PRESIDING:  Council President Grossman

INVOCATION:  David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL

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<th>PRESENT</th>
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<td>Council President Grossman</td>
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<td>Council Vice-President Uzman</td>
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<td>Council Member Finkbiner</td>
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<td>Council Member Laney</td>
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<td>Council Member Meisel</td>
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<td>Council Member Raynor</td>
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<td>Council Member Sinquett</td>
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<td>Mayor Burton</td>
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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. 2018 ACCOMPLISHMENTS

Council President Grossman reviewed 2018 accomplishments that included capital projects, ordinance amendments, and other accomplishments made by Borough Council, staff, and professional consultants. In addition, two (2) full-time police officers were hired, including the Borough’s first full-time female officer.

4. APPROVAL OF MINUTES

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, December 18, 2018, as submitted.

5. APPROVAL OF REPORTS

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the Treasurer’s Report, the Committee Reports for Finance & Administration, Public Safety, Public Works and the Chief of Police

6. BOROUGH COUNCIL COMMITTEE REPORTS

a. Finance & Administration

Council Vice-President Uzman stated the Finance & Administration Committee has not met since the December 18, 2018 meeting of Borough Council. The Committee reviewed information pertaining to CD interest rates for the proceeds from the sale of the Valley Creek Trunk Sewer line. A proposal is before Borough Council this evening.

b. Public Safety

Council Member Meisel stated the Public Safety Committee has not met since the December 18, 2018. Tonight, Dean Kaiser, P.E., from McMahon Associates will review the pedestrian signal plans for the intersections of Church and King Streets and Ruthland Avenue and King Street. The plan proposes the installation of pedestrian crossing signals and associated lighting.

c. Public Works

Council Member Sinquett stated the Public Works Committee has not met since the December 18, 2018. A meeting will be scheduled for some time in January. Items before the Committee included a review with the Borough Engineer regarding his recommendations to address issues on Old Lincoln Highway as it relates to the recent ground penetrating radar report that was issued. In addition, the Borough Engineer will be providing options for consideration on the drainage concerns on Highland Avenue.

7. RESOLUTION NO. 777 – PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR 126 WOODLAND AVENUE (ST. PATRICK’S CHURCH)

Ted Jefferies, Project Manager, Matt Bush, P.E., Project Engineer, and Kelly Sullivan, Esq., Applicant’s Attorney, were present on behalf of the project located at 126 Woodland Avenue.

Council Member Finkbiner abstained from discussing this agenda item, due to her residence being in close proximity to the Saint Patrick’s School.

Borough Council discussion included, but not limited to: 1) Off-street parking, 2) Playground locations, equipment, fencing, lack of lighting, and distance from Woodland Avenue, and 3) Prior Zoning Hearing Board Determination that limits the number of total students.

Police Chief Marcelli requested to review the proposed fence for the playground area to ensure it is appropriate for a school lockdown. Mr. Jefferies said that prior to the fence installation, he will reach out to Chief Marcelli with the proposed plans for his review.
Danny Fruchter, 234 Channing Avenue, asked if the Malvern Shade Tree Commission had an opportunity to review the plan. Ted Jefferies stated the Commission did review and provide comments to Saint Patrick’s Parish, and those comments have been addressed by the current plan that is before Borough Council this evening.

Council Vice-President Uzman stated he supports the proposed project, however he does not understand why the Malvern Historical Commission was denied access to the buildings on Woodland Avenue prior to their demolition. Mr. Jefferies stated the decision to deny access was at the discretion of the pastor, and he does not know the pastor’s reasons for denying access.

Dave Knies, 114 Warrington Way, thinks the Historical Ordinance should be amended to give the Malvern Historical Commission more leverage in obtaining its photographs prior to buildings being demolished, as well as to improve communication of property owners with the Commission.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 5-1-1, to approve, subject to conditions, the plan entitled “Preliminary/Final Site Plan of Property for St. Patrick Parish School Addition” prepared by JMR Engineering, LLC, dated February 23, 2018, last revised November 9, 2018, signed and sealed by Matthew Scott Bush, P.E., Registered Professional Engineer, proposing the consolidation of three (3) parcels into one (1) parcel (reverse subdivision) and construction of a school addition, new playground, renovation of an existing house to be used as a parish/school office, and demolition of two (2) existing parcels, 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 I-4 Institutional District.

Council Vice-President Uzman voted against approval because Saint Patrick’s Parish was not receptive to allowing the Malvern Historical Commission to take photographs of the two (2) buildings on Woodland Avenue prior to their demolition. Council Member Finkbiner abstained from the vote because of her residential home’s proximity to the land development project, specifically the demolished buildings and proposed location for the playground.

8. RESOLUTION NO. 778 – SCHEDULE OF FEES

Borough Council Member Sinquett questioned what the continuance fee for the Zoning Hearing Board is and how it would be applied. Zoning Officer Lovekin stated the continuance fee would be applied to applicants who request additional time to gather documentation to justify their position to the Zoning Hearing Board. Council Members Finkbiner and Sinquett recommended the fee schedule be amended to list the continuance fee not as a one-time fee, rather per each occurrence of an applicant’s request.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0, to adopt Resolution No. 778, establishing fees for services of the Building/Zoning/Administration Departments of the Borough of Malvern, as amended.
9. **RESOLUTION NO. 779 – DISPOSITION OF PUBLIC RECORDS**

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to adopt Resolution No. 779, authorizing the disposition of records of the Borough of Malvern pursuant to the Municipal Records Manual.


Dean Kaiser, P.E., Borough Traffic Engineer, reviewed plans for the installation of pedestrian signals and associated cost information. The plans propose the installation of pedestrian warning signals on East King Street at the intersections of Church Street and Ruthland Avenue in front of East Side Flats.

Council Member Finkbiner requested clarification as to the additional costs in the proposal for the intersection improvements when compared to the Traffic Analysis Report. Dean Kaiser said the report was an estimate and did not contain the flashing lights, whereas the proposal does include them.

Council Member Finkbiner asked why the raised intersections were removed from the proposal as were previous included. Dean Kaiser stated the raised intersections would require additional stormwater controls, possibly hinder emergency vehicle responses, and are less desirable due to the inclusion of flashing lights and other pedestrian aids.

Police Chief Marcelli noted that Borough Council is being proactive in addressing pedestrian safety by deciding to make safety improvements at intersections prior to an accident or a pedestrian being struck by a vehicle.

Council Member Meisel reiterated that the safety improvements being made are with funds that were a condition of development approval for Eastside Flats.

Borough Manager Bashore stated the next steps are for McMahon Associates, the Borough’s traffic engineering firm, to submit the plans to the PA Department of Transportation (PennDOT) for review and to draft bid specifications and construction management costs for Borough Council’s consideration.

11. **UNFINISHED BUSINESS**

 Council President Grossman stated there were no items for discussion.

12. **NEW BUSINESS**

   a. Investment of Borough Funds – Valley Creek Trunk Sewer Proceeds

   Borough Manager Bashore stated the Finance & Administration Committee is
recommending that the proceeds from the sale of the Valley Creek Trunk Sewer line, in the amount of $238,656.36, be placed in a 12-month CD with the National Bank of Malvern as that will yield the highest interest. As the National Bank of Malvern is an approved depository for Borough funds and there will not be any money transferred out, no action is required.

b. Consideration of proposal – mold remediation

Borough Manager Bashore stated before Borough Council this evening are two (2) proposals to remediate the mold in the Police Department. A mold investigation was completed by LDS Inspections in order to determine the mold levels in Borough Hall. The report for the Police Department found high levels throughout the department and were no significant mold issues noted in the rest of Borough library and administrative office.

Council Member Laney asked what may be causing the mold to form. Council Member Sinquett stated the likely culprit are the water pipes that are not insulated, therefore condensation is forming on the outside of the pipes creating a moist environment for mold to grow.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to authorize BELFOR Property Restoration, in the amount of $18,450.79, based on the proposal dated, December 16, 2018, to complete mold remediation work to include cleaning the floor or roof joist system, applying an anti-microbial agent to surfaces, and sealing the floor/ceiling with an anti-microbial agent.

c. Zoning Hearing Board

Borough Manager Bashore stated that there are no new applications before the Zoning Hearing Board. The Zoning Hearing Board will meet on March 25, 2019 in order to hear the appeal of the owners of 331 Old Lincoln Highway. The applicant is appealing a Notice of Violation issued by the Zoning Officer for violations pertaining to the use of the property as a junk yard. The Borough Solicitor is in discussion with the applicant’s attorney to determine if a settlement may be reached prior to the hearing.

13. 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 issues/concerns before Council.

Danny Fruchter, 234 Channing Avenue, questioned the conditions instituted by Borough Council in regards to its approval of the Conditional Use for a cultural center at the First Baptist Church. Council President Grossman stated Borough Council stands behind its conditions and wants to see the cultural center use come to existence, she is optimistic that an agreement can be reached that is amicable to all parties.

14. ADJOURNMENT
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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 8:57 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary