

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

August 18, 2020
7:30 P.M.

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: David B. Burton, Mayor

1. ROLL CALL

PRESENT

Council President Finkbiner
Council Vice-President Grossman
Council Member Bones
Council Member Laney
Council Member Raynor
David B. Burton, Mayor

ABSENT

Council Member Meisel
Council Member Phillips

Council President Finkbiner announced that this evening's meeting was being held virtually due to the COVID-19 pandemic and as permitted under Act No. 15 of 2020. Council President Finkbiner announced the following guidelines for the meeting:

- Participants will be asked to identify themselves when being accepted into the meeting.
- The public will be muted during the meeting when the members of Borough Council are speaking.
- For each agenda item, the public will be unmuted and given an opportunity to comment and ask questions.
- Public Comment received via email will be read by the Borough Manager either during the topic on the agenda or the general "Public Forum" period.
- Participants wishing to comment must state their name and must speak one at a time.

2. APPROVAL OF AGENDA

A motion was made by Council Member Laney, seconded by Vice-President Grossman, and carried by a vote of 5-0, to approve the agenda for August 18, 2020 as presented.

3. ANNOUNCEMENTS

- a. Recording of the Meeting

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Council President Finkbiner asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting. Council President Finkbiner noted that the meeting was being recorded for minute taking purposes, but the recording would not be posted on the Borough website.

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

b. Council President Finkbiner announced that Adam Bramucci has submitted his resignation from the Parks & Recreation Committee as of July 25, 2020. The individual appointed will complete a term set to expire on January 1, 2023.

c. Please watch the Malvern Borough website for updates pertaining to COVID-19 (e.g., community events, meetings, etc.).

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Laney to approve the minutes from the July 21, 2020 meeting of Borough Council as presented. Council Member Raynor seconded the motion.

Danny Fruchter, 234 Channing Avenue, asked if the minutes reflected the comments from the Borough Solicitor that he was a liar. Council President Finkbiner stated that the minutes accurately reflect the exchange between Mr. Fruchter and the Borough Solicitor. Council Member Raynor agreed with Council President Finkbiner.

Mr. Fruchter asked about the content of the minutes regarding the direction Borough Council gave to the Borough Solicitor as it relates to the upcoming Zoning Hearing Board meeting on August 24, 2020 for ZMC Partners, LP. Vice-President Grossman stated that the minutes will be posted on the Borough website shortly and they may be reviewed at that time.

There being no further comments or questions, Council President Finkbiner called for a vote on the minutes for the July 21, 2020 meeting of Borough Council.

The motion approving the minutes from the July 21, 2020 meeting of Borough Council passed by a vote of 5-0.

b. APPROVAL OF REPORTS

A motion was made by Vice-President Grossman, seconded by Council Member Bones, and carried by a vote of 5-0, 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

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Maintenance Report, and Zoning Report), the Superintendent of Public Works Report and the Manager's Report for the month of July 2020, as submitted.

c. BOROUGH COUNCIL COMMITTEE REPORTS

- Finance & Administration

Council Member Laney stated that the Finance & Administration Committee met on August 18, 2020. Topics of discussion included a review of the second quarter performance of

the Police and Nonuniform Pension Funds, discussion on the finances of the Borough's Sewer Fund, and park/amenity dedications as follow-up to correspondence received at the June 16, 2020 meeting of Borough Council.

Council Member Laney noted that both pension funds have rebounded from the decline witnessed at the start of the COVID-19 pandemic. The pension funds are up about 4.7% year-to-date. INR has recommended maintaining the current course.

Council Member Laney stated that the Committee reviewed information from the Borough Engineer and Borough Manager as it pertains to the finances of the Sewer Fund. This included a review of treatment costs, capital costs, and revenue from 2008 to the present. The Committee also reviewed Sewer Flow information as it relates to the finances of the Sewer Fund.

- Public Safety

Borough Manager Bashore stated that the Public Safety Committee has not met since the July 21, 2020 meeting of Borough Council. Borough Manager Bashore stated that the construction on the N. Warren Avenue Transit Project is progressing, with full completion anticipated in September.

- Public Works

Council President Finkbinder stated that the Public Works Committee has not met since the July 21, 2020 meeting of Borough Council. Council President Finkbinder stated that the approved paving projects on E. King Street and N. Warren Avenue are scheduled to begin work in early September.

Council Member Bones asked about the night work for the N. Warren Avenue Transit Project and when it is scheduled to end. Borough Manager Bashore stated that he is not aware of any additional night work and the Borough has not received any complaints about the night work that has occurred to date.

5. SPECIAL BUSINESS

a. PRESENTATION – OFFICE OF U.S REPRESENTATIVE CHRISSEY HOULAHAN (PA-06)

Kira Floersheim from the office of U.S. Representative Chrissy Houlahan appeared before Borough Council to provide an update on the actions taken by Representative Houlahan in Pennsylvania and Washington D.C., as well as an overview of the services her office provides to constituents.

Ms. Floersheim summarized the functions of the congressional district offices and Representative Houlahan's background. Ms. Floersheim highlighted Representative Houlahan's experience with constituent outreach, noting that the district contains approximately 700,000 constituents, she has conducted 26 town hall meetings since being elected, and has returned \$3.52 million to the district.

Ms. Floersheim summarized the CARES Act and the work done as it pertains to the COVID-19 pandemic, noting Representative Houlahan's support for the HEROES Act passed in the U.S. House of Representatives. Ms. Floersheim noted Representative Houlahan's support for stimulus for state and local governments. Ms. Floersheim noted Representative Houlahan's support for infrastructure expenditures and funding for the United States Postal Service (USPS). Ms. Floersheim stated that their office has been in communication with state and local offices regarding voting information. Ms. Floersheim encouraged everyone to participate in the 2020 U.S. Census and the deadline is September 30, 2020.

Council Member Bones thanked Ms. Floersheim for her presentation and asked about the justification for reducing the time in which to respond to the 2020 U.S. Census. Ms. Floersheim stated that a decision was made and that Representative Houlahan wants to ensure that her constituents are aware of the change. Council Member Bones asked if the district will be counted fully. Ms. Floersheim stated that Census Enumerators are going door-to-door under COVID-19 guidelines and the district is currently approach the 2010 U.S. Census count.

Borough Council thanked Ms. Floersheim for her presentation.

b. ST. PATRICK'S SCHOOL – TEMPORARY TRAFFIC CIRCULATION ADJUSTMENT

Council President Finkbiner stated that St. Patrick's School is seeking to temporarily modify their traffic circulation due to the COVID-19 pandemic as school resumes. The modification is related to pick-up and drop-off. Woodland Avenue would be utilized as part of this plan. Information related to this change has been reviewed with the Chief of Police.

Chief Marcelli stated that St. Patrick's School is returning to in-person classes this fall. Chief Marcelli stated that he has spoken with the Principal of St. Patrick's School and they are anticipating an influx of parental drop-offs/pick-ups due to the COVID-19 pandemic. Parental drop-offs/pick-ups would remain on Channing Avenue and bus traffic would be moved to

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Woodland Avenue. Chief Marcelli stated that this would only be a temporary adjustment and will be monitored by the Malvern Police Department.

Council President Finkbiner asked if St. Patrick's School would like "No Parking" signs installed. Chief Marcelli stated that the west side of Woodland Avenue would have temporary "No Parking" signs installed to end of their property. Chief Marcelli stated that the area in front of the rectory would not be posted. Chief Marcelli noted that there will be six (6) buses arriving approximately five (5) minutes apart. Council President Finkbiner asked if there was a defined term for the temporary modification. Chief Marcelli stated that he was unsure, but it he did not anticipate that it would last the entire school year.

Council Member Bones stated that he thought the plan sounded feasible. Council Member Bones asked if the playground at Burke Park was still used for recess. Chief Marcelli stated that the younger grades still use the playground in Burke Park for recess. Council Member Bones noted concerns for this continued use due to the COVID-19 pandemic. Borough Manager Bashore stated that he thought that this would be a reasonable request due to the pandemic and the completion of the playground as part of the recent land development project.

Lynne Frederick, 227 E. Broad Street, stated that Great Valley School District is going all virtual and that no busing will occur. Ms. Frederick stated that this was announced at the recent School Board meeting and would impact busing to St. Patrick's School. Chief Marcelli stated that he was unsure if other busing companies were going to be terminating service temporarily due to the pandemic. Chief Marcelli stated that he will check on this matter.

Carroll Siquett, 223 Green Street, stated that it is his understanding that the Great Valley School District is leaving their bus lot shut down until further notice.

Kel Schmitt, 17 Channing Avenue, stated that the younger children were still using Burke Park for recess prior to the COVID-19 pandemic. Mr. Schmitt stated that these students come from the Church and that the proximity may be why they are using the playground.

Council President Finkbiner noted that this was an administrative matter and Chief Marcelli will post the area accordingly and monitor the change.

No action was taken.

c. EXPANDED OUTDOOR DINING FORBEARANCE AGREEMENTS

- The Flying Pig Saloon – 60-day extension of agreement

Council President Finkbiner stated that The Flying Pig Saloon is requesting a 60-day extension of their existing agreement for outdoor dining during the COVID-19 pandemic. All existing conditions are proposed to remain in place. This would be extended to October 8, 2020.

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A motion was made by Vice-President Grossman, seconded by Council Member Bones, and carried by a vote of 5-0, to approve the 60-day extension for The Flying Pig Saloon's Outdoor Dining Forbearance Agreement.

- Restaurant Alba – 60-day extension of agreement

Council President Finkbinder stated that Restaurant Alba is requesting a 60-day extension of their existing agreement for outdoor dining during the COVID-19 pandemic. All existing conditions are proposed in place. This would be extended to October 21, 2020.

A motion was made by Vice-President Grossman, seconded by Council Member Bones, and carried by a vote of 5-0, to approve the 60-day extension for Restaurant Alba's Outdoor Dining Forbearance Agreement.

- Anthony's Pizza & Italian Restaurant

Council President Finkbinder stated that a proposed agreement with Anthony's Pizza & Italian Restaurant is before Borough Council. This agreement will allow for outdoor dining, subject to conditions. Council President Finkbinder stated that the seating area would include 48 seats in the sidewalk and parking lot.

Borough Manager Bashore noted that less tables have been installed than proposed due to issues with the proposed barriers. Vice-President Grossman asked if there were any concerns related to safety due to the activity in the Malvern Shopping Center parking lot. Council Member Bones stated that he originally had similar concerns, but after seeing the layout, his concerns have been abated.

Lynne Frederick, 227 E. Broad Street, asked about the covering at Malvern Pizza and why it was no longer in place. Borough Manager Bashore stated that he was unaware of this, but the cover was not a required component of the approval.

A motion was made by Council Member Raynor, seconded by Council Member Laney, and carried by a vote of 5-0, to approve the Outdoor Dining Forbearance Agreement with Anthony's Pizza & Italian Restaurant.

d. 2020 BUDGET – STATUS REPORT

Borough Manager Bashore provided a status update on the 2020 budget through the end of the second quarter. Information on the year-end projections for 2020 and items to consider during the 2021 budget process were also discussed. Copies of the presentation and budget report have been posted on the Borough website in the "Budgets & Audits" section.

Borough Manager Bashore noted that revenue has exceeded expenditures across all Borough funds through the end of the second quarter. Borough Manager Bashore noted that revenue and expenditures have both declined compared to the second quarter of 2019. Cost saving

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measures due to the COVID-19 pandemic were reviewed. Borough Manager Bashore also outlined year-end projections.

Council Member Laney asked if the Borough was witnessing an influx in costs related to trash and recycling disposal due to the COVID-19 pandemic. Borough Manager Bashore stated that the Borough has witnessed an increase in the costs for processing recycling, but not for the disposal of trash. Borough Manager Bashore noted that the costs do increase in October and November due to bulk item and leaf collection.

Council Member Bones asked if East Whiteland Township sells their sanitary sewer system and if this was something that would transfer to a new owner. Borough Manager Bashore stated that he believes the agreement would transfer to the new owner, but he would need to speak with the Borough Solicitor. Council Member Bones asked if the sale could produce a cost savings. Borough Manager Bashore stated that the Borough could see a cost savings. Council Member Bones asked if there was a recommendation related to the fee for sewer service. Borough Manager Bashore stated that he and the Borough Engineer are still working on preparing a recommendation.

Borough Manager Bashore noted that while the sewer system is older, it is well maintained and there is no debt in the Sewer Fund. Borough Manager Bashore stated that the system is reaching the age where significant capital investment may be necessary. A chart outlining the Borough's revenue and expenditures since 2008 was reviewed.

Council Member Laney asked if the Borough was likely to be approached to sell its sanitary sewer system. Borough Manager Bashore stated that he respectfully did not desire to opine on this topic.

No action was taken. Borough Council thanked Borough Manager Bashore for his presentation.

6. UNFINISHED BUSINESS

Council President Finkbinder announced that there were no items of "Unfinished Business" for discussion.

7. NEW BUSINESS

- a. Authorization to sell Public Works equipment – 2005 Freightliner

Council President Finkbinder stated that the 2005 Freightliner was proposed to be replaced in the 2020 Budget through the Highway Aid Fund. Delivery of the new Ford F-550 dump truck allocated in the 2020 budget is anticipated soon. Pursuant to section 25-21 of the Malvern Borough Administrative Code, Borough Council must authorize the sale of the existing equipment due to its anticipated value.

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A motion was made by Vice-President Grossman, seconded by Council Member Laney, and carried by a vote of 5-0, to authorize the sale of the 2005 Freightliner.

b. Zoning Hearing Board

Council President Finkbiner stated that there are no new applications before the Zoning Hearing Board.

8. PUBLIC FORUM

Council President Finkbiner stated that Borough Council will now take comment from the public on any item not on the agenda.

There were no items for discussion during the "Public Forum" period.

9. ADJOURNMENT

All business having been discussed, a motion was made by Vice-President Grossman, seconded by Council Member Bones, and carried by a vote of 5-0, to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Christopher Bashore
Borough Manager/Secretary