

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

February 20, 2018  
7:30 P.M.

PRESIDING: Zeyn Uzman, Vice-President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Grossman (Absent)  
Council Vice-President Uzman  
Council Member Finkbiner  
Council Member Laney  
Council Member Meisel (Absent)  
Council Member Raynor  
Council Member Sinquett  
Mayor Burton

2. RECORDING OF MEETING:

Council Vice-President Uzman asked in accordance with Resolution No. 714 if any member of the audience was recording the meeting.

No member of the audience identified themselves as recording the meeting.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Sinquett, seconded by Council Member Finkbiner, and carried by a vote of 5-0, to approve the minutes of the meeting held on Tuesday, January 16, 2018 and February 6, 2018 as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Sinquett, seconded by Council Member Raynor and carried by a vote of 5-0 to approve the Treasurer's Report, the Committee Reports for Finance & Administration, Public Safety, Public Works and 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 2018 as submitted.

5. BOROUGH COUNCIL COMMITTEE REPORTS:

a. Finance & Administration

Council Vice-President Uzman stated the Finance & Administration Committee last met on January 16, 2018. Topics discussed by the committee included: 1) A review of the fourth

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quarter performance of the police and non-uniform pension plans; 2) Selection of a Committee chair; 3) Discussion of Board & Committee reappointment procedures; 4) Use agreements for activities on Borough property; 4) An application/procedures for community projects on Borough property; and 5) A proposal for cyber security insurance.

### b. Public Safety

Borough Manager Bashore, on behalf of Council Member Meisel, stated the Public Safety Committee last met on February 13, 2018. The topics of discussion included a follow-up on the data presented from the Borough Traffic Engineer on the Borough's Vision Partnership Program project and the signal design for the North Warren Avenue Transit Project that included the Accessible Pedestrian Signals and a designated pedestrian phase in the signal design.

### c. Public Works

Council Member Sinquett stated that the Public Works Committee has not met since the January 16, 2018 Borough Council meeting. The Committee reviewed the final plans and bid specifications for the HVAC project via email. There were minor corrections forwarded to Summer Consultants, Inc., who is preparing the final package to begin soliciting bids.

## 6. PRESENTATION – HISTORICAL PRESERVATION AWARD – 16 MONUMENT AVENUE:

Lynne Frederick, Chair of the Historic Commission, presented David and Tara Bramwell, property owners of 16 Monument Avenue, with the 'Chairman's Award' for preserving the historic character of the Church when they converted the structure into a residential home.

Tara and David Bramwell thanked Danny Fruchter and Kurt Leininger for their support in seeing the project come together.

## 7. UNFINISHED BUSINESS:

### a. Update – Borough Council Initiatives

#### i. Proposed Zoning Ordinance Initiatives

Borough Manager Bashore stated at the February 6, 2018 meeting, Borough Council discussed the proposed amendments outlined at the January 16, 2018 meeting. This matter was referred to the Planning Commission. During the discussion at the February 6, 2018 meeting, it was recommended that the Borough seek rate proposals and engage a land planning consultant in order to better define the scope of the project. Borough Council directed the

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Borough administration to seek proposals from land planning consultants. Three firms were requested to provide proposals by February 28, 2018 for consideration at the March 6<sup>th</sup> Borough Council Meeting: 1) Thomas Comitta Associates, Inc., 2) Theurkauf Design & Planning, LLC, and 3) Brandywine Conservancy.

8. NEW BUSINESS:

a. Board and Committee Appointment Considerations

i. Zoning Hearing Board

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 5-0, to appoint Lloyd Stackhouse as an alternate member of the Zoning Hearing Board, with a term to expire on January 1, 2021.

ii. Planning Commission

A motion was made by Council Member Sinquett, seconded by Council Member Finkbiner, and carried by a vote of 5-0, to appoint Zoe Warner to the Planning Commission, with a term to expire on January 1, 2022.

iii. Parks and Recreation Committee

A motion was made by Council Member Sinquett, seconded by Council Member Finkbiner, and carried by a vote of 5-0, to appoint Amy DiElsi to the Parks and Recreation Committee, with a term to expire on January 1, 2020.

b. Follow-up – PA State Association of Borough’s Newly Elected Officials Training

i. Discussion – Social Media and Email Policy

Council Member Finkbiner stated the Borough currently has a social media and email policy in its Personnel Policy Handbook and it is limited to Borough employees. It has been recommended that a policy governing elected officials be considered. Borough Manager Bashore spoke with the Borough’s liability insurance provider to see if they had any sample policies for review. Borough Manager Bashore circulated a draft policy to council for review.

Council Member Raynor explained that it is the purpose of the policy to identify how communication will flow with elected officials, including how taxpayer inquiries will be addressed.

Borough Council decided to forward the draft social media and email policy to the Finance & Administration Committee for a detailed review.

ii. Teleconferencing

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Borough Manager Bashore stated the PA Borough Code permits the use of teleconferencing by elected officials; however, the Borough's Home Rule Charter does not speak to this. Additionally, the Home Rule Charter contains attendance requirements which may impact the ability to teleconference. If Borough Council decided to implement the use of teleconferencing, Borough Manager Bashore recommended it being limited to certain situations (e.g. medical issues and family emergencies). Council Member Finkbiner said that if Borough Council decides to implement teleconferencing, then funds will need to be allocated to either upgrade or replace the existing audio/video system.

Borough Council decided to forward the teleconferencing concept to the Finance & Administration Committee for review.

### iii. Elected Officials Role in Emergency Management – National Incident Management System (NIMS) Training

Council Member Finkbiner stated elected officials play an important role in the emergency management process. At the PSAB training, it was stated that all elected officials should receive training in the National Incident Management System (NIMS).

Borough Council instructed Borough Manager Bashore to identify trainings that Borough Council may be to attend regarding emergency management.

### c. Discussion – Draft Board and Committee Reappointment Policy

Borough Manager Bashore stated at the January 16, 2018 meeting, the Finance & Administration Committee discussed a proposed policy outlining reappointment procedures. Before Borough Council for discussion is a draft resolution outlining the policy. The policy would state that any term that has been held by the same resident for two (2) or more consecutive terms shall be publicly advertised on the Borough website not later than 30 days before the expiration. The incumbent may apply for reappointment. He stated that this policy would not apply to the Planning Commission and the Zoning Hearing Board for the reasons that these bodies are the most influential aside from Borough Council, it is important to maintain a certain level of continuity and institutional knowledge. The Planning Commission in particular requires specialized training and knowledge, thus making it valuable to keep the same members if they are interested in continuing to serve. Additionally, it is important to avoid potentially politicizing these bodies. This is particularly important with the Zoning Hearing Board as they are the only other decision-making body aside from Borough Council.

Borough Council directed Borough Manager Bashore to have the Planning Commission discuss whether or not it would be interested in having an alternate member.

After reviewing the recommended policy amendments, Council Members Sinquett and Finkbiner were not in favor of the changes that would require a volunteer to reapply for the position they have held and would want to continue to hold.

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Council Member Laney stated she has been approached by members of the community to institute term limits so more residents have an opportunity to serve on commissions/committees.

Council Member Raynor questioned why term limits would be implemented if volunteers to service on the boards and commissions have been scarce.

Council Member Finkbinder recommended Borough Administration begin the process sooner of confirming whether or not volunteers wish to continue to serve, thereby enabling the Borough to advertise vacancies sooner.

Lynne Frederick, 227 East Broad Street, stated she has served for sixteen (16) years as a volunteer on more than one (1) commission and does not agree with instituting term limits. The only gratitude the Borough has shown her is by reappointing her to serve and in prior years at an Annual Volunteer Appreciation Picnic.

Catherine Raymond, 6 Karen Drive, questioned why term limits would be applied to volunteers who serve in an advisory capacity, when Borough Council has the authority.

Zoe Warner, 3 Goshorn Drive, said she was one (1) of three (3) applicants for the Planning Commission vacancy. Ms. Warner noted that residents may be interested in serving on a volunteer board or committee, but there are no openings available for a while. Ms. Warner stated that this may discourage participation due to the length of time residents must wait for a vacancy to become available.

Joe Rubino, 1 Raffaella Drive, stated the Zoning Hearing Board has alternate members for succession planning, however, Borough Council has the decision-making power to make appointments and reappointments.

Borough Council decided to table further discussion.

Council Member Sinquett recommended for Borough Council to consider reinstating the Annual Volunteer Picnic at Burke Park for its volunteers. Borough Council agreed and directed the Borough Manager to begin planning efforts.

#### d. Zoning Hearing Board

Borough Manager Bashore stated two (2) applications will be heard by the Zoning Hearing Board on Monday, February 26, 2018. The two (2) applications are 11 Griffith Avenue and 324/328 East King Street. At the February 6, 2018 meeting, Borough Council voted to authorize the Borough Solicitor and Engineer to attend the meeting in regard to the application for 324/328 East King Street, it was determined that no representation was necessary for the application for 11 Griffith Avenue.

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### e. Discussion – Resolution 760 – Code of Conduct

Borough Manager Bashore stated Resolution 760 was to amend the Code of Conduct governing participation at all public meetings of the Borough of Malvern, previously adopted through Resolution No. 714. Borough Manager Bashore stated that Mayor Burton has returned Resolution No. 760 unsigned pursuant to the Home Rule Charter. Mayor Burton stated that he was returning it unsigned due to the process, noting that he understood that the vote was not unanimous, and stated that, now that the public has had an opportunity to review the resolution, that he is hopeful there will be a unanimous vote of Borough Council on Resolution No. 760.

Ari Christakis, Borough Solicitor, outlined the section of the Home Rule Charter that covers voting by Borough Council and the Mayor's ability to veto an ordinance or resolution of a legislative character of Borough Council. Borough Solicitor Christakis stated that Borough Council may override Mayor Burton's veto by a majority vote of Council.

There was no motion made to override Mayor Burton's veto. As such, Resolution No. 760 is not adopted or in effect. Council-Vice President Uzman stated Resolution No. 714 was adopted and therefore is still in effect.

Council Member Raynor said the intent of Resolution No. 760 was to structure meetings to be more professional, ensure fairness for those audience members who wish to speak, and address borough business effectively while not restricting public involvement.

Isabel Leininger, 211 Channing Avenue, said when she first read Resolution No. 760 she felt it was an attempt by Council to silent public feedback and/or input. She does appreciate the section that gives priority to residents of the Borough over those members in the audience that do not reside in the Borough.

Council Member Finkbiner stated discussion should be tabled until a later Borough Council Meeting, as an advertised agenda item. Council Member Sinquett agreed, along with a majority of Council.

Borough Council determined that this matter would be referred to the Finance & Administration Committee for a recommendation to Borough Council.

### 9. PUBLIC FORUM:

Council Vice-President Uzman informed all present that Public Forum is the time to offer comments on any item not on the agenda and to bring any other issues/concerns before Council.

a. Dana Pirone, 40 Landmark Drive, questioned why Landmark townhomes do not receive trash collection but still pay taxes that go towards the trash collection for other residents. Borough Manager Bashore stated that approximately forty (40) percent of the taxable properties in the Borough do not receive trash collection service. Council Vice-President Uzman stated that Borough Council is aware of this discrepancy and is considering options.

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b. John Buckley, 165 Church Street, stated he appreciated that Borough Council used the microphones and instructed the audience to do the same.

10. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Finkbiner, seconded by Council Member Laney, and carried by a vote of 5-0, to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Secretary