

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

August 20, 2019
7:30 P.M.

PRESIDING: Council President Grossman

INVOCATION: Council Member Laney

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL

PRESENT

Council President Grossman
Council Member Finkbiner
Council Member Laney
Council Member Meisel
Council Member Sinquett

ABSENT

Council Vice-President Uzman
Council Member Raynor

Council President Grossman announced that Borough Council will meet in Executive Session after the meeting in order to discuss a personnel matter.

2. RECORDING OF MEETING

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

Lynne Frederick, 227 E. Broad Street, stated she was audio recording the meeting.

3. APPROVAL OF AGENDA

A motion was made by Council Member Finkbiner, second by Council Member Sinquett, and carried by a vote of 5-0 to approve the agenda for August 20, 2019 as presented.

4. APPROVAL OF MINUTES

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 5-0, to approve the minutes of the meeting held on Tuesday, August 6, 2019, as amended.

5. APPROVAL OF REPORTS

A motion was made by Council Member Finkbiner, seconded by Council Member Sinquett, 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 Maintenance Report, and Zoning Report), the Superintendent of Public Works Report and the Manager's Report for the month of July 2019, as submitted.

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6. BOROUGH COUNCIL COMMITTEE REPORTS

a. Finance & Administration

Borough Manager Bashore stated that the Finance & Administration Committee met on July 18, 2019 and August 6, 2019.

At the July 18, 2019 meeting, the Committee met with Michael Peter from General Code to review information about a program called MapLink. This is an interactive zoning map site that would connect to the Borough's Zoning Ordinance and would allow property owners to interact with their properties to learn the regulations for their property. The cost for this program is \$4,995 for the initial construction and then a \$1,495 annual maintenance fee. Based on the review, the Committee determined that it is not recommended to pursue the implementation of this program at this time; however, it will continue to be monitored and may be considered in the future.

At the August 6, 2019 meeting, the Committee met with representatives from InR to review the status of the Borough's pension funds, discussed investment opportunities with Univest and Meridian Bank, reviewed a memorandum from the Borough Solicitor in response to correspondence that was received, discussed making certain documents available for public review with the Malvern Library, and reviewed the results of an IT evaluation that was completed.

The Committee met with representatives from the Delaware Valley Regional Planning Commission (DVRPC) on August 19, 2019 to review the cost estimate for retrofitting the Borough's streetlight network. An update from the Committee is anticipated in September 2019.

b. Public Safety

Council Member Meisel stated that the Public Safety Committee has not met since the July 16, 2019 meeting of Borough Council. The Borough's Traffic Engineer has prepared a plan for the installation of new pavement markings at the intersection of Powelton Avenue and King Street, this plan is under review by the Committee. Once the review is complete, the Public Works Department will assess if this installation may be completed in-house.

Proposed Ordinance No. 2019 – 8 is before Borough Council this evening for a public hearing and consideration of adoption. A component of this ordinance is to prohibit no left-hand turns from Griffith Avenue on to King Street as reviewed with the Borough Traffic Engineer at the July 10, 2019 meeting of the Public Safety Committee.

c. Public Works

Council Member Sinquett stated that the Public Works Committee has not met since the July 16, 2019 meeting of Borough Council. A pre-construction meeting was held with the contractor for the Ruthland Avenue Force Main Replacement Project and they anticipate work beginning on September 3, 2019. Notices will be sent to the property owners in the project area.

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The paving of Green Street was completed the week of July 22, 2019. As reported at the August 6, 2019 meeting of Borough Council, additional base repair work was discovered during the project. The Borough Engineer is working to coordinate the remaining paving projects that have been awarded. Bids for the paving of the 200 block of Church Street are due on August 29, 2019 and will be before Borough Council for consideration of awarding at the September 3, 2019 meeting.

The Public Works Committee is working to schedule a meeting to review paving projects for inclusion in the 2020 budget.

7. ORDINANCE NO. 2019 – 8: AMENDMENT TO CHAPTER 200 (VEHICLES & TRAFFIC) OF THE MALVERN BOROUGH CODE OF ORDINANCES

Council President Grossman announced that Borough Council will now open a public hearing to consider Ordinance No. 2019 – 8.

Borough Manager Bashore stated the proposed ordinance would amend Chapter 200 of the Malvern Borough Code of Ordinances pertaining to vehicles and traffic. The proposed ordinance would prohibit left-hand turns off of Griffith Avenue on to King Street, establish the intersection of Sugartown Road and Monument Avenue as an all-way stop intersection, and prohibit parking on both sides of Church Street from the north side of the intersection with Second Avenue for a distance of 30 feet.

The proposed ordinance was advertised in the August 13, 2019 edition of the Daily Local News, as required, and posted on the Borough website.

Council President Grossman opened the hearing up for discussion among Borough Council. There was no discussion from Borough Council.

Council Member Sinquett asked about the provisions regarding parking restrictions on Church Street, noting that these regulations are already codified in state law. Borough Solicitor McLean stated that it is a best practice to have the Borough's Code match what the police officers enforce and it creates legal consistency between the State and the Borough. Borough Solicitor McLean noted that she had advised Chief Marcelli that both sides of Church Street would need to be posted as "No Parking – Here to Corner."

Council President Grossman opened the hearing up for comments from the public on the proposed ordinance.

Frank Ortner, 144 Griffith Avenue, asked for clarification as to why an amendment is necessary for the stop signs on Sugartown Road that is a State road. Borough Solicitor McLean stated it is a best practice to have the Borough's Code match what the police officers enforce and it creates legal consistency between the State and the Borough.

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Frank Ortner, 144 Griffith Avenue, stated that he does not agree with installing a 'No Left Turn' on Griffith Avenue. Council Member Meisel stated the Public Safety Committee, in conjunction with the Borough Traffic Engineer, investigated the intersection of West King Street and Griffith Avenue after a resident on Karen Drive expressed her concern during a prior meeting of the Borough Council. Council Member Meisel stated the investigation revealed that there is a sight distance concern for drivers on Karen Drive and Griffith Avenue due to the slope of West King Street.

Joe Bones, 25 High Street, agreed with the ordinance amendment as written, including the 'No Left Turn' on Griffith Avenue.

Cathy Raymond, 6 Karen Drive, likes the 'No Left Turn' on Griffith Avenue and thinks adding time restrictions to the intersection would cause driver confusion.

Discussion turned to the provisions regarding parking restrictions on Church Street. Brendan Phillips, 228 Church Street, does not see a need for the parking restriction on Church Street. As a homeowner on Church Street, Mr. Phillips stated the reason for the restriction is due to one (1) renter that parks in front of the walkway leading from Church Street to the AME Church. Mr. Phillips said he has spoken with the renter, who said he was never approached by a police officer or a member of the AME Church to not park his vehicle in front of the walkway. It was noted that the Borough's standard practice in these situations is to paint the curb yellow to mark where parking is prohibited near an intersection. Borough Solicitor McLean noted that there is no curb on this section of Church Street and, as such, signage would need to be installed. It was recommended that a police officer speak with the renter in question regarding the laws pertaining to parking near an intersection.

After discussion, Borough Council agreed that the proposed amendments restricting parking on Church Street would be removed from the final ordinance.

Hearing no additional public discussion, Council President Grossman closed the Public Hearing.

8. ADOPTION – ORDINANCE NO. 2019 – 8: AMENDMENT TO CHAPTER 200 (VEHICLES & TRAFFIC) OF THE MALVERN BOROUGH CODE OF ORDINANCES

A motion was made by Council Member Meisel, seconded by Council Member Laney, and carried by a vote of 5-0, to adopt Ordinance No. 2019 – 8, amending Chapter 200 of the Malvern Borough Code of Ordinances in order to prohibit left-hand turns off of Griffith Avenue on to King Street, establish the intersection of Sugartown Road and Monument Avenue as an all-way stop intersection.

The prohibiting of parking on both sides of Church Street from the north side of the intersection with Second Avenue for a distance of 30 feet was not adopted as it is already codified as state law.

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9. PRESENTATION – SCOTT R. NELSON, PH.D. – OFFICE OF CONGRESSWOMAN CHRISSEY HOULAHAN (PA-06)

Scott R. Nelson, Ph.D., from the Office of Congresswoman Chrissy Houlahan, US Congressional Representative for Pennsylvania's 6th Congressional District, appeared before Borough Council. Dr. Nelson stated Rep. Houlahan seeks to be a resource for the community and advocate for Malvern Borough's needs at the federal level. It was noted that representatives from Congresswoman Houlahan's office have been attending public meetings throughout the district to introduce themselves to their constituency.

Dr. Nelson said Congresswoman Houlahan's staff will assist with non-partisan services that are intended to give back to constituents, such as grant assistance, awards/commendations, aid with federal programs, internships, and Presidential Greetings/Washington D.C. trips, just to name a few services.

Dr. Nelson highlighted some of the accomplishments that have occurred during 2019, noting particular success with recovering tax refunds from the Internal Revenue Service (IRS) for constituents. Dr. Nelson noted that the office will be hosting town hall meetings throughout the district.

Borough Council thanked Dr. Nelson for his presentation and the information provided.

10. UNFINISHED BUSINESS

Council President Grossman announced that there were no items for discussion under "Unfinished Business."

11. NEW BUSINESS

a. Bid Award – North Warren Avenue Transit Project

Borough Manager Bashore stated this agenda item will be tabled until the September 3, 2019 meeting of the Borough Council as the Borough Engineer has not completed his bid tabulations and final review.

b. Investment of Borough Funds – Meridian Bank

Borough Manager Bashore stated that before Borough Council this evening is the investment of Borough Funds with Meridian Bank, an approved depository for the Borough. The Borough had previously placed funds in CDs with Meridian Bank. As one (1) the CDs has matured, Mary Lou Whitcomb, Borough Treasurer, contacted Meridian Bank to determine where rates stood. These rates were reviewed with the Finance & Administration Committee at their meeting on August 6, 2019.

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Based on this review, the Committee directed Borough administration to place the funds in the CD in a new 6-month CD at a rate of 1.90%. Please note that this was the best rate that was received. The rate is below the original CD (2.30%) due to the recent rate reduction approved by the Federal Reserve Bank.

As Meridian Bank is an approved depository for Borough funds, no action was required.

c. Zoning Hearing Board

i. Announcement of Resignation

Borough Manager Bashore stated that Aaron Abel, Alternate Member to the Zoning Hearing Board, has submitted his resignation as he has moved out of the Borough. The vacancy will be advertised on the Borough website. The individual appointed by Borough Council to fill this vacancy will complete a term set to expire on January 1, 2022.

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 5-0, to accept Aaron Abel's resignation from the Zoning Hearing Board and to authorize the Borough Manager to advertise the vacancy.

ii. Applications for Malvern Veterinary Hospital and 107 Mountain Laurel Lane

Borough Manager Bashore stated that an application to the Zoning Hearing Board has been received for 107 Mountain Laurel Lane. The applicant is seeking variances in order to connect two (2) existing patios. Borough Manager Bashore noted that the hearing for this application and the application for Malvern Veterinary Hospital are scheduled for August 26, 2019. Borough Manager Bashore noted that these applications were reviewed by the Planning Commission at their August 15, 2019 meeting. Based on the discussion, the Planning Commission is recommending that the Borough Solicitor be sent to the Zoning Hearing Board meeting to represent the Borough for both applications.

Dr. Joseph and Carolyn Hyduke, Owners/Applicants, Gina Gerber, Esq., and Allan Zimmerman, Engineer were present on behalf of the Malvern Veterinary Hospital application. Ms. Gerber provided a summary of the proposed new state-of-the-art veterinary hospital, and justification for the requested zoning relief.

There was no discussion among the Borough Council.

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 5-0, to authorize the conflict Borough Solicitor, Kenneth Kynett, Esq. to attend the August 26, 2019 hearing of the Zoning Hearing Board for both applications as recommended by the Planning Commission at its August 15, 2019 meeting.

12. PUBLIC FORUM

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

Joe Bones, 25 High Street, stated he does not think the Malvern Preparatory School's trail should be installed in the South Warren Avenue Right-of-Way. Mr. Bones believes there are issues regarding the rough terrain, floodplain, and the potential for degrading the health of the pond.

Discussion focused on whether the Paoli Battlefield organization would want the trail to traverse on its grounds, the reference of the proposed trail in other borough plans, studies, and the adopted Official Map.

Lynne Frederick, 227 E. Broad Street, stated that the Historical Commission's Town Tours & Village Walks was a success with over 200 participants on Thursday, August 8, 2019. She recently returned home from a trip to Europe, which included a visit to Malvern, in Worcestershire, England where she met with Cora Weaver and Bruce Osborne that visited the Borough in May 2017.

13. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Meisel, seconded by Council Member Laney, and carried by a vote of 5-0, to adjourn the meeting at 8:48 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary