

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

February 18, 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:
 - Council President Finkbiner
 - Council Vice-President Grossman
 - Council Member Bones
 - Council Member Laney
 - Council Member Meisel
 - Council Member Phillips
 - Council Member Raynor
 - Mayor Burton

2. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the February 18, 2020 meeting of Borough Council as presented.

3. ANNOUNCEMENTS

- a. RECORDING OF MEETING

Anyone present who is recording the meeting shall announce so at this time, in accordance with Resolution No. 787.

- b. Resignation – Nora LoGiudice, Emergency Management Coordinator

- c. Christopher Bashore – Credentialed Manager certification from the International City/County Managers Association (ICMA)

- d. UPCOMING EVENTS

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

4. MINUTES & REPORTS

- a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the meeting held on Tuesday, February 4, 2020 as presented.

b. APPROVAL OF REPORTS:

MOTION: 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
- Public Safety
- Public Works

The Finance & Administration Committee met on January 21, 2020, the Public Safety Committee met on January 28, 2020, and the Public Works Committee met on February 4, 2020.

d. 2019 VOLUNTEER BOARD & COMMITTEE REPORTS

- Planning Commission
- Historical Commission
- Shade Tree Commission
- Parks & Recreation Committee

The Borough's volunteer boards and committees will present reports on their activities during 2019.

5. SPECIAL BUSINESS

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

MOTION: To approve, 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

MOTION: To approve, 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

MOTION: To adopt Resolution No. 808, providing written consent to the resettlement of refugees within the Borough of Malvern under the Department of State’s reception and placement program pursuant to Executive Order 13888.

Please see the attached memorandum on this topic that has been attached to this evening’s agenda.

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

- PUBLIC HEARING: Council President Finkbinder announces 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.
- ADOPTION – ORDINANCE NO. 2020 – 2: AMENDMENTS TO CHAPTER 32 (PENSIONS) OF THE MALVERN BOROUGH CODE OF ORDINANCES

MOTION: To adopt Ordinance No. 2020 – 2, amending Chapter 32, Article II of the Malvern Borough Code of Ordinances.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

a. Update – Investment of Borough Funds – Meridian Bank

The Finance & Administration Committee reviewed information from Meridian Bank related to CDs as the two (2) existing CDs are maturing. Meridian Bank is an approved depository for Borough funds and no action is required.

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

This would be the first escrow release for the approved land development project at 155 Channing Avenue. The amount requested for release is \$33,967.00.

c. Board & Committee Appointment – Parks & Recreation Committee

Erin Sheffield has been recommended by the Parks & Recreation Committee to fill an existing vacancy due to the resignation of Michael Panushka. If appointed, she would complete a term that expires on January 1, 2021.

d. Zoning Hearing Board

There are no new applications before the Zoning Hearing Board.

8. PUBLIC FORUM

Citizens/taxpayers are invited to bring before Borough Council any item not on the agenda.

9. ADJOURNMENT



MEMORANDUM

TO: Borough Council
Mayor Burton

FROM: Christopher Bashore, Borough Manager

DATE: February 18, 2020

RE: 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

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.

Background information

On September 26, 2019, President Trump issued Executive Order 13888 requiring state and local governments to provide written consent for refugees to resettle in their communities. On October 15, 2019, Governor Tom Wolf provided consent on behalf of the Commonwealth of Pennsylvania. On January 10, 2020, the Board of Commissioners provided consent "in any assenting municipalities" within Chester County, thereby leaving the final decision at the borough/township level.

On January 15, 2020, a federal Judge in Maryland issued a preliminary injunction barring implementation of the Executive Order until its legality is ruled on by the court. Our solicitor thinks a ruling may be made by early February. At this point, we can either wait for the court ruling or act preemptively.

It should be noted that 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 law. Please be advised

that since 2009, Pennsylvania accepted 26,254 refugees. From October 2009 through September 2019, 151 refugees have been resettled in Chester County. Much more information is available from the Pennsylvania Department of Human Services Refugee Resettlement Program: <http://www.refugeesinpa.org/GettheFacts/index.htm>

Please let me know if you have any questions. Thank you.