

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

February 7, 2017
7:30 P.M.

PRESIDING: Council President Bramwell

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Bramwell
Council Vice-President Uzman
Council Member Arena
Council Member Grossman
Council Member Lexer
Council Member Meisel
Council Member Sinquett
Mayor Burton

2. RECORDING OF MEETING:

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

No audience member identified themselves as recording the meeting.

3. PUBLIC FORUM:

Council President Bramwell informed all present that copies of the agenda are available at the front entrance. Citizens/taxpayers were advised that Public Forum is the time to offer comments to bring any issues/concerns before Council that are not on the agenda.

a. No public comment

4. AWARD CONTRACT – PENSION PLAN MANAGEMENT SERVICES:

A motion was made by Council Vice-President Uzman, seconded by Council Member Arena and carried by a vote of 7-0, to award the contract for pension plan management services to InR Advisory Services, LLC of Media, Pennsylvania based on the their proposal dated October 13, 2016 in response to the Request for Proposal issued by the Borough of Malvern dated September 20, 2016.

5. OLD BUSINESS:

a. Ordinance NO. 2016 – 2: Issuance of Non-Electoral Debt

Council President Bramwell stated this agenda item is tabled.

6. NEW BUSINESS:

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a. North Warren Avenue Transit Project

Borough Manager Bashore stated before Borough Council is a plan prepared by the Borough Engineer, Dan Daley, P.E., for the sidewalk installation on the east-side of N. Warren Ave. This is a component of the N. Warren Ave. Transit Project for which the Borough has received funding from the PA Department of Community & Economic Development and the PA Department of Transportation. Borough Manager Bashore stated Borough Council should make a determination as to whether or not to proceed with this component of the project. If Borough Council decides not to proceed with this component, we will need to notify the granting authorities of this determination. An updated narrative, outlining the project change, and a revised project budget will need to be completed.

Christine Santa Maria, 1 West Broad Street, summarized her concerns with the potential impact the proposed sidewalk may have along the side of her property, citing loss of personal use that the proposed sidewalk would reduce the space in which she will have to store snow and leaves, as well as, cause her to remove her flower garden that she has spent years maintaining. Ms. Santa Maria does not believe the Borough should use grant funds and tax dollars to install a sidewalk that connects to a private trail that accesses a development with a cul-de-sac. Additionally, the proposed sidewalk will cause her parking spaces to be decreased from two (2) spaces to one (1). This may also cause her home to fall out of compliance with Malvern Borough's Zoning requirements for the required number of parking spaces.

Woody Van Sciver, 243 Monument Avenue, stated from his past experience on the Borough's Planning Commission and Council that most homeowners are resistant to having sidewalks installed in their front yards because they do not want to be responsible for the maintenance.

Council President Bramwell asked Mr. Van Sciver if he recalls how the private trail came to exist.

Woody Van Sciver, 243 Monument Avenue, stated the private trail was compromise and conditional of approval for the development of Malvern Hills. Originally, the development was required to have two (2) means of vehicle entry/exit, but after some compromise the Borough Council at that time agreed to eliminate one (1) vehicle entry/exit and instead install the trail. Mr. Van Sciver stated the Homeowners' Association for Malvern Hills owns and maintains the private trail.

Council Member Meisel wants to see pedestrian routing for the SEPTA Train Station as a priority for the intersection of West Board Street and North Warren Avenue.

Council Member Grossman does not see a strong justification to install the sidewalk along North Warren Avenue, at the property of West Broad Street.

John Buckley, 156 Church Street, wants the sidewalk installed as a safety precaution for the kids that walk on North Warren Avenue.

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Council President Bramwell tabled the agenda item until the February 21, 2017 Public Meeting for the Borough Engineer to be present.

b. Authorization to advertise: Proposed Ordinance No. 2017-1: Official Map

Borough Manager Bashore provided a summary of proposed Ordinance No. 2017-1 pertaining to the Official Map that was adopted by Borough Council on December 15, 2015. This ordinance required that the Official Map be recorded within 60 days of adoption; however, this was not completed. In order to finalize this process, Borough Council will need to re-adopt the Official Map via ordinance. The Official Map that would be adopted is the same version previously circulated to the Chester County Planning Commission and each adjacent municipality for comments in 2015. The Official Map is unchanged from the version considered in 2015. Borough Council will need authorize advertisement of the proposed ordinance and may considered for adoption at the February 21st meeting of Borough Council.

A motion was made by Council President Bramwell, seconded by Council Member Lexer and carried by a vote of 7-0, to authorize advertisement of the proposed ordinance and for possible adoption at the February 21, 2017 Borough Council Meeting.

c. King Street Closure – Malvern Blooms & Harvest Festival

Borough Manager Bashore stated Lisa O'Neill of Growing Roots Partners contacted the Borough to request road closures of King Street for the 2017 Malvern Blooms and Harvest Festival.

If Council approves the closure of King Street for vehicular traffic for this event, Police Chief Marcelli recommends the following conditions:

1. King Street will be closed from 8:00 a.m. to 6:00 p.m. on Sunday, May 7, 2017 and Sunday, September 10, 2017 to allow for set-up/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 permitted in the street.

A motion was made by Council Vice-President Uzman, seconded by Council Member Lexer and carried by a vote of 7-0, to approval for the closure of King Street for the 2017 Malvern Blooms and Fall Festivals. The events are scheduled for Sunday, May 7, 2017 and Sunday, September 10, 2017, respectively, and the purpose of the closure is for the Beer Garden component of the festivals.

d. Chester County Community Revitalization Program - 2017 Grant Contract

Borough Manager Bashore stated before Borough Council is the grant agreement between Chester County and Malvern Borough for the 2016 award of the Community Revitalization Program in the amount of \$490,000.00 for the Woodland Avenue Streetscape

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Project. The contract would run through December 31, 2018. Construction is anticipated to commence late spring/early summer of 2017 and should be completed in approximately 12 weeks, depending on weather and other outlining factors.

John Buckley, 165 Church Street, encouraged Borough Council to consider looking into completing any necessary sewer/water upgrades for Woodland Avenue while the road is excavated.

A motion was made by Council Vice-President Uzman, seconded by Council Member Lexer and carried by a vote of 7-0, to approve the agreement between Chester County and the Borough of Malvern for the Woodland Avenue Streetscape Project in the amount of \$490,000.00 with a contract end date of December 31, 2018.

e. Randolph Woods Ad Hoc Committee

Borough Manager Bashore sated at the January 3, 2017 meeting, Borough Council adopted Resolution No. 726. This resolution established an ad hoc committee to evaluate the Randolph Woods property based on the Planning Commission's report dated November 4, 2016. The resolution created a seven (7) member committee comprised of citizens and representatives from the following Borough bodies: Borough Council; Planning Commission; Historic Commission; Parks and Recreation Committee; and Borough Council's Public Safety Committee. The Committees have advised of their recommendations for representatives from their respective bodies: Mark Niemiec of the Planning Commission; Barbara Rutz of the Historic Commission; and Brendan Phillips of the Parks & Recreation Committee. The Borough received interest from five (5) residents to serve at-large: 1) John Kohler; 2) Brian Walker; 3) Brian Hamilton; 4) Judy Thomas; and 5) Joseph Bones. Section 3 of Resolution No. 726 vests the Borough Council President with the authority to appoint individuals to this Committee pursuant to section 25-11 of the Borough's Code of Ordinances. Borough Council agreed to not deter residents interested in serving on the Ad Hoc Committee by restricting nominations.

Council Member Meisel agreed to be the representative for Borough Council.

Borough Solicitor Christakis stated he saw no legal reason why Borough Council has to exclude any of the five (5) applicants, therefore all five (5) could be nominated.

A motion was made by Council Vice-President Uzman, seconded by Council Member Arena and carried by a vote of 7-0, to appoint John Kohler; Brian Walker; Brian Hamilton; Judy Thomas; and Joseph Bones to serve on the Randolph Woods Ad Hoc Committee.

f. Zoning Hearing Board – 156 West King Street – Request for Special Exception and Variance

Council President Bramwell disclosed that he and his wife are the property owners of 156 West King Street. William Kyle, Architect for 156 West King Street was present for discussions. Mr. Kyle provided an overview of the proposed 3-story renovation and addition to

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an existing apartment building. Mr. Kyle and David Bramwell met with the Planning Commission at their January 5, 2017 meeting to discuss the proposed project.

William Kyle stated the first relief sought from the Borough's Zoning Ordinance is for a Special Exception pursuant to Section 220-2702.B to permit the extension and enlargement of the nonconforming residential dwelling use on the first floor of the building on the property by building a new dwelling unit on the first floor of a new building, or in the alternative a variance from Section 220-1301.A to allow a new dwelling unit to be constructed on the first floor of a new building to be built on the property.

William Kyle stated the second relief sought from the Borough's Zoning Ordinance is for a Special Exception pursuant to Section 220-2702.B a variance from Section 220-2702.B (2) to allow the area devoted to the nonconforming use to be increased by more than 25%.

Council President Bramwell abstained from Council discussions.

Borough Council, with Council President Bramwell abstaining, was in agreement with the Planning Commission's recommendation to not send the Borough Solicitor on behalf of the Borough for the special exception and variance requests.

g. Parks & Recreation Committee Resignation

Borough Manager Bashore stated Kevin Comstock resigned his position from the Parks & Recreation Committee and the Borough will advertise the vacancy on the Borough website.

Council President Bramwell turned the remainder of the Public Meeting over to Council Vice-President Uzman.

At 8:12 p.m. Borough Council agreed to take a five (5) minute recess for the Court Report to setup.

At 8:18 p.m. Council Vice-President Uzman reconvened the Public Meeting.

7. PUBLIC HEARING:

Council Vice-Present Uzman announced that Borough Council will open a public hearing pursuant to section 211 of the Malvern Borough Home Rule Charter in order to determine, via resolution, whether Council President David Bramwell forfeited his office as a member of Borough Council for cause pursuant to section 211.A(4) of the Malvern Borough Home Rule Charter. Notice of the hearing was published in the January 12, 2017 edition of the Daily Local newspaper as required.

Council Vice-President Uzman turned the Public Hearing over to Ari Christakis, Borough Solicitor.

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TO OBTAIN A COPY OF THE OFFICIAL TRANSCRIPT AS PREPARED BY THE COUNTY COURT REPORTER, PLEASE CONTACT BOROUGH ADMINISTRATION.

8. ADJOURNMENT:

At 9:05 p.m. Council Vice-President Uzman stated Council will adjourn to Executive Session to discuss legal matters. Council President Bramwell left the meeting and was not present for the Executive Session.

Council Vice-President Uzman reconvened the public meeting at 9:47 p.m.

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Grossman and carried by a vote of 6-0 to adjourn the meeting at 9:48 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary