

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

September 20, 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  
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. Frank Ortner, 144 Griffith Avenue, recommended Council consider having a centerline painted on Monument Avenue to better manage traffic flow. Council President Bramwell stated the Public Safety Committee will look into his suggestion.

b. Kelly Schmitt, 133 Church Street, inquired about the procedures for reporting a vehicle traveling down a one-way street and its enforcement process. Lou Marcelli, Police Chief stated the "One-Way" signs are enforced and violators are cited when observed by a police officer. He encouraged Ms. Schmitt and others in attendance to call him when a possible violation occurs, or when they have a concern or question rather than waiting till a Borough Council meeting to bring a matter to his attention.

4. APPROVAL OF MINUTES:

A motion was made by Council Vice-President Uzman, seconded by Council Member Grossman and carried by a vote of 5-0 to approve the minutes of Tuesday, September 6, 2016 as submitted. Council President Bramwell abstained since he was not in attendance at the September 6, 2016.

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### 5. APPROVAL OF REPORTS:

A motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and carried by a vote of 6-0 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 August 2016 as submitted.

### 6. BOROUGH COUNCIL COMMITTEE REPORTS:

#### a. Finance & Administration Committee

Borough Manager Bashore provided the committee update from its September 6, 2016 meeting. Agenda items discussed were pension management services and the first draft of the 2017 budget. The Committee met with representatives from Beirne Wealth Consulting to discuss pension management services. In accordance with Act 44, the Borough will need to issue a Request for Proposal (RFP) to engage a company to provide this service. The Committee has recommended issuing an RFP for this service. An RFP is before Council this evening.

#### b. Public Safety Committee

Borough Manager Bashore provided the committee update from its August 23, 2016 meeting. Agenda items discussed were traffic calming improvements on Monument Avenue and Old Lincoln Highway. The Borough Traffic Engineer, John Yurick, P.E. of McMahan Associates, was in attendance. The Committee reviewed a map of Monument Avenue from Sugartown Road to Warren Avenue on a block-by-block basis. Recommendations included the strategic realignment of speed humps on the roadway (a total of 4 speed humps on the road), high visibility crosswalks at the intersections of Griffith Avenue and Monument Avenue and Powelton Avenue and Monument Avenue, the designation of the intersection of Malvern Avenue and Monument Avenue as an all-way stop intersection due to the location of the park as a large pedestrian generator, and the installation of signage on Powelton Avenue to warn motorists that cross traffic does not stop. The Committee reviewed the plans prepared by Dan Daley for improvements on Old Lincoln Highway. These include curb bump outs, sidewalk installation, and crosswalk markings based on the results of the traffic study completed by McMahan Associates. Due to the cost of the plan, the Committee requested information on phasing the project.

#### c. Public Works Committee

Borough Manager Bashore provided the committee update from its August 23, 2016 meeting. Agenda items discussed were the Borough Hall's HVAC system, installation of a key FOB system for Borough Hall, and potential improvements to Old Lincoln Highway. Oliver Mechanical, the Borough's HVAC maintenance contractor completed an examination of Borough Hall. It was recommend that an engineering assessment for the HVAC system be completed. Funds for this project have been allocated in the 2016 Capital Reserve Fund Budget

and utilize the proceeds from the 2013 bond issue. Kyle Daihl of Summer Consultants and Peter Cattie of Oliver Mechanical presented a draft study. The Committee requested that the report contain a prioritized list with pricing. The Committee reviewed an updated quote from Dayton Lock Company to install an electronic lock system on all doors in Borough Hall. The total price to complete the building is \$31,938.00. Based on this information, the Committee recommended proceeding with the original quote. The Committee reviewed a plan prepared by Dan Daley, P.E. for improvements to Old Lincoln Highway. These include curb bump outs, sidewalk installation, and crosswalk markings based on the results of the traffic study completed by McMahan Associates. The Committee requested the plan be amended to include a landscape island and pavement markings on the northeast corner of the intersection with Raffaella Drive.

7. 2016 HISTORIC PRESERVATION AWARDS – PRESENTED BY HISTORICAL COMMISSION:

Historical Commission Presenters were Kelly Schmitt, Lynne Hockenbury, and Cathy Raymond. Ms. Schmitt stated the Historical Commission honors properties in four categories: 1) Adaptive Reuse, in which the preserved building is now used for a different purpose than its historical purpose; 2) Commercial; 3) Residential; and 4) Institutional. Seven properties received a preservation award for 2016, one adaptive re-use, one commercial property, one institutional property, and four residential properties.

Adaptive Reuse Category: Dominic and Angela Pisano, 106 East King Street now a residence was originally a commercial property, known as the Shivery Bakery and the Malvern's Temperance Hotel. It was built around 1895 in the 'Stick' architectural style.

Commercial Category: Christopher Papadopoulos, 19 East King Street now a pizza shop was built circa 1910 as a commercial property to sell bicycles and sundried fruits, by the original owner J. Jones Still. The interior ceiling are decorated with ornamental tin and the exterior has ornamental accents.

Institutional Category: Saint Paul's African Methodist Episcopal (AME) Church, 229 Church Street, was built circa 1909 as a place of worship and to this present time remains as such. Built in the 'Masonry' architectural style with simple, sturdy brick was renovated in the 1970's.

Residential Category: Richard Koschmeder, 192 West King Street was built in 1815 in the 'Federal' architectural style, with an addition constructed in 1837. Its origins are believed to have been a farmhouse with an attached carriage house, to-date a free-standing barn remains onsite. This building also has the distinction of being the original location of the Malvern Public Library.

Residential Category: Jack and Susan Weikert, 137 Monument Avenue was built circa 1885 and is 'Stick' architectural style. It was originally the home of Josiah Roberts, a prominent Malvern businessman at the time of Malvern's incorporation as a borough in 1889.

Residential Category: Erika Gross, 225 Roberts Lane was built in 1887 and is 'Shotgun' architectural style. The original owner was Amos Trowery, a well-known African-American member of the community and a protégé of David Evans, one of the Borough's founders. It is a type of building known as a "shotgun house" because all of the rooms in the building line up, one after the other, from the front door to the back, with no halls or side rooms. Shotgun houses are more commonly found in the South and rarely encountered in Pennsylvania.

#### 8. BOROUGH HALL HVAC SYSTEM – PRESENTATION OF ANALYSIS:

Kyle Daihl, of Summer Consultants and Peter Cattie, of Oliver Mechanical presented a summary of the HVAC assessment for Borough Hall they conducted earlier in the year. Their recommendations, outlined in the audit included, but are not limited to: 1) Rebalance the building to values consistent with the requirements of the International Building Code, as outlined in the International Mechanical Code, 2015; 2) Convert the existing chilled water pumps to variable-speed operation by providing variable frequency drives; and 3) Eliminate the bypass piping and pressure independent flow control valves. Variable frequency drives coupled with the existing 2-way control valves within the building will increase operational efficiency and extend the service life of the pumps.

In order to ensure adequate flow to the new equipment outlined above, Mr. Daihl recommends the following equipment be rebalanced to design flow: 1) Chilled water and heating water pumps, 2) Existing fan coil units; 3) Existing air handling units #1 and #2; and 4) Air handling unit #3.

During cold winter days, the rear-stairwell could be exposed to sub-freezing conditions that may cause issues with freezing of the existing fire suppression system within the stairwell. We recommend that a vertical fan coil be installed and may be served by the existing heating water piping infrastructure to heat the rear-stairwell.

Danny Fruchter, 234 Channing Avenue, asked the consultants if they evaluated what it would take for Borough Hall to convert to environmentally-friendly energy sources, specifically solar roof panels. Peter Cattie stated the roof size and composition does not warrant the high financial-burden associated with solar panel installation, operations and maintenance. For solar energy to be a viable options, a large number of solar panels would have to be mounted on sizeable ground, with a foundation.

John Buckley, 165 Church Street, asked what the life expectancy is of the current HVAC system. Peter Cattie clarified that the HVAC system is made up of multiple pieces of equipment, each with its own life expectancy.

Patricia Marozzi, 221 Channing Avenue, asked how much it would costs the Borough to replace the entire HVAC system. Peter Cattie stated it would costs approximately \$600,000 to replace the entire HVAC system.

Dave Knies, 114 Warrington Way, asked if any of the existing HVAC equipment is still

under a factory warranty. Peter Cattie stated none of the existing HVAC equipment is under warranty, all have expired.

Danny Fruchter, 234 Channing Avenue, asked if it would be cost-effective for the Borough to purchase extended warranties on any future HVAC equipment. Mr. Cattie's professional opinion was it would not be cost-effective.

Council Vice-President Uzman recommended the Public Works Committee should Re-evaluate the mechanical report, prepared by Summer Consultants, to determine next steps, including how to best publically bid any or all of the HVAC upgrades. Borough Council was in agreement.

9. RESOLUTION NO. 718 – RECOGNITION OF THE HERZAK FAMILY:

A motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and unanimously carried by a vote of 6-0 to adopt Resolution No. 718, recognizing and expressing gratitude to John and Marion Herzak for their contributions to Malvern Borough.

Council President Bramwell recognized former Council Member Radano for his dedication and involvement in insuring the park was acquired by the Borough and was handled in a timely and professional manner.

10. RESOLUTION NO. 719 – ELIMINATE CONTRIBUTIONS TO THE POLICE PENSION PLAN FOR CALENDAR YEAR 2017:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and unanimously carried by a vote of 6-0 to adopt Resolution No. 719, a Resolution to eliminate for the Calendar Year 2017 members contributions to the Police Pension Plan.

11. PUBLIC HEARING – ESTABLISHMENT OF THE INTERSECTION OF MALVERN AVENUE AND MONUMENT AVENUE AS AN ALL-WAY STOP INTERSECTION:

Council President Bramwell announced that Borough Council will open a Public Hearing to consider an ordinance to amend Chapter 200 (Vehicles & Traffic) of the Malvern Borough Code of Ordinances in order to establish the intersection of Malvern Avenue and Monument Avenue as an all-way stop intersection.

The Notice of Public Hearing was published in the September 12, 2016 edition of the Daily Local newspaper as required.

There being no public comment, Council President Bramwell closed the hearing.

12. ORDINANCE NO. 2016-11:

A motion was made by Council Member Lexer, seconded by Council Member Grossman and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2016-11, amending Chapter 200 of the Malvern Borough Code of Ordinances pertaining to vehicles and traffic.

13. PUBLIC HEARING – VEHICLES & TRAFFIC ORDINANCE AMENDMENTS:

Council President Bramwell announced that Borough Council will open a Public Hearing to consider an ordinance to amend Chapter 200 (Vehicles & Traffic) of the Malvern Borough Code of Ordinances in order to amend parking regulations on certain Borough streets and establish a mechanism for the issuance of parking permits.

The Notice of Public Hearing was published in the September 12, 2016 edition of the Daily Local newspaper as required.

There being no public comment, Council President Bramwell closed the hearing.

14. ORDINANCE NO. 2016-12:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2016-12, amending Chapter 200 of the Malvern Borough Code of Ordinances pertaining to vehicles and traffic.

15. OLD BUSINESS:

- a. Ordinance 2016-2: Issuance of Non-Electoral Debt

Council President Bramwell stated this item was tabled.

16. NEW BUSINESS:

- a. Pension Plan – Authorization to issue a Request For Proposal for management services

A motion was made by Council President Bramwell, seconded by Council Vice-President Uzman and unanimously carried by a vote of 6-0 to authorize the Borough Manager to place an advertisement in the Daily Local newspaper for Request For Proposal for pension management services.

- b. Delaware Valley Regional Planning Commission – Classic Towns Program

Borough Manager Bashore stated Borough administration has been researching the possibility in Malvern Borough becoming a member of the Delaware Valley Regional Planning Commission's (DVRPC) "Classic Towns of Greater Philadelphia" program. This program began in 2004 when DVRPC launched the Strategies for Older Suburbs Initiative. Of the 351 communities within DVRPC's territory, only 21 communities have gained the recognition of

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“Classic Town.” There are several communities in and around Chester County who participate, including the following boroughs: West Chester, Oxford, Phoenixville, Kennett Square, and Media.

Borough Manager Bashore outlined the program’s benefits as: 1) A personalized town page on [www.classictowns.org](http://www.classictowns.org); 2) Opportunities to be featured on their social media accounts, including Twitter, Facebook, and Instagram; 3) Featuring local events on their events calendar; 4) Potential to be featured in one of their seasonal videos; 5) Potential for the town to be featured as a stop on one of their in-person Trolley Tours; 6) Local design toolkit including instructions on how to incorporate the Classic Towns logo into ongoing or new community promotions, and a step-by-step guide to announcing the Borough’s new status as a Classic Town; 7) Participation in invitation-only workshops and events focused on community marketing; and 8) Online and print advertisements promoting the benefits of moving to the community.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and unanimously carried by a vote of 6-0 to authorize the Borough Manager to draft an action plan of how the Borough would implement the program.

### c. Zoning Hearing Board

Borough Manager Bashore provided an overview of an application pending 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. This matter was previously discussed at the July 19 and August 2 meetings of Borough Council, at which time it was determined that the Borough Solicitor should enter an appearance at the hearing. The hearing has been scheduled for September 26 at 5:30 p.m.

There is one new application that will be considered by the Zoning Hearing Board. The applicant is seeking a Special Exception to conduct a major home occupation at 210 2<sup>nd</sup> Avenue (one-on-one art instruction) pursuant to section 2412 of the Borough’s Zoning Ordinance. Attached is the application. The Planning Commission does not recommend sending the Borough Solicitor to the hearing on this matter.

Borough Council agreed with the Planning Commission’s recommendation to not send the Borough Solicitor to the hearing.

## 17. ADJOURNMENT:

At 8:53 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 10:06 p.m.

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All business having been discussed, a motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and unanimously carried by a vote of 6-0 to adjourn the meeting at 10:08 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Secretary