

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

September 18, 2018
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 Sinquett
Mayor Burton

ABSENT:

Council President Grossman announced that Borough Council met in Executive Session prior to this evening's meeting to discuss personnel matters.

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, September 4, 2018, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice-President Uzman, seconded by Council Member Finkbiner, 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 August 2018, as submitted.

5. BOROUGH COUNCIL COMMITTEE REPORTS:

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a. Financial & Administration

Council Vice-President Uzman stated the Finance & Administration Committee met prior to this evening's Borough Council meeting. Items before the Committee included a review of the first draft of the 2019 budget, discussion on the new Animal Protection Services agreement with the Brandywine Valley SPCA, and the new Processing and Marketing contract with the Chester County Solid Waste Authority.

b. Public Safety

Council Member Meisel stated the Public Safety Committee last met since the August 21, 2018 meeting of Borough Council. The Committee will be scheduling a meeting in the future to begin outlining implementation of certain recommendations in the *Malvern Borough-wide Multimodal Transportation Study*. This study was adopted by Borough Council at the September 4, 2018 meeting.

c. Public Works

Council Member Sinquett stated the Public Works Committee last met on August 21, 2018. Topics before the Committee included a discussion on the proposed sidewalk along Warren Ave. associated with the approved Eagle Scout Service Project at Quann Park, a review of the schedule for the Ruthland Avenue Pump Station/Force Main project, discussion on the drainage concerns on Highland Avenue and a review of potential additional paving projects for 2018.

6. RESOLUTION NO. 770 – ELIMINATE CONTRIBUTIONS TO THE POLICE PENSION PLAN FOR CALENDAR YEAR 2019:

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to adopt Resolution No. 770, a Resolution to eliminate member contributions to the Police Pension Plan for Calendar Year 2019.

7. PRESENTATION – HISTORICAL PRESERVATION AWARDS:

Lynne Frederick of the Malvern Historic Commission summarized the creation of the Historic Preservation Awards, stating it was conceived in 2014 during the Borough's 125th anniversary celebration in order to honor property owners who are good stewards of their Historic Buildings. The categories recognized are residential, institutional, commercial, and adaptive reuse.

Lynne Frederick, Catherine Raymond, and Kelly Schmitt of the Malvern Historic Commission, presented the 2018 Historic Preservation Awards to:

Commercial Category: Bob Gillinger, 103 East King Street: Malvern residents may recognize this building with its distinctive, triangle-stepped front facade. The current home of Posh, an upscale women's clothing store, and the Malvern School of Music, originally housed

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one of Malvern's earliest business. Nathan Suplee started the first hardware store in Malvern in 1892, and that store was moved by his descendants to 103 East King Street in the 1920s. The Suplee hardware business was purchased in 1949 by Horace J. Quann, who renamed it after himself and ran it with his wife until his retirement in 1986. Under a third set of owners, Horace J. Quann Hardware continued to operate until 1991, having provided nearly 100 years of service to the Borough.

Residential Category: 220, 222, 224, and 226 Woodland Avenue: These four addresses, occupied by four different households, are impressive because they are physically a single building. While duplexes--buildings where two distinct residences share a wall, are common, buildings where two different duplexes are conjoined, forming a quadruple private residence in the same structure, are not. The building that houses these addresses on Woodland Avenue is the only surviving example of a quad in Chester County, and its owners are to be commended for cooperating with each other to maintain their joint treasure.

Christopher Butsch, 224 Woodland Avenue, was present to accept his award.

Residential Category: Helen McDonald, 322 East King Street, this home is a stucco half-double built around 1900. It has elements of the Craftsman and Colonial Revival architectural styles that were popular at that time. Ms. McDonnell is a former member of the Historic Commission.

Helen McDonald, 322 East King Street, was present to accept his award.

Adaptive Reuse Category: Michael Mallon, Jr., 158 Longford Avenue, is a private residence that originally was a school. This modest stucco residence was erected in 1844, well before the incorporation of Malvern as a borough. From 1857 to 1874, it was used as a private day and boarding school by Jane C. Eldridge and her sister, Margaret. It was built in the Frame Vernacular architectural style, by which is meant that the design is based upon local tastes, needs and climate conditions.

Adaptive Reuse Category: Martha Di Sarlo, 21 Woodland Avenue, is a private residence that originally was a school. This building, like so many others that have survived from our early history, was built on land provided by David Evans to house a school for the Friends' (*i.e.*, Quaker) community in Malvern. It was completed near the end of 1889 and served as the home of the Malvern Friends' School from 1890 until 1904. After that, it became Malvern's first subscription library until about 1916. In 1919, the building was remodeled into a bungalow and has been used as a private residence ever since. Today, much of the building is discreetly screened by shrubbery, but a marble datestone set into the brickwork near the roof still clearly reads "Friends School 1889."

8. UNFINISHED BUSINESS:

a. Backyard Poultry

- i. Backyard Poultry – Amendment to Section 220-2312 (Keeping of Pets & Livestock)

Borough Solicitor Christakis reviewed the draft amendment changes, specifically the definition of ‘enclosure’ and setbacks, as recommended by the Planning Commission at its September 6, 2018 meeting.

Duane McCrory, 34 Raffaella Drive, is against Borough Council changing the ordinance that may avail more property owners the opportunity to keep poultry on smaller lots.

Nancy DiMattia, 27 Channing Avenue, is in favor of amending the ordinance, as it is a sign of times and trends in municipalities. Many municipalities are lifting restrictions for the keeping of poultry and have set standards that Malvern Borough and other may follow.

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 proposed ordinance, for advertisement, with the public hearing at Tuesday, October 2, 2018 meeting of Borough Council, as amended.

- ii. Amendment to Chapter 68 (Animals)

Borough Solicitor Christakis summarized the need for two (2) separate ordinances pertaining to backyard poultry.

Borough Council agreed to amend the language to require an annual renewal for the keeping of poultry and for 2018 only, to waive the fee since less than a quarter of the year will be remaining once the ordinance is adopted.

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 proposed ordinance for advertisement, with the public hearing at Tuesday, October 2, 2018 meeting of Borough Council, as amended.

9. NEW BUSINESS:

a. Discussion – Proposed Parks & Recreation Function in Randolph Woods

Borough Manager Bashore stated that the Parks & Recreation Committee would like to sponsor a campout in Randolph Woods. The group has reached out to the Willistown

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Conservation Trust regarding whether a campout in Randolph Woods is possible under the terms of its easement. The Willistown Conservation Trust has determined that the event is consistent with the terms of Randolph Woods' easement and has approved the use of the preserve for the purposes of a campout. As this is outside of the normal activities of the Parks & Recreation Committee, it is necessary for Borough Council to review this activity. In reviewing Chapter 139 of the Borough's Code of Ordinances pertaining to parks, there is no expressed prohibition for camping. Borough Council could waive this section if appropriate in order to permit this activity to occur. The Borough Administration and the Borough Solicitor have prepared a waiver for review.

Brendan Phillips, member of the Parks & Recreation Committee, presented details regarding the request to host a camping activity. Motivation for the campout was due to a high level of interest by residents, an interest in a Malvern-based event that fosters an appreciation of nature and others a means to utilize the natural resources found in the Borough, the campout can be carried out without any disruption to the watershed or natural features of Randolph Woods, and this campout intends to raise awareness and appreciation of the park.

Brendan Phillips stated the campout would start on a Friday or Saturday evening, possibly in late October to early November. Sign-ups must occur in advance (first come first served), with priority given to borough residents. The campout will be limited to 20-25 families/tents. Minors must be accompanied by their parent/guardian and must share a tent with their own parent/guardian. Attendees will be required to check-in with members of Parks & Recreation Committee at the start of the event in order to attend the campout. No alcohol or other violations of park rules will be permitted.

Lynne Frederick, 227 East Broad Street, asked if non-borough residents will be able to register for the campout. Mr. Phillips stated preference will be given to borough residents, however non-residents may register if space is available.

A motion was made by Council Member Raynor, seconded by Council Member Finkbiner, and carried by a vote of 7-0, to approve the camping activity with conditions.

b. Discussion – Proposed Zoning Ordinance Amendments

- i. Conditional Use Application Procedures – Amendment to section 220-2910 (Conditional uses)
- ii. Definitions of Building and Lot Coverages – Amendment to section 220-201 (Definitions)

Borough Council approved the Borough Manager to send the draft Zoning Ordinance Amendments to the Chester County Planning Commission for its review and comments.

- c. Discussion – First Baptist Church Conditional Use Application – Proposed sign for Malvern Arts

A motion was made by Council Member Raynor, seconded by Council Member Meisel, and carried by a vote of 7-0, to have the Malvern Historic Commission review the proposed signage by the Malvern Arts Center and to provide a recommendation to Borough Council for review.

d. Zoning Hearing Board

Borough Manager Bashore stated there are no new applications for the Zoning Earing Board. The scheduled hearing of Monday, September 24, 2018 has been cancelled, the next scheduled hearing is Monday, October 22, 2018.

10. PUBLIC FORUM:

Council Vice-President Uzman 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.

Duane McCrory, 34 Raffaella Drive, does not think Borough Administration followed policies and procedures when it came to the LaGrie, LLC properties on the private drive, located off of Old Lincoln Highway. Mr. McCrory would like to have an agenda item on the next Borough Council Meeting to discuss how future activities, similar to what happened on the LaGrie, LLC properties, will not reoccur. Borough Solicitor Christakis stated borough personnel issues are not for public forum and any personnel concerns should be addressed to the Borough Manager.

Elizabeth Deal, 337 West First Avenue, inquired if a four-way stop could be installed at the intersection of King Street, Karen Drive, and Griffith Avenue. Police Chief Marcelli stated he does not think that intersection will meet PennDOT warrants for a four-way stop. Council Member Meisel stated he will discuss this intersection at a future Public Safety Committee for a future study.

Lynne Frederick, 227 East Broad Street, thanked Borough Council for reinstating the Annual Volunteer Picnic and looks forward to future events.

Kelly Schmitt, 17 Channing Avenue, announced the Paoli Battlefield Heritage Day will be held on Saturday, September 22, 2018 at the Paoli Battlefield.

11. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Meisel, and carried by a vote of 7-0, to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary