

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

December 4, 2018  
7:30 P.M.

PRESIDING: Council Vice-President Uzman

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL

PRESENT:

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

2. RECORDING OF MEETING

Council Vice-President Uzman 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 Member Sinquett, seconded by Council Member Laney, and carried by a vote of 6-0, to approve the minutes of the meeting held on Tuesday, November 20, 2018, as submitted.

4. APPOINTMENT AND SWEARING IN OF FULL-TIME POLICE OFFICER – DANIEL WILSON

A motion was made by Council Member Finkbiner, seconded by Council Member Laney, and carried by a vote of 6-0, to appoint Daniel Wilson as a full-time officer with the Malvern Police Department effective December 7, 2018.

5. RESOLUTION NO. 773 – APPROVAL OF THE SALE OF THE VALLEY CREEK TRUNK SEWER LINE AND AUTHORIZING EXECUTION OF A WASTEWATER CONVEYANCE AGREEMENT

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 6-0, to approve the sale of the Valley Creek Trunk Sewer Line to Aqua Resources, Inc. based on their bid dated November 15, 2018 and authorizing the execution

of a Wastewater Conveyance Agreement, as well as any additional incidental action that may be required to be taken by the Borough Solicitor, Borough Engineer, and/or Borough Manager.

6. PUBLIC HEARING – 2019 PRELIMINARY BUDGET

Council Vice-President Uzman announced that Borough Council will now open a Public Hearing on the Borough's 2019 Preliminary Budget.

The budget was advertised for public review in the November 20, 2018 edition of the Daily Local newspaper and the November 21, 2018 edition of the Philadelphia Inquirer, as required. The budget was also made available on the Borough website.

Anthony Mancini, 525 Highland Avenue, inquired about the status of having the stormwater runoff issues being addressed on Highland Avenue. Borough Manager Bashore stated that the improvements are in the design phase and have been factored in the 2019 Budget.

Gail Newman, 11 Landmark Drive, questioned the funding status of both the Uniformed and Non-Uniformed Pensions for borough employees.

Zoe Warner, 3 Goshorn Drive, asked about the status of the Highland Avenue Improvements. Borough Manager Bashore stated that the project is in the 2019 Capital Improvements Plan of the 2019 Budget.

Kelly Schmitt, 17 Channing Avenue, asked why the referendum that was approved by borough residents in last November's General Election was not instituted. Borough Manager Bashore stated that the budget was advertised as outlined in the Home Rule Charter for the reason that the certified election results have not been received for the referendum.

There being no additional comments by the audience, Council Vice-President Uzman closed the public hearing.

7. 2019 PRELIMINARY BUDGET

A motion was made by Council Member Meisel, seconded by Council Member Laney, and carried by a vote of 6-0, to adopt the 2019 preliminary budget for the Borough of Malvern as presented.

8. PUBLIC HEARING – ORDINANCE NO. 2018 – 10: ZONING ORDINANCE AMENDMENT – SECTION 220-2910 – CONDITIONAL USE APPLICATION PROCEDURES

Council Vice-President Uzman announced that Borough Council will now open a Public Hearing on proposed Ordinance No. 2018–10. The proposed ordinance would amend section 220-2910 pertaining to the procedures for Conditional Use applications.

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Ordinance No. 2018 – 10 was advertised in the November 13, 2018 and November 20, 2018 editions of the Daily Local newspaper, as required. The proposed ordinance was also posted on the Borough website.

There being no comments from the audience, Council Vice-President Uzman closed the public hearing.

9. ORDINANCE NO. 2018 – 10: AMENDMENT TO SECTION 220-2910 (CONDITIONAL USE APPLICATION PROCEDURES) OF THE MALVERN BOROUGH ZONING ORDINANCE

A motion was made by Council Member Finkbiner, seconded by Council Member Sinquett, and carried by a vote of 6-0, to adopt Ordinance No. 2018–10, amending section 220-2910 of the Malvern Borough Zoning Ordinance pertaining to the procedures for Conditional Use applications.

10. PUBLIC HEARING – ORDINANCE NO. 2018 – 11: ZONING ORDINANCE AMENDMENT – SECTION 220-201 (DEFINITIONS) OF THE MALVERN BOROUGH ZONING ORDINANCE AND SECTION 181-201 (DEFINITIONS) OF THE MALVERN BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Council Vice-President Uzman announced that Borough Council will now open a Public Hearing on proposed Ordinance No. 2018–11. The proposed ordinance would amend section 220-201 of the Malvern Borough Zoning Ordinance and section 181-201 of the Malvern Borough Subdivision and Land Development Ordinance pertaining to the definitions of building and lot coverage. The definition amendments are intended to clarify and coordinate the calculation of building and lot coverage.

Ordinance No. 2018–11 was advertised in the November 13, 2018 and November 20, 2018 editions of the Daily Local newspaper, as required. The proposed ordinance was also posted on the Borough website.

Lawrence Newman, 11 Landmark Drive, inquired to the ownership of North Sugartown Road, north of West King Street. Borough Solicitor Christakis stated road ownership is a private matter and neither the Borough nor Willistown Township have ownership.

There being no additional comments from the audience, Council Vice-President Uzman closed the public hearing.

11. ORDINANCE NO. 2018 – 11: AMENDMENT TO SECTION 220-201 (DEFINITIONS) OF THE MALVERN BOROUGH ZONING ORDINANCE AND SECTION 181-201 (DEFINITIONS) OF THE MALVERN BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

A motion was made by Council Member Laney, seconded by Council Member

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Sinquett, and carried by a vote of 6-0, to adopt Ordinance No. 2018 – 11, amending section 220-201 of the Malvern Borough Zoning Ordinance and section 181-201 of the Malvern Borough Subdivision and Land Development Ordinance to clarify and coordinate the calculations of building and lot coverage.

### 12. UNFINISHED BUSINESS

- a. Randolph Woods Ad Hoc Committee – Items for completion outside of a master plan

Borough Council reviewed a list of requested items from the report issued by the Randolph Woods Ad Hoc Committee in 2017 that may be completed outside of the need for a master plan. A PECO Green Region grant application for the development of a master plan was not awarded for 2018, however a subsequent application was authorized for submission and was submitted on October 27, 2018. Award announcements are anticipated in early 2019.

Borough Council discussed conducting ‘Community Days’ with volunteers to build awareness of Randolph Woods and the environment, removal of debris by Public Works staff, removal of invasive species, coordination with the Willistown Greenway Plan and the status of its design.

### 13. NEW BUSINESS

- a. Proposed Ordinance No. 2018 – 12 (Tax Levy Ordinance) – Authorization to advertise

Borough Manager Bashore stated that before Borough Council is proposed Ordinance No. 2018- 12 to establish the tax rate for Malvern Borough for fiscal year 2019. The proposed tax rate for 2019 per the 2019 preliminary budget is 4.67 mills. This represents no change in the tax rate from 2018.

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 6-0, to authorized for advertisement Ordinance No. 2018-12 (Tax Levy Ordinance) for consideration of adoption at the December 18, 2018 meeting of Borough Council.

- b. Proposed Ordinance No. 2018 – 13 (Solid Waste Collection) – Amendment to recycling collection day – Authorization to advertise

Borough Manager stated that before Borough Council is proposed Ordinance No. 2018-13 to designate the collection day for recyclables from Tuesday to Friday, as requested by Charles Blosenski Disposal Co., Inc., the contracted provider. The existing language of the Ordinance specifies Tuesday and Friday as the collection days, with Tuesday being the collection day for recyclables. The proposed ordinance specifies that a collection schedule will be established by Borough Council via resolution.

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A motion was made by Council Member Siquett, seconded by Council Member Laney, and carried by a vote of 6-0, to authorized for advertisement Ordinance No. 2018-13 (Solid Waste Collection) for consideration of adoption at the December 18, 2018 meeting of Borough Council.

### c. Employee gift cards

Borough Manager Bashore requested that the Borough Council authorize him to purchase gift cards for borough employees at the same rate as in previous years.

A motion was made by Council Member Meisel, seconded by Council Member Laney, and carried by a vote of 6-0, to authorized Borough Manager Bashore to provide full-time employees with \$50 gift cards and part-time employees with \$25 gift cards from a local business.

### d. Zoning Hearing Board

Borough Manager Bashore stated that the Zoning Hearing at their meeting on November 26, 2018 granted a variance request from Section 220-602.A.1. in order to allow for a lot smaller than the minimum lot area for a single-family detached dwelling unit for the property located at 11 Griffith Avenue.

The property owners of 331 Old Lincoln Highway have filed an appeal of a determination of the Zoning Officer for violations of section 220-201, 220-701, and 220-2309 of the Borough's Zoning Ordinance. The applicant has requested a continuance until January 9, 2019 and the Zoning Hearing Board and Borough Administration have agreed to the continuance.

## 14. 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.

Kelly Schmitt, 17 Channing Avenue, requested additional signage be installed at the entrance and exit points, along Channing Avenue, for the parking lot adjacent to Burke Park. Ms. Schmitt informed Borough Council and staff that if the American flag in Burke Park remains on the flag pole overnight that it should be lite. Borough Manager Bashore will have the Public Works Department investigate both matters.

Mayor Burton read aloud portions of Gus Rubino's 'Thank You' letter regarding the proclamation Borough Council presented to him.

## 15. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Raynor, seconded by Council Member Siquett, and carried by a vote of 6-0 to adjourn the meeting at 8:39 p.m.

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Respectfully submitted,

Neil G. Lovekin  
Assistant Borough Secretary