

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

April 16, 2019  
7:30 P.M.

PRESIDING: Council President Grossman

INVOCATION: David B. Burton, Mayor

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

2. RECORDING OF MEETING

Council President Grossman asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting.

No member of the audience identified themselves as recording the meeting.

3. APPROVAL OF AGENDA

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 agenda for April 16, 2019 as amended to include consideration of a stipulation in the Conditional Use Decision appeal for the First Baptist Church of Malvern under "Unfinished Business."

4. APPROVAL OF MINUTES

A motion was made by Council Member Laney, seconded by Council Member Finkbiner, and carried by a vote of 6-0, to approve the minutes of the meeting held on Tuesday, April 2, 2019, as submitted. Council Vice-President Uzman abstained from voting due to his absence at the April 2, 2019 meeting.

5. APPROVAL OF REPORTS

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 Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works, 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 March 2019, as submitted.

## 6. BOROUGH COUNCIL COMMITTEE REPORTS

### a. Finance & Administration

Council Vice-President Uzman stated that the Finance & Administration Committee met on March 19, 2019. Items before the Committee included investment of Borough funds with the PA Local Government Investment Trust (PLGIT), a potential internship program with the Borough, information on upgrades to the A/V system in the Borough Council meeting room to accommodate teleconferencing, revisions to the proposed Community Installation Policy, and potential amendments to the Borough's meeting Code of Conduct.

Council Vice-President Uzman noted that Borough Council approved the amendments to the Borough's meeting code of conduct/parliamentary procedures, the Community Installation Policy, and the CD agreement with PLGIT at the April 2, 2019 meeting.

### b. Public Safety

Council Member Meisel stated that the Public Safety Committee is scheduled to meet on April 24, 2019. Items before the Committee include a review of the analysis completed by the Borough Traffic Engineer for two (2) intersections (King St. & Griffith Ave./Karen Dr. and Monument Ave. & King St.), discussion on Second Ave., and a draft ordinance pertaining to fireworks based on recent changes in the law. Additional information from this meeting will be provided in the materials for the May 21, 2019 meeting of Borough Council.

Borough Council discussed recent pedestrian strikes that occurred in Chester County, including two (2) that occurred in neighboring Willistown and Tredyffrin Townships. The possibility of working jointly with neighboring municipalities to address common pedestrian safety concerns was discussed.

### c. Public Works

Council Member Sinquett stated that the Public Works Committee is scheduled to meet on April 16, 2019. Items before the Committee include a review of information from Ingram Engineering in regards to Old Lincoln Highway, a review of revised plans for sidewalk/parking around Quann Park, information pertaining to the Highland Ave. drainage issue, a review of the 2019 paving program, and a Community Installation Application for the Malvern Business & Professional Association. Regarding the Community Installation Application, the Malvern Business & Professional Association is seeking to install pole banners on King St.

Council Member Sinquett stated that the Borough Engineer will be in attendance at the May 7, 2019 meeting to review information on Old Lincoln Highway and Quann Park with Borough Council. Council Member Sinquett noted that additional information has been

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requested from the Malvern Business & Professional Association for their Community Installation Project application.

7. ORDINANCE NO. 2019 – 2: AMENDMENT TO SECTION 25-29(I) OF THE MALVERN BOROUGH CODE OF ORDINANCES – ALTERNATE PLANNING COMMISSION MEMBER

a. Public Hearing: Council President Grossman announced that Borough Council will now open a Public Hearing to consider Ordinance No. 2019 – 2. This ordinance would amend Chapter 25 of the Malvern Borough Code of Ordinances in order to permit the appointment of one (1) alternate member to the Planning Commission.

The Notice of Public Hearing was published in the April 5, 2019 edition of the Daily Local News, as required, and posted on the Borough website.

Council President Grossman asked if there were any items of discussion on the proposed ordinance from Borough Council. No items were noted.

Council President Grossman asked if there were any comments from the public on the proposed ordinance. There were no comments from the public on the proposed ordinance.

There being no further discussion, Council President Grossman closed the Public Hearing on Ordinance No. 2019 – 2.

b. Adoption: A motion was made by Council Vice-President Uzman, seconded by Council Member Siquett, and carried a vote of 7-0 to adopt Ordinance No. 2019 – 2, amending section 25-29(I) of the Malvern Borough Code of Ordinances.

8. UNFINISHED BUSINESS

a. First Baptist Church Conditional Use Decision – Settlement of Appeal

A motion was made by Council Vice-President Uzman to approve the settlement of the appeal of the decision for the Conditional Use application for the First Baptist Church of Malvern. Council Member Raynor seconded the motion.

David Knies, 114 Warrington Way, asked about the content of the settlement. Borough Solicitor McLean provided a copy of the stipulation.

Lynne Frederick, 227 E. Broad Street, asked about the dimensions of the sign for Malvern Arts. Borough Solicitor McLean stated that the size of the sign would be limited to 24 sq. ft.

There being no further discussion, Council President Grossman called the vote. The motion approving the settlement of the appeal of the decision for the Conditional Use application for the First Baptist Church of Malvern passed by a vote of 7-0.

9. NEW BUSINESS

a. Request for pole banners – Malvern Blooms

Borough Manager Bashore stated that before Borough Council this evening is a request from Lisa O'Neill to install temporary pole banners for the Malvern Blooms festival. The proposed banners would be double sided and 2' wide by 3' long. Ms. O'Neill desires to install these on King St. from Powelton Ave. to Bridge St. and in Burke Park (if they have banner brackets attached). She would like to have the banners in place through most of May. A letter of support from the Malvern Business & Professional Association and sample banner was provided for Borough Council's review.

Borough Manager Bashore noted that he did not believe that it was appropriate for the banners to be hung in Burke Park, but they could be hung on Warren Ave. as an alternative.

Council Member Finkbinder noted concerns with the timing of Malvern Blooms verses the hanging of the banners during the month of May. Council Vice-President Uzman recommended that the banners be removed when the flower baskets are installed by the Public Works Department.

Council Member Laney recommended that the Borough look into various banner programs, including a Hometown Heroes veteran recognition program. Council President Grossman recommended that banners be used year-round and changed out seasonally. Borough Manager Bashore noted that the application from the Malvern Business & Professional Association under review with the Public Works Department is for seasonal banners in the business district.

Lynne Frederick, 227 E. Broad Street, stated that the Historical Commission envisioned doing a rotating banner program when the banners were installed for the 125<sup>th</sup> anniversary celebration of the Borough.

Gail Newman, 11 Landmark Drive, noted that some of the banners were hung low for the 125<sup>th</sup> anniversary and asked if the Malvern Blooms banners could be hung higher. Council Vice-President Uzman stated that the brackets may only be placed on certain areas of the decorative light poles.

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 installation of temporary pole banners for the Malvern Blooms event, conditioned on not hanging banners in Burke Park.

b. Consideration of appointment – Conflict Counsel

Borough Manager Bashore stated that before Borough Council this evening is consideration of appointment of conflict counsel to handle a pending land development application. Malvern Veterinary Hospital has submitted a sketch plan for land development on their property. Unfortunately, both firms that the Borough currently utilizes for legal counsel

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(Lentz Cantor & Massey and Riley Riper Hollin & Colagreco) are conflicted out of this application. Gina Gerber, Esq., from Riley Riper Hollin & Colagreco will be representing the applicant. As such, the Borough will need to appoint a conflict solicitor to handle this application. Please note that in addition to land development approval, relief from the Zoning Hearing Board will be required.

Borough Manager Bashore stated that he obtained a proposal from Kenneth Kynett, Esq., from the firm of Petrikin Wellman Damico Brown & Petrosa out of Media, PA. The proposal outlines a rate of \$175/hour, which is the same rate that the Borough is currently charged by the other firms we work with. Borough Manager Bashore stated that he and Mr. Kynett previously worked together and he believes that he would serve the Borough well. As this is a professional service, bidding is not required pursuant to the Home Rule Charter.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0 to appoint Kenneth Kynett, Esq. of the firm Petrikin Wellman Damico Brown & Petrosa as conflict counsel for the Borough of Malvern.

c. Request for Authorization to issue Request for Proposal – Randolph Woods Master Plan

Borough Manager Bashore stated that before Borough Council this evening is a request for authorization to issue a Request for Proposal for the development of a master plan for Randolph Woods. The Borough was recently notified that we have been awarded a \$10,000 grant through the PECO Green Region Grant program. These funds will be used for the development of a master plan for Randolph Woods.

A motion was made by Council Vice-President Uzman, seconded by Council Member Finkbiner, and carried by a vote of 7-0 to authorize the issuance of a Request for Proposal for the development of a Master Plan for Randolph Woods.

d. Consideration of Proposal – McMahan Associates – Bidding & construction oversight for E. King St. pedestrian signals

Borough Manager Bashore stated that before Borough Council this evening is a proposal from McMahan Associates to handle bidding and construction oversight for the installation of pedestrian signals on E. King Street. The locations are at the intersections of Ruthland Avenue and E. King Street and Church Street and E. King Street. These costs were not included in the proposal approved by Borough Council to prepare and submit the necessary plans to the PA Department of Transportation (PennDOT). An approval from PennDOT was received on March 26, 2019.

The scope of work outlined in the proposal includes the preparation of the necessary bidding documents and construction assistance at a not-to-exceed fee of \$6,750. Dean Kaiser, P.E., has provided an updated construction cost estimate, which has also been attached. Please note that the cost has not changed from the previous estimate provided in January.

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A motion was made by Council Vice-President Uzman, seconded by Council Member Raynor, and carried by a vote of 7-0 to approve the proposal from McMahon Associates to handle bidding and construction oversight for the installation of pedestrian signals on E. King Street.

e. Zoning Hearing Board

Borough Manager Bashore stated that there are no new applications before the Zoning Hearing Board.

Borough Manager Bashore stated that the appeal of 331 Old Lincoln Highway has been resolved and is being closed out.

10. 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.

No member of the audience made any comments.

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 8:13 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Borough Secretary