

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

February 4, 2020
7:30 P.M.

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: David B. Burton, Mayor

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
David B. Burton, Mayor

ABSENT

2. APPROVAL OF AGENDA

A motion was made by Council Member Laney, second by Council Member Phillips, and carried by a vote of 7-0, to approve the agenda for February 4, 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. Upcoming Events

- i. Emergency Preparedness Seminar – Saturday, February 8, 2020 at 10:00 am at Borough Hall

Council President Finkbiner stated that Nora LoGiudice, Emergency Management Coordinator, will be conducting a free disaster preparedness class on Saturday, February 8, 2020 at 10:00 a.m. at the Borough Hall.

- ii. Malvern History Center Open House – Saturday, February 8, 2020 from 11:00 am to 2:00 pm at Borough Hall

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Council President Finkbiner stated that the Historical Commission will be conducting an open house of the History Center on Saturday, February 8, 2020 from 11:00 am to 2:00 pm at Borough Hall. The general public is encouraged to attend and learn more about the Borough and its significant buildings.

iii. Online Survey – Randolph Woods Nature Preserve

Council President Finkbiner stated that on the Borough website is a link to an online survey designed to solicit feedback of how to better draft the Master Site Plan. All residents are encouraged to participate.

iv. Resignation – Assistant Borough Manager / Zoning Officer

Borough Manager Bashore stated after six (6) years with Malvern Borough, Neil Lovekin will be leaving the Borough as he was recently appointed as the Township Manager for East Marlborough Township.

Council expressed their gratitude and appreciation for Mr. Lovekin's service with the Borough and wished him success in his new role.

4. APPROVAL OF MINUTES

A motion was made by Council Member Laney, second by Council Member Phillips, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, January 21, 2020 as amended.

5. SPECIAL BUSINESS

a. Grant Applications

i. RESOLUTION NO. 804: AUTHORIZING SUBMISSION OF AN APPLICATION TO THE CHESTER COUNTY MUNICIPAL GRANT PROGRAM

Borough Manager Bashore stated that Borough Council reviewed a plan for certain improvements to Horace J. Quann Memorial Park on December 3, 2019. Improvements include sidewalk, curbing, stormwater management, planting of additional trees, replacement of the steps, and replacement of the fencing around the baseball field.

A motion was made by Council Member Raynor, second by Council Member Bones, and carried by a vote of 7-0, to adopt Resolution No. 804, authorizing the submission of an application to the Chester County Municipal Grant Program in order to fund certain improvements to Horace J. Quann Memorial Park in the Borough of Malvern.

ii. RESOLUTION NO. 805: AUTHORIZING SUBMISSION OF AN APPLICATION TO THE CHESTER COUNTY VISION PARTNERSHIP PROGRAM

Borough Manager Bashore stated that this is a grant application will be a follow-up to the application submitted in 2019. The 2019 application did not receive funding from Chester County. The application will be to complete an update to the Borough's 2012 Comprehensive Plan.

A motion was made by Council Member Bones, second by Council Member Laney, and carried by a vote of 7-0, to adopt Resolution No. 805, authorizing the submission of an application to the Chester County Vision Partnership Program in order to fund an update to Malvern Borough's Comprehensive Plan.

6. UNFINISHED BUSINESS

a. Environmental Advisory Council

Borough Manager Bashore stated there are seven (7) appointments for consideration for the recently established Environmental Advisory Council (EAC). Borough Council established this new board through the adoption of Ordinance No. 2019 – 10 on November 19, 2019. This board is to consist of seven (7) residents of the Borough.

A motion was made by Council Member Raynor, second by Council Member Laney, and carried by a vote of 5-0, Councilors Meisel and Phillips abstained, to appointment the following residents to the Environmental Advisory Council, per the provisions of Ordinance No. 2019 – 10:

Helise Bichefsky – Term to expire on January 1, 2024
John Butow – Term to expire on January 1, 2024
John Meisel – Term to expire on January 1, 2022
Brendan Phillips – Term to expire on January 1, 2024
Michael Skuja – Term to expire on January 1, 2022
Brian Walker – Term to expire on January 1, 2023
Zoe Warner – Term to expire on January 1, 2023

7. NEW BUSINESS

a. Authorization to advertise – Proposed ordinance amendment to Chapter 32 (Pensions) of the Malvern Borough Code of Ordinances

Council President Finkbiner stated that the proposed the 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.

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A motion was made by Council Member Laney, second by Council Member Raynor, and carried by a vote of 7-0, to authorize advertisement of proposed Ordinance No. 2020 – 2, to amend Chapter 32 of the Borough’s Code of Ordinances as it pertains to the Police Pension Plan.

b. Escrow Release Request – 156 W. King St. – Release request #4

Council President Finkbiner stated this is the fourth and final escrow release for the approved land development project at 156 W. King Street. The amount requested for release is \$16,646.35.

A motion was made by Council Member Laney, second by Council Member Meisel, and carried by a vote of 7-0, to approval of escrow release request #4 for the land development project at 156 W. King Street in the amount of \$16,646.35 based on the Borough Engineer’s letter dated January 27, 2020. This will close out the escrow account for this project.

c. Randolph Woods Master Plan – Proposal from Applied Ecological Services

Council President Finkbiner stated this proposal would be to complete an ecological site assessment as part of the master plan being developed for Randolph Woods. The proposal amount is \$3,630.00.

Cathy Raymond, 6 Karen Drive, asked about the benefits of completing this additional work. Borough Manager Bashore stated that it will be beneficial to the planning process as it will identify the different environmental components of the park, noting that Randolph Woods is an environmentally sensitive area. Council Member Bones noted that Applied Ecological Services Applied Ecological Services comes highly recommended and produces high-quality work.

A motion was made by Council Member Bones, second by Council Member Phillips, and carried by a vote of 7-0, to approve the proposal from Applied Ecological Services to complete an ecological site assessment as part of the Randolph Woods Master Plan at a price of \$3,630.

d. Discussion – Executive Order 13888 – Refugee Resettlement

Council President Finkbiner stated that Malvern Borough is in receipt of information from the Chester County Board of Commissioners regarding Executive Order 13888 (‘Refugee Resettlement’). This order requires the state and a locality to provide written consent permitting refugees to resettle in the community.

Council President Finkbiner stated this Executive Order applies only to refugees, not asylum seekers or immigrants in general. Refugees are people in fear of or facing persecution in their home country for one of five protected categories (race, religion, nationality, political opinion, or membership in a particular social group). They must undergo an in-depth security clearance process before being admitted into the US, and they are protected under international

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law. From October 2009 through September 2019, 151 refugees have been resettled in Chester County.

Council Members expressed the need to support and provide written consent permitting refugees to resettle in the Borough. Council Vice-President Grossman noted that she believed that it was very important for Borough Council and the people of Malvern Borough to support this issue because of the religious and political persecution of these refugees. Council President Finkbiner stated that Pennsylvania Governor Tom Wolf has signed on to except refugees and Texas is the only to state to reject accepting refugees at the state level.

Borough Solicitor McLean stated that are a limited number of refugee resettlement organizations and that these organizations work with governments to facilitate the resettlement. Borough Solicitor McLean noted that these are nonprofit organizations.

Cathy Raymond, 6 Karen Drive, asked if this would be a blanket approval for refugee settlement. Council President Finkbiner stated that a resolution of Borough Council would offer Malvern Borough as a location to resettle. Council Vice-President Grossman stated that in view of the strong religious presence in Malvern Borough, she would be interested in learning if there has been feedback from religious organizations within the Borough.

Gail Newman, 11 Landmark Drive, expressed her concern of the Borough Council permitting refugees to resettle in the Borough based on experiences in Berwyn, Pennsylvania.

Borough Council was in agreement to have a resolution affirming the decision to provide written consent permitting refugees to resettle in the Borough presented at the February 18, 2020 meeting. Borough Council directed the Borough Manager to have the necessary resolution prepared.

e. Zoning Hearing Board

Borough Manager Bashore stated there are no new applications before the Zoning Hearing Board. The Borough has received the signed Decision and Order of the Zoning Hearing Board granting the requested Special Exception to operate a major home occupation at 33 Daisey Lane.

Borough Manager Bashore stated the Malvern Veterinary Hospital has submitted a request for an extension of its Decision and Order issued by the Zoning Hearing Board. The hearing for the Zoning Hearing Board will likely be conducted before the end of this month (February).

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.

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9. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Laney, seconded by Council Member Meisel, and carried by a vote of 7-0, to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Manager/Asst. Secretary