council Vice-President Uzman and unanimously carried by a vote of 5-0 to authorize the Borough Manager to execute a contract with One Leaf Floor Covering at a costs not to exceed \$14,960 (as quoted) to install carpeting in Borough Hall.

ii. Installation of electronic lock system

A motion was made by Council President Bramwell, seconded by Council Vice-President Uzman and unanimously carried by a vote of 5-0 to authorize the Borough Manager to execute a contract with Dayton Lock Company, LLC., at a costs not to exceed \$8,949 (as quoted) to install an electronic access control system in Borough Hall.

e. Zoning Hearing Board

i. Applications

Borough Manager Bashore provided an overview of an application pending for the Zoning Hearing Board for a property located at 203 E. Broad St. This application is for a variance from Article IX, Section 902.F. of the Zoning Ordinance, pertaining to lot coverage, in order to add a deck to an existing building and install a shed. The Planning Commission reviewed this information at their July 7th meeting. This matter was previously discussed at the July 19th and August 2nd meetings of Borough Council, at which time it was determined that

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the Borough Solicitor should enter an appearance at the hearing. The hearing is scheduled for September 26th at 5:30 p.m.

f. Bulk Trash Collection – 2nd Pick-up Scheduled

Borough Manager Bashore stated, per the 2016-2018 Solid Waste Contract, the scheduled Bulk Trash Collection has been scheduled for Saturday, October 2nd.

g. Committee Updates At Future Borough Council Meetings

Council Member Lexer recommended at the Tuesday, September 20, 2016 Borough Council Meeting, each committee should provide all of Council and the public with a status of all projects that are open to show transparency. Council unanimously agreed with Council Member Lexer, Borough Manger Bashore to prepare reports for committee updates.

10. ADJOURNMENT:

At 8:26 p.m. Council President Bramwell stated Council will adjourn to Executive Session to discuss legal and personnel matters.

Council President Bramwell reconvened the public meeting at 9:12 p.m.

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Lexer and unanimously carried by a vote of 5-0 to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary