

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

February 6, 2018
7:30 P.M.

PRESIDING: Jamie Grossman, President

INVOCATION: Marty Laney, Council Member

PLEDGE OF ALLEGIANCE TO THE FLAG

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

2. RECORDING OF MEETING:

Council President Grossman 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. 2017 COMMITTEE REPORTS:

- a. Planning Commission

Dave Knies, Chair of the Planning Commission, provided a summary of the Commission's 2017 activities, which included: 8 Subdivision & Land Development Applications, 5 Zoning Hearing Applications, and 2 Ordinance amendments. Discussion focused on updating the Comprehensive Plan last revised in 2012, the Zoning Ordinance last revised in 2003, and the Subdivision and Land Development Ordinance last revised in 2006.

Borough Solicitor Christakis advised Borough Council to authorize the Borough Manager solicits Request for Proposals for professional land use planners and to include the Chester County Planning Commission in the process. Borough Council would select planners based on need(s).

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 7-0, to authorize Borough Manager Bashore to solicit Request for Proposals for professional land use planning firms to update the Borough's Zoning Ordinance and/or Subdivision and Land Development Ordinance.

- b. Historical Commission

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Lynne Frederick, Chair of the Historical Commission, provided a summary of the Commission's 2017 activities, which focused on public events, research, and 2018 goals.

Lynne Frederick highlighted 2017 accomplishments, including: 1) Held first Lyceum night, 2) Had 857 'Likes' on Facebook, 3) Published articles in Borough Broadcaster and InGreat Valley, 4) Worked at the Malvern Blooms, Oktoberfest, Victorian Christmas, Heritage Day, and Farmers Markets during the summer months, and 5) Provided a tour of the Borough's history to the visitors from Malvern Worldwide.

Research conducted in 2017, included: 1) Confirmed the date of the naming of the Borough by the railroad, 2) Researched the Memorial Day Parade, 3) Conducted property research for residents in the Borough on their own properties, 4) Developing plaque for homes on the Historic Ordinance list

c. Parks & Recreation Committee

Borough Manager Bashore delivered the 2017 report for the Parks & Recreation Committee, as presented by the Committee chair, Adam Bramucci. The family-friendly Easter Egg Hunt, held at the Paoli Battlefield, was attended by approximately 250 area residents. The 2018 Easter egg Hunt is scheduled for Sunday, March 25, 2018. Using funds from a Project Stream Grant Award, granted by the Pennsylvania Council on the Arts, the Committee produced a community concert in Burke Park and a children's musical workshop at the Malvern Library. The Committee organized another adult kickball league that featured eight (8) teams of 15-20 players.

The Committee coordinated the Malvern Halloween parade that was cancelled due to inclement weather. Liz Scoropanos, Committee member, led the planning effort and will be doing so again this year.

d. Shade Tree Commission

Borough Manager Bashore stated the Shade Tree Commission will present their 2017 Committee Report at a future Borough Council meeting.

4. RESOLUTION NO. 760 – Code of Conduct:

Borough Manager Bashore stated before Borough Council this evening is proposed Resolution No. 760. This resolution will amend Resolution No. 714 of 2016, which established a Code of Conduct for public meetings of the Borough.

Revisions include: 1) Amending time limitations for taxpayers from a range of 3 to 5 minutes to 3 minutes, 2) Requiring taxpayers to state their name and address for the record, 3) Directing taxpayers to use microphones when they speak, and 4) Outlining an appeals process for decisions rendered by the presiding member of Borough Council.

Danny Fruchter, 234 Channing Avenue, questioned why Borough Council would create a

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resolution that may restrict taxpayers from being able to revisit prior action of Borough Council from a prior meeting. Mr. Fruchter requested Borough Council table the Resolution and give the public time to review it prior to adopting.

Lynne Frederick, 227 East Broad Street, asked if the time limits would apply to volunteers serving on board and commissions that may be able offer insight into particular agenda items. Borough Solicitor Christakis stated the resolution would apply to volunteers as it does not differentiate.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 5-2, Council Members Finkbiner and Sinquett voted Nay, to adopt amending the Code of Conduct governing participation at all public meetings of the Borough of Malvern.

5. UNFINISHED BUSINESS:

a) Update- Backyard Poultry

Borough Manager Bashore stated Valarie Landrum, 219 Green Street, has filed an appeal with the Zoning Hearing Board and has granted a Stay of Proceedings to expire at the end of May 2018. Ms. Landrum is gathering the necessary signatures on her petition in an effort to have Borough Council to consider amending the Zoning Ordinance.

b. Update – Borough Council Initiatives

i. Proposed Zoning Ordinance Initiatives

Borough Manager Bashore stated at the January 16, 2018 meeting, Borough Council discussed reviewing sections of the Zoning Ordinance, including side-yard setbacks and lot sizes. In addition, it was recommended that the Planning Commission provide an opinion on the need to review the Zoning Ordinance and Planning Commission. At their meeting on February 1, 2018, the Planning Commission discussed potential amendments to the side-yard setback requirements in the R3a, R3b, and R4 residential zoning districts.

ii. Home Rule Charter Ad Hoc Committee Report

Borough Manager Bashore stated the Committee met on January 24, 2018. The Borough Solicitor was also in attendance. An outline of the amendment process was provided to the committee, with specific dates. There were four (4) potential amendments discussed: 1) Budget advertising, 2) Forfeiture of office due to absence, 3) Bidding criteria levels and indexing, and 4) Mayoral Proclamations. The Committee is going to outline additional ideas for amendments and send them to Borough Manager Bashore to maintain a comprehensive list. The next meeting will be February 21, 2018.

iii. Capital Improvement Plan Ad Hoc Committee Report

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Borough Manager Bashore stated the Committee met on January 31, 2018 and reviewed the existing five-year plan. Topics of discussion included: 1) Removal of all costs related to the Valley Creek Trunk Sewer loan as the Borough has agreed to sell the asset with the other partner municipalities, 2) Reallocating the Woodland Avenue Streetscape Project to a committed project as the Borough has secured \$490,000 in grant funding from Chester County, 3) Increasing planned budgeting to address inflow and infiltration in the Borough's sanitary sewer system, and 4) Increasing the annual budgeting for maintaining the Borough's road and sidewalk networks.

c. Zoning Hearing Board Applications

i. 324/328 East King Street

Borough Manager Bashore stated the properties subject to this application are 324 and 328 E. King Street. The applicant is seeking a variance from section 220-2501.D.9.E. requiring 24 ft. wide aisles within parking lots separating parking rows. The applicant is seeking relief in order to have an aisle less than 24 ft. In addition, the applicant is seeking any additional relief from the Zoning Ordinance that may be realized as being required during the hearing. The Planning Commission reviewed this application at their meeting on February 1, 2018. In a letter dated February 1, 2018, the Planning Commission recommends sending both the Borough Solicitor and the Borough Engineer to the hearing. The Borough Engineer provided a review letter of the site plan for this application.

Borough Solicitor Christakis stated his law firm has conflict with representing the Borough because his firm has also represented Jim Renehan, Applicant.

Borough Council was in agreement to send the Borough Engineer and Conflict Counsel to the hearing for fact-finding of what specifically the variance standards are.

ii. 11 Griffith Avenue

Borough Manager Bashore stated there are two (2) applications before the Zoning Hearing Board. Both applications will be heard at the February 26, 2018 meeting.

Joseph Willis, Applicant, seeks a variance from section 220-602.A.1. requiring a minimum lot area of 12,000 sq. ft. and a minimum width of 60 ft. at 11 Griffith Avenue. The applicant is seeking to create a lot that is 150 sq. ft. smaller than what is required by this section of the Zoning Ordinance. A sketch plan for a two-lot subdivision has been submitted and reviewed by the Borough Engineer and the Planning Commission. Netting out the right-of-way from King Street will result in a non-conforming lot. At their December 7, 2017 meeting, the Planning Commission recommended that the applicant seek relief from the Zoning Hearing Board prior to applying for a preliminary/final subdivision plan. The Planning Commission reviewed this application at their meeting on February 1, 2018. In a recommendation letter, the Planning Commission indicated that they have no planning issues as long as the project complies with other aspects of the Zoning and Subdivision and Land Development Ordinances. As such,

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they do not believe that the Borough Solicitor needs to attend the Zoning Hearing Board meeting.

Borough Council was in agreement with the Planning Commission's recommendation to not send the Borough Engineer or the Borough Solicitor to the Hearing.

6. NEW BUSINESS:

a. Report – PA State Association of Boroughs Newly Elected Officials Training

Council President Grossman provided a summary of her and Council Members Finkbner, Laney, and Raynor attendance of the Pennsylvania State Association of Borough's Boot Camp for Newly Elected Officials. Council members met with Borough Manager Bashore and Borough Solicitor Christakis to review takeaways from the training and possible action items for Borough Council and/or staff. A topic of discussion included drafting a Communications Policy for Council Members' borough-provided emails (e.g. @malvern.org). Council President Grossman noted that this two-day training provided a comprehensive overview of all aspects of municipal government and those who attended agreed that it would be beneficial to both current and newly elected officials.

Council Member Finkbner encouraged present and future Council Members to attend the 'Master Planner Program' offered by the Pennsylvania Municipal Planning Education Institute and presented at the West Chester University Graduate Center.

b. Escrow Release Requests

i. Providence One Builders, LLC (323 Old Lincoln Highway) – Release Request #1

A motion was made by Council Member Sinquett, seconded by Council Vice-President Uzman, and carried by a vote of 7-0 to authorize the release, subject to conditions, of \$19,837.50 per the recommendation of the Borough Engineer's letter dated, January 15, 2018.

c. King Street Closures – 2018 Malvern Blooms and Oktoberfest

Borough Manager Bashore stated Lisa O'Neill of Growing Roots Partners is requesting approval for the closure of King Street for the 2018 Malvern Blooms and Oktoberfest Festivals. The events are scheduled for Sunday, May 6, 2018 and Sunday, September 9, 2018, respectively, and the purpose of the closure is for the Beer Garden component of the festivals.

A motion was made by Council Vice-President Uzman, seconded by Council Member Raynor, and carried by a vote of 7-0 to authorize the closure of King Street for vehicular traffic for the 2018 Malvern Blooms and Oktoberfest events with conditions: 1) King Street will be closed from 6:00 a.m. to 6:00 p.m. on Sunday, May 6, 2018 and Sunday, September 9, 2018 in order to allow for set-up and tear-down of vendor tables and tents, 2) The Beer Gardens will be set up in the municipal parking lot on King Street, 3) The area will be fenced off to contain beer consumption in the Beer Garden only, 4) No open containers will be

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permitted in the street, 5) All required Certificates of Insurance (COI) from all relevant participants (food, alcohol, generator-using) be obtained and these will be made available to the Borough, and 6) The Malvern Business and Professionals Association (MBPA) and Growing Roots Partners will issue COIs to the Borough, with the Borough being named as an additionally insured on their policies.

d. Board & Committee Appointment Considerations

i. Zoning Hearing Board (Alternate member)

A motion was made by Council Member Raynor, seconded by Council Member Meisel, and carried by a vote of 7-0 to appoint John Kohler to the Zoning Hearing Borough as an alternate member with a term set to expire on January 1, 2019.

7. PUBLIC FORUM:

Council President Grossman 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. John Buckley, 165 Church Street, stated he would like to see other Borough committee agendas posted at the Malvern Post Office and that vehicles are driving onto his yard, creating ruts in the lawn. Borough Solicitor Christakis informed Mr. Buckley that as the property owner it is his responsibility to maintain it. Mr. Buckley has options that do not require a permit, including but not limited to placing stone and or blocks along his property line that would discourage taking the right-turn short and traversing over his yard. Borough Solicitor Christakis stated that if Mr. Buckley installs a fence on his property that will require a permit. If Mr. Buckley installs a fence without Borough approval through the permitting process, he will be in violation of the Zoning Ordinance.

b. Police Chief Marcelli announced that SEPTA has closed the Malvern Train Station on Thursday, February 8, 2018 due to the Eagles Victory Parade.

8. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Meisel and carried by a vote of 7-0, to adjourn the meeting at 10:01 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary