

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

October 2, 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 Raynor
Council Member Sinquett

ABSENT:

Council Member Meisel
Mayor Burton

Police Chief Marcelli announced that the Police Departments of Malvern Borough, Willistown Township, and West Goshen Township have joined forces by growing beards for charity for the remainder of the year. Police officers and their respective associations have contributed funds towards two charitable. This friendly competition with Willistown and West Goshen is intended to raise money for “Unite for Her” and “Beards for Buc.” Borough Administration will provide a link on the Borough’s website for donations.

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 6-0, to approve the minutes of the meeting held on Tuesday, September 18, 2018, as amended.

4. FIRE COMPANY APPOINTMENT:

A motion was made by Council Vice-President Uzman, seconded by Council Member Raynor, and carried by a vote of 6-0, to confirm appointment of Jim Rapp as Fire Chief for the Malvern Fire Company, to complete the unexpired term of Chris Gastwirth set to expire on December 31, 2019.

5. AWARD OF CONTRACT – MILL & OVERLAY OF DAISEY LANE:

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A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0, to award the contract for the mill & overlay of Daisy Lane to Charlestown Paving & Excavating, Inc. in the amount of \$38,512.00 based on the Borough Engineer's letter dated September 27, 2018.

6. PUBLIC HEARING – ORDINANCE NO. 2018 – 7: ZONING MAP AMENDMENT – REZONING OF CERTAIN PARCELS FROM THE R-4 TO THE I-4 ZONING DISTRICT:

Council President Grossman announced that Borough Council will now open a Public Hearing to consider an ordinance to amend the Borough's Zoning Map in order to rezone certain parcels from the R-4 residential zoning district to the I-4 institutional zoning district.

Council President Grossman closed the public hearing.

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7. ORDINANCE NO. 2018 – 7 – AMENDING THE BOROUGH OF MALVERN ZONING ORDINANCE OF 2003 AND BOROUGH ZONING MAP, AS HERETOFORE AMENDED, TO REZONE 131-133 CHANNING AVENUE (UPI No. 2-4-238) AND 130 WOODLAND AVENUE (UPI No. 2-4-244.1) LOCATED IN THE R-4, RESIDENTIAL ZONING DISTRICT TO THE I-4, INSTITUTIONAL ZONING DISTRICT:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 6-0, to adopt Ordinance No. 2018 – 7, amending the Zoning Ordinance and Zoning Map of the Borough of Malvern in order to rezone 131-133 Channing Avenue (UPI # 2-4-238) and 130 Woodland Avenue (UPI # 2-4-244.1) from the R-4 residential zoning district to the I-4 institutional zoning district.

8. UNFINISHED BUSINESS:

a. Borough Council Initiative Updates – Zoning Ordinance Amendments

Borough Manager Bashore stated on September 19, 2018, Councilor Finkbiner, Councilor Sinquett, and he met with John Snook from the Brandywine Conservancy in order to continue our discussion on potential amendments to the Zoning Ordinance. Discussion primarily centered on the various lot and building coverage iterations that were prepared for the R3a zoning district and the next steps forward. The Committee reviewed variations that showed the impact of reducing the building and lot coverages in increments of 2.5% for each. Additional analyses are being completed for the other residential zoning districts, with the exception of the R-7 residential zoning district. Policy examples will also be provided for consideration.

9. NEW BUSINESS:

a. Chester County Solid Waste Authority – Processing & Marketing Contract

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Borough Manager Bashore stated that before Borough Council this evening is the new processing and marketing contract for recyclables with the Chester County Solid Waste Authority. Malvern Borough has participated in the processing and marketing program with the Chester County Solid Waste Authority since its inception. Previously, the Borough received payment for its recyclables; however, recent changes in the market have resulted in the Borough having to pay to dispose of its recyclables.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0, to award a Processing & Marketing Contract to J.P. Mascaro & Sons at a rate of \$29.95 per ton for single-stream recycling based on the contract awarded by the Chester County Commissioners.

b. Brandywine Valley SPCA – Animal Protection Services Agreement

Borough Manager Bashore stated that before Borough Council this evening is the proposed Animal Protection Services Agreement with the Brandywine Valley SPCA (formerly Chester County SPCA). The current agreement between the Borough and the SPCA will expire on December 31, 2018. Under this agreement, the Brandywine Valley SPCA will accept stray dogs and cats collected within the Borough. The Borough Solicitor reviewed the agreement and did not note any unreasonable items. At their meeting on September 18, 2018, the Finance & Administration Committee reviewed the proposed agreement and are recommending approval.

Cathy Raymond, 6 Karen Drive, asked if the Brandywine Valley SPCA is a ‘No kill’ shelter. Council President Grossman stated the SPCA is a ‘No kill’ shelter and has opened a new facility in Newark, Delaware to accommodate the large volume of animals from the southern states.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0, to approve the Animal Protection Services Agreement with the Brandywine Valley SPCA (formerly Chester County SPCA) for a period of five (5) years, to expire on December 31, 2023.

c. Discussion – Borough Auditor – Request for Proposal

Council Member Finkbiner believes discussion regarding an auditor firm to analyze taxpayer funds should be a clear and timely public discussion, instead of a one-time agenda discussion. Council Member Laney agreed, stating a thorough review will ensure transparency of selecting an auditor firm.

Borough Council agreed to reconsider a Request for Proposals for an audit firm in July of 2019.

d. Announcement – Resignation from the Parks & Recreation Committee

Borough Manager Bashore stated that Erin DeRafelo from the Parks & Recreation Committee has tendered her resignation as her family is moving out of the Borough. The new member appointed to fill this position will complete a term that runs until January 1, 2021.

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Borough administration will post an announcement of the vacancy on the Borough website and in the upcoming edition of the Borough Broadcaster. No action is required by Borough Council.

e. Zoning Hearing Board

Borough Manager Bashore stated there are no new applications for the Zoning Hearing Board. The scheduled hearing of Monday, October 22, 2018 has been cancelled and the next scheduled meeting is Monday, November 26, 2018.

10. PUBLIC HEARING – CONDITIONAL USE APPLICATION FOR CULTURAL CENTER (FIRST BAPTIST CHURCH OF MALVERN) – 146 CHANNING AVENUE:

Council President Grossman announced that Borough Council will now open a Public Hearing to consider the Conditional Use application for the First Baptist Church of Malvern. The applicant is seeking to have multiple uses within a Tier 1 Historic Resource. The new use would be a Cultural Center to be conducted by the Coatesville Cultural Society d/b/a Malvern Arts.

At the conclusion of testimony, Borough Council and the applicant agreed to leave the record open and continue the hearing in order to provide the supplemental information/responses requested by Borough Council.

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11. 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.

Fiona Wyszynski, 18 Karen Drive, stated commuter vehicles are parked along Karen Drive creating safety issues for resident vehicles and pedestrians. Ms. Wyszynski cited sight distance as a major concern among residents on Karen Drive when she conducted an informal poll. She recommended Borough Council consider making Karen Drive a one-way street.

Police Chief Marcelli stated the east-side of Karen Drive will have the curb painted yellow as to prohibit vehicles from parking along that side. Police Chief Marcelli noted that there is a group home on Karen Drive that has employee vehicles parked in the vicinity on a daily basis and they contribute to the on-street parking congestion, however it is necessary for the tenants in the home based on the care they require.

Council President Grossman recommended and Borough Council agreed to have the Public Safety Committee review the on-street parking conditions on Karen Drive.

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All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0, to adjourn the meeting at 9:55 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary