

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

February 18, 2020
7:30 P.M.

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: Marty Laney, Member of Malvern Borough Council

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL

PRESENT

Council President Finkbiner
Council Vice-President Grossman
Council Member Bones
Council Member Laney
Council Member Meisel
Council Member Phillips
Council Member Raynor

ABSENT

David B. Burton, Mayor

2. APPROVAL OF AGENDA

A motion was made by Council Member Laney, seconded by Council Member Raynor, and carried by a vote of 7-0, to approve the agenda for February 18, 2020 as presented.

3. ANNOUNCEMENTS

a. Recording of the Meeting

Council President Finkbiner 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.

b. Council President Finkbiner announced that Borough Council met in Executive Session prior to the meeting in order to discuss matters of personnel and potential litigation.

c. Council President Finkbiner announced that the Borough's Emergency Management Coordinator, Nora LoGiudice, has resigned. Ms. LoGiudice has accepted a position with the American Red Cross in York, PA and will be moving out of the Borough.

d. Council President Finkbiner announced that the Borough Manager, Christopher Bashore, has been recognized as a Credentialed Manager by the International City/County Managers Association (ICMA).

e. Upcoming Events

REGULAR MEETING

February 18, 2020

Page 2

- Mental Health First Aid Training – February 22, 2020 at 8:00 am at Borough Hall – Registration required
- Environmental Advisory Council Meeting – February 27, 2020 at 7:00 pm at Borough Hall
- Borough Council & Planning Commission Joint Meeting – March 5, 2020 at 7:30 pm at Borough Hall

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Raynor, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, February 4, 2020 as amended.

b. APPROVAL OF REPORTS

A motion was made by Council Vice-President Grossman, seconded by Council Member Phillips, 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 January 2020, as submitted.

c. BOROUGH COUNCIL COMMITTEE REPORTS

- Finance & Administration

Borough Manager Bashore stated that the Finance & Administration Committee met on January 21, 2020. Discussion items before the Committee included a review of the year-end report for the Police and Nonuniform Pension Plans, discussion on the Borough's trash and recycling collection contract, and potential amendments to the Borough's Administrative Code. Borough Manager Bashore noted that the Committee also reviewed CDs rates with Meridian Bank and this will be discussed on this evening's agenda.

- Public Safety

Borough Manager Bashore the Public Safety Committee met on January 28, 2020. Items before the Committee included a discussion of the intersection of Ruthland Avenue and King Street, sidewalk projects throughout the Borough, and parking modifications along Channing Avenue near the Police Department entrance. Borough Manager Bashore stated that the Borough Traffic Engineer is preparing a sketch plan for pavement markings at the intersection of Ruthland Avenue and King Street and sidewalk projects will be reviewed at a future meeting of Borough Council.

REGULAR MEETING

February 18, 2020

Page 3

- Public Works

Borough Manager Bashore stated that the Public Works Committee met on February 4, 2020. Items before the Committee included a review of proposed modifications to the Malvern Library and discussion of a potential sewer lateral inspection program. Borough Manager Bashore stated that questions regarding the proposed modifications to the Malvern Library have been forwarded to the Library Director and that he will be gathering information on lateral inspection programs from neighboring municipalities.

d. 2019 VOLUNTEER BOARD & COMMITTEE REPORTS

The 2019 Volunteer Board & Committee reports were presented by the respective Committee chairs as follows:

- Planning Commission – Carroll Sinquett III
- Historical Commission – Lynne Frederick
- Shade Tree Commission – Christopher Bashore presented on behalf of Committee Chair Linda Burton
- Parks & Recreation Committee – Helise Bichefsky, DO

Council President Finkbinder thanked the chair of each committee for their report and noted that the full reports will be posted on each committee's page on the Borough website. Borough Council thanked all the members of the Borough's volunteer boards and committees for their work and dedication in 2019.

5. SPECIAL BUSINESS

a. RESOLUTION NO. 806 – PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR 545 – 551 WARREN AVENUE (MALVERN VETERINARY HOSPITAL)

Council President Finkbinder stated that before Borough Council this evening is a proposed land development application project for 545 – 551 Warren Avenue, which is the location of Malvern Veterinary Hospital. The applicant intends to construct a new veterinary hospital with associated parking and demolition of the existing veterinary hospital. Relief from the Zoning Hearing Board was previously granted on August 26, 2019. The plan received a recommendation of approval from the Planning Commission at their meeting on February 6, 2020.

Council President Finkbinder asked if the proposed demolition would occur before or after construction of the new hospital. Allan Zimmerman, P.E., applicant's engineer, stated that it will be concurrent. Council President Finkbinder noted that something should be in place to ensure that the demolition occurs. Allan Zimmerman, P.E., stated that the location of the old building is where the new parking lot will be located. Discussion occurred on the Use & Occupancy Permit process. Dan Daley, P.E., noted that the Use & Occupancy Permit could be

REGULAR MEETING

February 18, 2020

Page 4

conditioned on the demolition occurring and the new parking lot being constructed. Council President Finkbinder noted that she did not have an issue with this matter being addressed administratively.

Council Vice-President Grossman asked how long construction was anticipated to take. Joseph Hyduke, property/business owner, stated that construction was expected to take approximately eight (8) months. Council Vice-President Grossman stated that she was in agreement with the proposed conditions from the Planning Commission and did not believe that additional conditions were necessary.

Council President Finkbinder opened the floor to comments from the public on the proposed application.

Lynne Frederick, 227 E. Broad Street and Chair of the Malvern Historical Commission, stated that the Historical Commission would like to take pictures of the current building prior to the demolition. Joseph Hyduke was in agreement with this request.

Elizabeth Deal, 337 W. First Avenue, asked about the preliminary/final plan process and if the applicant would need to come back before Borough Council for additional approval. Council President Finkbinder stated that the applicant is seeking to have the application approved as a preliminary/final plan and no additional approval would be needed.

A motion was made of Council Vice-President Grossman, seconded by Council Member Raynor, and carried by a vote of 7-0, to adopt Resolution No. 806, approving, subject to conditions, the plan entitled "Preliminary/Final Land Development Plan for Malvern Veterinary Hospital" prepared by Commonwealth Engineers, Inc. dated November 4, 2019, last revised January 24, 2020, signed and sealed by Victor Kelly, Jr., P.E., Registered Professional Engineer, proposing the demolition of the existing veterinary hospital building and construction of a new 3,589 sq. ft. veterinary hospital, a new 864 sq. ft. garage, and a reconfigured parking area, pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006 ("Land Development Ordinance") for the development of certain property ("Property") in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the R-1 Residential District.

b. RESOLUTION NO. 807 – PRELIMINARY/FINAL SUBDIVISION & LAND DEVELOPMENT PLAN FOR 523 MONUMENT AVENUE

Council President Finkbinder stated that before Borough Council this evening is a proposed subdivision and land development application for 523 Monument Avenue. The applicant intends to subdivide 523 Monument Avenue into two (2) lots with one (1) existing lot with one (1) single-family dwelling and one new lot with one new (1) single-family detached dwelling. The plan received a recommendation of approval from the Planning Commission at their meeting on February 6, 2020.

Mark Padula, P.E., applicant's engineer, reviewed the proposed project for Borough Council, noting that the project proposes maintaining the existing residence on the property. Council Vice-President Grossman asked about the location of the proposed project. Mark

REGULAR MEETING

February 18, 2020

Page 5

Padula, P.E., stated that the site is west of Malvern Avenue and across from the baseball fields at Memorial Park on Monument Avenue. Council Vice-President Grossman asked about the side yard setbacks for the proposed project. Mark Padula, P.E., stated that the side yard setback is approximately 15 ft. from the new property line.

Council Member Meisel asked about the size for the new house proposed to be constructed as part of this plan. Mark Padula, P.E., stated that the plan outlines a 2,400 sq. ft. building footprint for the proposed new home.

Dan Daley, P.E., Borough Engineer, discussed the proposed sidewalk construction that is part of the application. Dan Daley, P.E., stated that the applicant is proposing to construct curb and sidewalk in the project area. There will be gaps to the east and west on the project site that Dan Daley, P.E., recommends that the Borough complete with existing funds.

A motion was made by Council Vice-President Grossman, seconded by Council Member Bones, and carried by a vote of 7-0, to adopt Resolution No. 807, approving, subject to conditions, the plan entitled "Preliminary/Final Subdivision Plan for Robert P. and Kristen M. Coughlin, 523 Monument Avenue, Malvern, PA 19355" prepared by Padula Engineering Co. dated October 21, 2019, last revised January 17, 2020, signed and sealed by Mark Joseph Padula, P.E., Registered Professional Engineer, proposing the subdivision an existing 38,975 sq. ft. lot (net) into two (2) lots and to construct one (1) new single-family detached dwelling unit (existing dwelling proposed to remain), pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006 ("Land Development Ordinance") for the development of certain property ("Property") in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the R-2 Residential District.

c. RESOLUTION NO. 808: PROVIDING WRITTEN CONSENT FOR THE RESETTLEMENT OF REFUGEES WITHIN THE BOROUGH OF MALVERN UNDER THE DEPARTMENT OF STATE'S RECEPTION AND PLACEMENT PROGRAM

Council President Finkbinder stated that before Borough Council this evening is proposed Resolution No. 808. This resolution would provide written consent for the resettlement of refugees within the Borough of Malvern under the Department of State's Reception and Placement program. This matter was previously discussed at the February 4, 2020, where Borough Council directed the preparation of a resolution.

Council President Finkbinder discussed the history of this topic, noting Executive Order 13888 issued by President Trump and consent issued by PA Governor Tom Wolf and the Chester County Board of Commissioners. Council President Finkbinder noted that this action only applies to refugees and not asylum seekers or immigrants in general, noting that this action would codify the process currently in place for refugees. Council President Finkbinder stated a letter needed to be sent to the U.S. Department of State and the Chester County Board of Commissioners confirming Malvern Borough's consent to accept refugees.

REGULAR MEETING

February 18, 2020

Page 6

Cathy Raymond, 6 Karen Drive, asked if the letter sent to the U.S Department of State and the Chester County Board of Commissioners would be posted on the Borough website. Borough Manager Bashore stated that the letter would not be posted on the Borough website, but the resolution would be posted if adopted by Borough Council. Council President Finkbiner stated that a copy of the letter could be received through the filing of a Right-to-Know request with the Borough.

A motion was made by Council Member Raynor, seconded by Council Member Bones, and carried by a vote of 7-0, to adopted Resolution No. 808, providing written consent for the resettlement of refugees within the Borough of Malvern under the U.S. Department of State's reception and placement program.

d. ORDINANCE NO. 2020 – 2: AMENDMENTS TO CHAPTER 32 (PENSIONS) OF THE MALVERN BOROUGH CODE OF ORDINANCES

i. Public Hearing

Council President Finkbiner announced that Borough Council will now open a public hearing to consider Ordinance No. 2020 – 2. The proposed ordinance would amend Chapter 32, Article II of the Malvern Borough Code of Ordinances in order to revise the provisions of the Police Pension Plan per the new Collective Bargaining Agreement between the Borough of Malvern and the Malvern Police Officers' Association.

The proposed ordinance was advertised in the February 6, 2020 edition of the Daily Local News as required, as well as posted on the Malvern Borough website.

Borough Manager Bashore stated that the proposed ordinance would amend the provisions of the Police Pension Plan in order to remove the existing offset for Social Security income and to establish a funding threshold for when member contributions would be required. Borough Manager Bashore noted that these provisions were previously agreed to as part of the new Collective Bargaining Agreement and this ordinance would codify those provisions.

Cathy Raymond, 6 Karen Drive, asked for clarification on the proposed ordinance. Borough Manager Bashore stated that, currently, an officer's pension is reduced by 50% of their Social Security income and this would remove that provision from the pension calculation. Additionally, if funding falls below a mandated threshold, the officers would be required to make contributions.

There being no further discussion, Council President Finkbiner closed the public hearing.

ii. Adoption of Ordinance No. 2020 – 2

A motion was made by Council Member Bones, seconded by Council Member Phillips, and carried by a vote of 7-0, to adopt Ordinance No. 2020 – 2, amending Chapter 32, Article II of the Malvern Borough Code of Ordinances as it pertains to the Police Pension Plan.

REGULAR MEETING

February 18, 2020

Page 7

6. UNFINISHED BUSINESS

Council President Finkbinder stated that there are no items of Unfinished Business before Borough Council this evening.

7. NEW BUSINESS

a. Update – Investment of Borough Funds – Meridian Bank

Borough Manager Bashore stated that before Borough Council this evening is information regarding 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 both of the CDs have matured, Mary Lou Whitcomb, Borough Treasurer, contacted Meridian Bank to determine where rates stood. These rates were reviewed with the Finance & Administration Committee.

Based on this review, the Committee directed Borough administration to place the funds in the CD in a new 9-month CD at a rate of 1.50% and a new 12-month CD at a rate of 1.65%. As Meridian Bank is an approved depository for Borough funds, no action is required.

Council President Finkbinder noted that the Committee discussed researching other banking opportunities, but a decision needed to be made on these investments due to the timing of their maturity. Council Vice-President Grossman noted the flexibility that these investments provide to the Borough.

No action was taken as Meridian Bank is an approved depository for Borough funds.

b. Escrow Release Request – 155 Channing Avenue – Release Request #1

Borough Manager Bashore stated that before Borough Council this evening is escrow release request #1 for the approved subdivision and land development project at 155 Channing Avenue. The amount requested for release is \$33,967.00. In a letter dated February 12, 2020, the Borough Engineer recommends the release of the amount requested. If approved, the remaining escrow balance for this project would be \$2,599.20, including \$324.20 in the contingency.

Council President Finkbinder stated that the majority of the funds remaining in escrow are for the planting of trees associated with the project. Council Vice-President Grossman asked if the request had been reviewed by the Borough Engineer. Borough Manager Bashore stated that the request was reviewed by the Borough Engineer and it was recommended that the amount requested for release be authorized.

A motion was made by Council Vice-President Grossman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve escrow release request #1 for the subdivision and land development project at 155 Channing Avenue in the amount of \$33,967.00.

REGULAR MEETING

February 18, 2020

Page 8

c. Board & Committee Appointment – Parks & Recreation Committee

Borough Manager Bashore stated that before Borough Council this evening is an appointment consideration for the Parks & Recreation Committee. This vacancy exists due to the resignation of Michael Panushka as he moved out of the Borough. The candidate before Borough Council is named Erin Sheffield. Ms. Sheffield is a resident of Church Street. Borough Manager Bashore stated that at their meeting on February 5, 2020, the Parks & Recreation Committee interviewed Ms. Sheffield for the vacancy and are recommending her appointment.

A motion was made by Council Member Raynor, seconded by Council Member Phillips, and carried by a vote of 7-0, to appoint Erin Sheffield to the Parks & Recreation Committee to complete a term that expires on January 1, 2021.

d. Zoning Hearing Board

Borough Manager Bashore stated that there are no new applications before the Zoning Hearing Board. As approval was granted this evening, Malvern Veterinary Hospital will not need an extension of the relief previously granted.

8. PUBLIC FORUM

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

No public comment was made.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice-President Grossman, seconded by Council Member Laney, and carried by a vote of 7-0, to adjourn the meeting at 8:28 p.m.

Respectfully submitted,

Christopher Bashore
Borough Manager/Secretary