

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

August 6, 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 Raynor
Council Member Sinquett

ABSENT

Council Member Meisel

Council President Grossman announced that Borough Council met in Executive Session prior to 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 Vice-President Uzman, second by Council Member Laney, and carried by a vote of 6-0 to approve the agenda for August 6, 2019 as presented.

4. APPROVAL OF MINUTES

Council President Grossman abstained due to her absence from the July 16, 2019 meeting.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 5-0, with one (1) abstention, to approve the minutes of the meeting held on Tuesday, July 16, 2019, as amended.

5. INTRODUCTION OF PART-TIME POLICE OFFICER – BRIAN JEFFERSON

Chief Marcelli introduced Brian Jefferson as the newest part-time Police Officer with the Malvern Police Department. Chief Marcelli highlighted Officer Jefferson's law enforcement experience and noted that he is active in the U.S. Marine Corps Reserves. Borough Council

congratulated Officer Jefferson on his appointment and welcomed him to the Borough.

6. PRESENTATION – MALVERN BUSINESS & PROFESSIONAL ASSOCIATION – COMMUNITY INSTALLATION APPLICATION FOR POLE BANNERS ON KING STREET

Borough Manager Bashore stated that before Borough Council this evening is a Community Installation Application from the Malvern Business & Professional Association (MBPA). The application proposes the installation of pole banners along King Street, Warren Avenue, and in Burke Park. This application was reviewed by the Public Works Committee at their meetings on April 16, 2019 and June 18, 2019. The Public Works Committee is recommending approval based on the information submitted with the application.

David Campli, MBPA President, was before Borough Council to discuss the application. Mr. Campli stated that the MBPA intends to change out the banners seasonally and has discussed using the banners to announce events, such as Christmas on King, and recognize the Borough's military veterans. Borough Solicitor McLean stated that the banners should not include any religious symbols or language. Borough Solicitor McLean noted that Christmas trees may be acceptable. Council President Grossman recommended having the proposed banners reviewed by the Borough Solicitor prior to installation. Council Member Raynor recommended not including Christmas trees on the banners.

Council Member Laney asked about the price of the banners. Mr. Campli stated that they are between \$39.00 and \$45.00 per banner. Council Member Raynor asked who would install the banners. Mr. Campli stated that he hoped that the Borough's Public Works Department would be able to install them.

Council Vice-President Uzman noted that the banner brackets were purchased for the Borough's 125th anniversary celebration with the intention of doing a continued banner program.

Mr. Campli asked if each banner had to come back to Borough Council for approval prior to being installed. Council Member Finkbiner recommended that the banners be sent to the Administrative office to be reviewed by the Borough Solicitor prior to being installed. Borough Council was in agreement with this recommendation.

Borough Manager Bashore noted that the application requests to install the banners in Burke Park. Borough Manager Bashore stated that he recommends the banners not be installed in Burke Park, noting that the banners for Malvern Blooms were not permitted in Burke Park. Borough Council agreed with this recommendation.

Frank Ortner, 144 Griffith Avenue, asked about the issues with displaying Christmas trees. Borough Solicitor McLean stated that the case law she reviewed did not discuss Christmas trees. Mr. Ortner asked about concerns related to displaying language such as "God Bless Our Troops" if veterans were being recognized. Borough Solicitor McLean stated that the veteran in question may not have been religious.

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Kel Schmitt, 17 Channing Ave., stated that he likes the idea, but is concerned about them staying up too long if they are out of season or becoming disheveled. Council Member Finkbiner noted that the Borough's policy allows for removal of the installation.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0 to approve the Community Installation Application for the Malvern Business and Professional Association for the installation of pole banners along King St. and Warren Ave.

7. ORDINANCE NO. 2019 – 7: AMENDMENT TO CHAPTER 153 (PROPERTY MAINTENANCE) OF THE MALVERN BOROUGH CODE OF ORDINANCES

a. Public Hearing

Council President Grossman announced that Borough Council will now open a Public Hearing to consider Ordinance No. 2019 – 7. This ordinance would amend Chapter 153 of the Malvern Borough Code of Ordinances in order to adopt the 2015 International Property Maintenance Code. The proposed ordinance was advertised in the July 23, 2019 edition of the Daily Local News, as required, and posted on the Borough website.

Borough Solicitor McLean highlighted the proposed ordinance, noting that the Borough did not adopt the last revision of the International Property Maintenance Code due to the fact that there were few changes for the one in effect at the time. Borough Solicitor McLean stated that the 2015 International Property Maintenance Code is the most recent version and that it will help address public safety concerns, as well as assist with hoarding situations.

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

Council President Grossman opened the hearing up for comments from the public on the proposed ordinance. There were no public comments on the proposed ordinance.

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

b. Motion to Adopt Ordinance No. 2019 – 7

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0, to adopt Ordinance No. 2019 – 7, amending Chapter 153 of the Malvern Borough Code of Ordinances in order to adopt the 2015 International Property Maintenance Code.

8. UNFINISHED BUSINESS

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

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9. NEW BUSINESS

- a. Authorization to Advertise – Proposed amendment to Chapter 200 (Vehicles and Traffic) of the Malvern Borough Code of Ordinances

Borough Manager Bashore stated that before Borough Council this evening is a proposed ordinance amending Chapter 200, Vehicles and Traffic, of the Malvern Borough Code of Ordinances. The proposed ordinance would restrict left-hand turns from Griffith Avenue on to King Street, address the new four-way stop sign at the intersection of Sugartown Road and Monument Avenue, and prohibit parking near the intersection of Second Avenue and Church Street.

Regarding the intersection of Griffith Avenue and King Street, Borough Council received a concern from a resident at a meeting regarding sight visibility at this location. The intersection was evaluated by the Borough Traffic Engineer. The Public Safety Committee reviewed this information with the Borough Traffic Engineer and the Chief of Police. Based on this review, it is recommended that left-hand turns be restricted at this location due to the concern about visibility caused by vehicles traveling east on King Street.

Council Member Finkbiner asked if signage has already been installed on Church St. Chief Marcelli stated that signage has been installed per the state law.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0 to authorize the advertisement of the proposed ordinance to amend Chapter 200 of the Borough's Code of Ordinances.

- b. Paoli Battlefield Park – Trail System Maintenance

Borough Manager Bashore stated that before Borough Council this evening is information related to concerns about the condition of the trails located on the Paoli Battlefield property. Borough Manager Bashore noted that Council President Grossman brought to his attention concerns related to fallen trees that have impacted the ability for people to use the walking trails, as well as the general condition of the trails. Council President Grossman noted that she has noticed changes in the condition of the trail area, which may be attributed to the frequent weather events that have been witnessed. Council Vice-President Uzman stated that he was unaware of the trail network and recommended budgeting to have the Borough Engineer's office survey and document the trail network.

Topics of discussion included vandalism on the trails, such as the removal of trees and construction of jumps for bicycles, erosion on the trail network, general maintenance, and documentation. Borough Solicitor McLean recommended that a letter be sent to residents who about the Battlefield property regarding the vandalism in the woods.

Jim Christ, President, and Bruce Knapp, Treasurer, of the Paoli Battlefield Preservation Fund (PBPF) were present. Mr. Christ stated that the PBPF did not wish to see any additional trails developed in the woods. Mr. Knapp noted that Malvern Preparatory School owns

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approximately 20 ft. of land inside the wooded area. Mr. Knapp stated that he is concerned about the bridge and swamp area in the woods.

Joe Bones, 25 High Street, presented information on the trail network, including the layout of the network, history, and general condition. Mr. Bones noted that the trails are heavily used and there are issues with erosion. Mr. Bones recommended that a layer of wood chips be installed on the trails in order to mitigate tripping hazards from tree roots. Council President Grossman asked about what should be done with down trees removed from the trails. Mr. Bones recommended moving the larger logs off the trail and leaving them in the woods.

Council President Grossman stated that she believes that a committee or task force would be beneficial to address these concerns, noting that a similar course of action was taken with Randolph Woods. This committee would be charged with overseeing the maintenance and upkeep of the woods and trails in the Battlefield. Council President Grossman noted that there are several overlapping issues, including historic preservation, public access, public safety, and legal matters with neighboring property owners and it may be best to have one (1) committee charged as opposed to separating it among multiple groups.

Council Member Finkbiner noted that a pedestrian trail was recently approved for Malvern Preparatory School and that the Borough's connection to the trail may be through the woods of the Paoli Battlefield. Mr. Knapp noted concerns about connecting through the woods, citing the sensitive archeological area. Borough Manager Bashore noted that the final connection point to the Malvern Preparatory School pedestrian trail has not yet been determined.

At the conclusion of the discussion, the following action items were determined: the Borough Solicitor will prepare a notification to abutting property owners regarding vandalism in the woods, the Public Works Department will install orange fencing around the bicycle jumps and begin their removal, the trails will be mulched accordingly, the Public Works Committee will evaluate the existing trail network, and a meeting will be set up with Joe Bones to assess the trees that have fallen and the condition of the area.

c. Update – 2019 Paving Program

Borough Manager Bashore stated that during the recent paving project on Green Street, a significant amount of additional base repair work was discovered at the bend in the road. This was due to the poor condition of the roadway and could not have been foreseen at the time of bidding. The work was evaluated by the Borough Engineer. The total cost of the work was approximately \$9,883.00 based on the unit price of \$55/square yard for base repair work awarded in the bid. Please be advised that, as a point of reference, the Borough paid \$64/square yard for base repair on the Woodland Avenue Streetscape Project. Borough Manager Bashore stated that there is adequate budgetary flexibility to absorb this additional cost.

Borough Manager Bashore stated that the bids for paving the 200 block of Church Street have been advertised and that awarding is anticipated at the September 3, 2019 meeting of Borough Council. Borough Manager Bashore stated that the other approved paving projects are anticipated to commence before the end of the month.

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d. Zoning Hearing Board

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 will be reviewed by the Planning Commission at their August 15, 2019 meeting for a recommendation to Borough Council.

No action was taken.

10. PUBLIC FORUM

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

Lynne Frederick, 227 E. Broad Street, stated that the Historical Commission's Town Tours & Village Walks will occur on Thursday, August 8, 2019 beginning at 5:00 pm.

Mayor Burton stated that there have been issues with parking along Ruthland Avenue as a result of the new Brick & Brew restaurant on King Street, noting complaints that have been received. Mayor Burton stated that he has spoken with Chief Marcelli regarding this issue and that marked spaces will be painted on Ruthland Avenue. Chief Marcelli stated that no parking will be removed. Borough Solicitor McLean stated that no ordinance would be required since the Borough's Code of Ordinance already specifies that parking is required in marked spaces on streets where spaces are painted.

11. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Raynor, and carried by a vote of 6-0, to adjourn the meeting at 8:44 p.m.

Respectfully submitted,

Christopher C. Bashore
Borough Manager/Secretary