

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

April 19, 2016
7:30 P.M.

PRESIDING: Zeyn Uzman, Vice-President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Bramwell (Absent)
Council Vice-President Uzman
Council Member Arena
Council Member Grossman
Council Member Lexer
Council Member Meisel
Council Member Sinquett
Mayor Burton

2. PUBLIC FORUM:

Council Vice-President Uzman 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 on any item on the agenda to bring any issues/concerns before Council.

a) 153-155 Old Lincoln Highway

Megan Busby, 154 Old Lincoln Highway questioned Borough Council as to whether the property owner of 153 & 155 Old Lincoln Highway is following the Borough's Property Maintenance Code. Borough Manager Bashore stated that Bill Wilfong, Codes & Zoning Officer is enforcing the Property Maintenance Code diligently, within his authority. Mrs. Busby complimented the Borough's Police Department and the Codes & Zoning Officer for their professionalism in addressing her concerns regarding the properties in question.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Lexer, seconded by Council Member Meisel and carried by a vote of 6-0, to approve the minutes of Tuesday, March 15, 2016, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Arena, seconded by Council Member Grossman, and unanimously 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 March 2016, as submitted.

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5. PRESENTATION – MICHELLE MCLAIN – FREE LIBRARY IN BURKE PARK PROPOSAL:

Michelle Troha introduced herself to Council and followed up with her proposal to honor Mrs. Barnes, a retiring preschool administrator, for her more than 30 years of service. Mrs. Troha's proposal included installing 'A Little Free library' in Burke Park with Mrs. Barnes' name on the small structure. The Little Free Library's motto is "Take a book, return a book" with it intended to be a year-round, free book exchange for children, consisting of a post with a small wooden box attached to store the books. The typical size of the little libraries is 20 inches wide by 15 inches deep and 18 inches high, secured on either a post or secure foundation. By January of 2015, the total number of registered Little Free Libraries in the world was conservatively estimated to be nearly 25,000. As of January 2016, there are over 36,000 registered Little Free Library book exchanges in all 50 U.S. states and over 70 countries around the world. Mrs. Troha's suggested having the Little Free Library in Burke Park. Presently, Mrs. Troha is coordinating a Little Free Library in Greentree Park, located in Willistown for her daughter's Girl Scout troop. Website: <https://littlefreelibrary.org/>.

Council Member Grossman inquired if the Little Free Library had to be located in Burke Park as it may be too close in proximity to the Malvern Public Library. Mrs. Troha stated it does not, however, she selected Burke Park for its central location in the Borough, high volume of pedestrian traffic with the various community events, and closeness to the Saint Patrick's Catholic School. Discussion within the audience suggested the Paoli Battlefield/Monument Grounds as alternative locations.

Council Member Grossman questioned who would be responsible for maintain the structure? Mrs. Troha identified herself as conducting maintenance and felt that the neighborhood will see value and pride in the Little Free Library, leading them to self-manage as well.

Danny Fruchter, 234 Channing Avenue, questioned if Mrs. Troha considered coordinating with the Chester County Library System. Mrs. Troha stated the intent of the Little Free Libraries is to be an independent, neighborhood-supported exchange system in honor a retiring school teacher.

Council Vice-President Uzman referred this matter to the Parks & Recreation Committee for review prior to taking action, but noted his support for the concept.

6. PARKS & RECREATION COMMITTEE APPOINTMENTS:

A motion was made by Council Member Sinquett, seconded by Council Member Lexer and carried by a vote of 6-0, to appoint Kevin Comstock and Christian Arena to the Malvern Borough Parks & Recreation Committee, with terms to expire on December 31, 2020.

7. PUBLIC HEARING – SUBDIVISION & LAND DEVELOPMENT ORDINANCE AMENDMENT:

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Borough Manager Bashore stated this ordinance will amend the Borough's Subdivision and Land Development Ordinance in order to clarify the extent and nature of reviews conducted pursuant to the aforementioned ordinance. Specifically, the amendments will revise the table of requirements and recommendations for processing subdivision and land development applications, including requiring reviews by the Fire Marshal and a Landscape Architect.

Council Vice-President Uzman announced that Borough Council will now open a Public Hearing to consider an ordinance to amend the Borough's Subdivision & Land Development Ordinance in order to clarify the extent and nature of reviews conducted. The Notice of Public Hearing was published in the March 30, 2016 and April 6, 2016 editions of the Daily Local newspaper as required.

There being no public comment, Council Vice-President Uzman closed the hearing.

8. ORDINANCE NO. 2016-5 – AMENDING THE SUBDIVISION & LAND DEVELOPMENT ORDINANCE:

A motion was made by Council Vice-President Uzman, seconded by Council Member Meisel and carried by a vote of 6-0, to adopt Ordinance No. 2016-5, amending Chapter 181, Subdivision & Land Development, Article III, Procedures, of the Code of Ordinances of the Borough of Malvern in order to clarify the extent and nature of reviews conducted pursuant to the Subdivision and Lane Development Ordinance.

9. PUBLIC HEARING – AMENDING THE ZONING AND SUBDIVISION & LAND DEVELOPMENT ORDINANCE:

Borough Manager Bashore stated this ordinance will amend the Borough's Zoning and Subdivision and Land Development Ordinances in order to coordinate the definition of various terms between Chapter 220 and Chapter 181.

Council Vice-President Uzman announced that Borough Council will now open a Public Hearing to consider an ordinance to amend the Borough's Zoning Ordinance in order to eliminate various ambiguities. The Notice of Public Hearing was published in the March 30, 2016 and April 6, 2016 editions of the Daily Local newspaper as required.

There being no public comment, Council Vice-President Uzman closed the hearing.

10. ORDINANCE NO. 2016-6 – AMENDING THE SUBDIVISION & LAND DEVELOPMENT ORDINANCE:

A motion was made by Council Member Lexer, seconded by Council Member Sinquett and carried by a vote of 6-0, to adopt Ordinance No. 2016-6, amending Chapter 220, Zoning, Article II, Definitions, and Chapter 181, Subdivision & Land Development, Article II, Definitions, of the Code of Ordinances of the Borough of Malvern in order to coordinate the various terms between the two chapters.

11. PUBLIC HEARING – ZONING ORDINANCE AMENDMENTS:

Borough Manager Bashore stated this ordinance will amend the Borough's Zoning Ordinance in order to clarify and eliminate various ambiguities. Specifically, the proposed ordinance will make the following amendments to the Borough's Zoning Ordinance:

- Amend the following definitions in Section 201: club or lodge; curblines; outdoor display; planned campus development; planned office campus development; and structure;
- Amend subsection B of Section 2405-Bed and Breakfast;
- Amend the introductory sentence of Section 2407-Club or Lodge; and
- Amend the shared parking provisions in Section 2501.C.3.

Council Vice-President Uzman announces that Borough Council will now open a Public Hearing to consider an ordinance to amend the Borough's Zoning Ordinance in order to eliminate various ambiguities. The Notice of Public Hearing was published in the March 30, 2016 and April 6, 2016 editions of the Daily Local newspaper as required.

There being no public comment, Council Vice-President Uzman closed the hearing.

12. ORDINANCE NO. 2016-7 – AMENDING THE ZONING ORDINANCE:

A motion was made by Council Member Meisel, seconded by Council Member Arena and carried by a vote of 6-0, to adopt Ordinance No. 2016-7, amending Chapter 220, Zoning, Article II, Definitions, Article XXIV, Supplemental Use Regulations, and Article XXV, Off-Street Parking and Loading of the Code of Ordinances of the Borough of Malvern in order to clarify and eliminate various ambiguities.

13. RESOLUTION NO. 710 – TRANSPORTATION & COMMUNITY DEVELOPMENT INITIATIVE GRANT PROGRAM APPLICATION:

Borough Manager Bashore stated the resolution is a grant application requirement. The application will be for a borough-wide parking study, the total project costs is an estimated \$60,000 of which the borough will be responsible for 20% (i.e. \$12,000).

A motion was made by Council Member Grossman seconded by Council Member Lexer and carried by a vote of 6-0, to adopt Resolution No. 710, authorizing participation by the Borough of Malvern in the Delaware Valley Regional Planning Commission's Transportation & Community Development Initiative Grant Program.

14. RESOLUTION NO. 711 – PLGIT PROCUREMENT CARD PROGRAM:

Borough Manager Bashore provided an overview of the procurement card program mentioning that it will enable specific cardholders to make purchases for borough goods in an efficient and timely manner, with low interest rates as compared to current lengthy processes using traditional credit cards. Procurement cardholders will be identified by Borough Council.

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Council Member Arena requested Borough Manager Bashore to include a monthly statement of the PLGIT Account so Council may monitor it.

A motion was made by Council Member Siquett seconded by Council Member Lexer and carried by a vote of 6-0, to adopt Resolution No. 711, authorizing the issuance of individual procurement cards through the PA Local Government Investment Trust's procurement card program.

15. RESOLUTION NO. 712 – WINTER STORM JONAS REIMBURSEMENT:

Borough Manager Bashore stated this resolution will authorize an agent, the Borough Manager to execute all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Relief and Emergency Assistance Act. Borough Manager Bashore thanked Neil Lovekin, Assistant Borough Manager, Ira Dutter, Superintendent of Public Works, and Louis Marcelli, Chief of Police, for their assistance in preparing the Borough's application for reimbursement.

A motion was made by Council Member Siquett seconded by Council Member Arena and carried by a vote of 6-0, to authorize Christopher Bashore, an agent of the Borough of Malvern, to execute all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Relief and Emergency Assistance Act.

16. OLD BUSINESS:

a) Ordinance No. 2016-2: Authorization of Non-Electoral Debt

Borough Manager Bashore provided Council with a 5-Year Projection for Capital Improvement Projects for them to consider if non-electoral debt would be beneficial in acquiring for such projects.

Council agreed to review and address at a future Council Meeting.

17. NEW BUSINESS:

a) New Meeting Structure

Borough Manager Bashore summarized prior Council's discussion of formatting all future meetings of Council as Regular Meetings so action may be taken.

Council agreed to re-format the meetings.

b) Zoning Hearing Board – Applications for Variance Requests

Borough Manager Bashore stated the property owners of 225 Roberts Lane are seeking a variance to Article VIII, Sections 802.D, rear yard setback to accommodate an addition to the side and rear of the existing rear building. The Malvern Borough Planning Commission identified no issues from a land development perspective in which it would be beneficial to have the Borough Solicitor attend the Zoning Hearing. Council was in agreement.

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Borough Manager Bashore stated the property owner of 346 East King Street is seeking variances to Article XIV, Sections.1402.E, rear yard setback and 1402.H, maximum building height, to accommodate an addition to the rear building. The Malvern Borough Planning Commission identified several issues from a land development perspective in which it would be beneficial to have the Borough Solicitor attend the Zoning Hearing. Council was in agreement.

Borough Manager Bashore stated that all future Zoning Hearing Board applications will be submitted to Borough Council and the Planning Commission for review purposes.

18. ADJOURNMENT:

Council Vice-President Uzman stated Council will adjourn to Executive Session to discuss personnel matters.

All business having been discussed, a motion was made by Council Member Meisel, seconded by Council Member Arena and unanimously carried by a vote of 6-0 to adjourn the meeting at 9:12 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary