

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

January 16, 2018
7:30 P.M.

PRESIDING: Jamie Grossman, President

INVOCATION: David B. Burton, Mayor

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 Siquett
Mayor Burton

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. APPROVAL OF MINUTES:

A motion was made by Council Vice-President Uzman, seconded by Council Member Siquett, and carried by a vote of 5-0, Council Members Laney and Raynor abstained due to not being sworn-in, to approve the minutes of the meeting held on Tuesday, December 19, 2017 as submitted.

Borough Manager Bashore noted a typo in the January 2, 2018 minutes. A motion was made by Council Vice-President Uzman, seconded by Council Member Siquett, and carried by a vote of 7-0, to approve the Reorganization and Regular meeting minutes held on Tuesday, January 2, 2018 as amended.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice-President Uzman, seconded by Council Member Siquett 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 Report, the Code Enforcement and Zoning Officer's 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 December 2017 as submitted.

5. BOROUGH COUNCIL COMMITTEE REPORTS:

REGULAR MEETING

January 16, 2018

Page 2

a) Finance & Administration

Borough Manager Bashore stated the Finance & Administration Committee met prior to tonight's meeting of Borough Council. Topics discussed by the committee included: 1) A review of the fourth quarter performance of the police and non-uniform pension plan; 2) Selection of a Committee chair; 3) Discussion of Board & Committee reappointment procedures; 4) Use agreements for activities on Borough property; and 5) A proposal for cyber security insurance.

b. Public Safety

Borough Manager Bashore stated the Public Safety Committee last met on December 18, 2017. The topic of discussion was a list of preliminary recommendations based on the data collected for the traffic study currently being completed by McMahon Associates. The preliminary list is based on the field evaluation and public feedback that has been received. McMahon Associates will fine tune the list of recommendations that will then be reviewed with the Committee and the Chester County Planning Commission in January 2018. The Committee asked for the recommendations be ranked based on cost, ease of installation, and the availability of grant funding.

c. Public Works

Borough Manager Bashore stated that the Public Works Committee last met on December 19, 2017. The purpose of this meeting was to conduct a site evaluation of the proposed ladder access modifications as part of the HVAC project, this is the final design element necessary before bidding out the project.

6. PRESENTATION – VALARIE LANDRUM – BACKYARD POULTRY:

Borough Manager Bashore stated Valerie Landrum, 219 Green Street, is before Borough Council this evening to discuss backyard poultry. Ms. Landrum was issued a Notice of Violation for the keeping of poultry (specifically, two (2) ducks and three (3) chickens) on a property that does not meet the minimum lot size for these types of animals. The Borough's Zoning Ordinance regulates the keeping of livestock in terms of the lot size required and states that livestock may only be kept on lots greater than three (3) acres in size, that only one such animal may be kept on a lot which is at least three acres in size, and that additional livestock require additional acreage (poultry requires an additional 0.1 acres per additional animal).

Borough Manager Bashore stated this matter was previously brought before Borough Council in 2015. At the time, Borough Council did not wish to amend the Zoning Ordinance due to concerns over the spread of disease (e.g. Salmonella) and the appropriateness of keeping chickens in the Borough. However, the keeping of chickens is becoming a regional trend and there have been several municipalities in recent years who have amended their ordinances for this use.

Ms. Landrum presented borough council with six (6) handouts that address backyard chickens.

REGULAR MEETING

January 16, 2018

Page 3

Council President Grossman questioned Ms. Landrum on: 1) How long she has resided in the borough; 2) Size of her property; 3) Qualifications to properly care for livestock; 4) How she cares for her livestock; and 5) Environmental impacts.

Council Member Finkbinder asked Borough Solicitor McLean if the Borough's Zoning Ordinance addresses the breeding of pets. Borough Solicitor McLean stated the Zoning Ordinance does not mention the breeding of pets.

Council Member Raynor asked what the position of Borough Council was in 2015 when the topic of raising chickens was brought up. Borough Solicitor McLean stated at the time there was little to no public support and members of Council were not in favor of amending the Zoning Ordinance.

Council Member Meisel asked Borough Manager Bashore and his staff to review boroughs, similar in size and demographics, to see how they address poultry. In addition, he requested that borough staff review Haverford Township's Ordinance that refers to livestock.

Borough Solicitor McLean stated in her research of raising chickens, most municipalities address it as a permitting/licensing program incorporated into its General Code with a reference made in its Zoning Ordinance. Council Vice-President Uzman expressed concern that a permitting/licensing program may place a hardship on borough staff.

Borough Solicitor McLean stated Ms. Landrum has the right to appeal the Zoning Officer's determination by filing an application to be heard by the Zoning Hearing Board. Ms. Landrum may request an extension, in writing, to postpone her hearing for a period of time until the Planning Commission and Borough Council have had time to resolve any amendments to the General Code and/or Zoning Ordinance.

Council President Grossman mentioned another option for Ms. Landrum is to file, per the Home Rule Charter, a petition with signatures of residents that support an amendment to the Zoning Ordinance that would allow for poultry.

7. OLD BUSINESS:

a. Centerline on East King Street

Council Member Sinquett recommended Borough Council defer the accuracy/quality of the yellow centerline stripping to the Public Safety Committee to determine if it should be redone. Borough Council was in agreement, Council President Grossman directed the Public Safety Committee review the line stripping for accuracy and to report back to Borough Council.

Kelly Schmitt, 17 Channing Avenue, asked if the Public Safety Committee could review the intersection of Channing Avenue and East King Street as the turning radius from Channing Avenue onto East King Street creates a hazardous condition. Council President Grossman asked Borough Manager Bashore to add her request on the next Public Safety Committee meeting.

REGULAR MEETING

January 16, 2018

Page 4

8. NEW BUSINESS:

a. Discussion – Borough Council Initiatives

Council President Grossman stated agenda items 8.a.i. thru 8.a.iii. are meant for Borough Council to set 2018 goals.

i. Zoning Ordinance Amendments

Council President Grossman would like Borough Council and the Planning Commission to review side-yard setbacks. Council Vice-President Uzman raised a concern that amending setbacks will likely create more nonconforming lots than already exist.

Council Member Sinquett recommended instead of reviewing setbacks, Borough Council should review lot sizes.

Council Member Sinquett recommended the Borough Council make incremental changes to the Zoning Ordinance instead of undertaking a complete, detailed review. Borough Manager Bashore stated a complete review of the Zoning Ordinance could take two (2) years to complete.

Council Vice-President Uzman agreed with Council Member Sinquett in making incremental changes to the Zoning Ordinance. He wants Borough Council to keep in mind that amendments to the Zoning Ordinance may affect property values and Council should be conscientious of any undue consequences.

Cathy Raymond, 6 Karen Drive, stated she served on the Comprehensive Plan Taskforce and the demand in housing stock has changed from 2010 to now in 2018. Ms. Raymond cautioned that any change to the Zoning Ordinance may have an adverse effect on sections of the Ordinance that were not specifically addressed.

Frank Ortner, 144 Griffith Avenue, said his home was built in 2010 and an aggregate side-yard of fifteen (15) feet is suitable for his needs. Council Member Sinquett agreed with Mr. Ortner that his lot size may be of appropriate size for an aggregate side-yard of fifteen (15) feet, but lots of a smaller width may not be of appropriate size.

Council Member Finkbiner recommended Borough Council direct the Planning Commission to provide its opinion on the need to review the Zoning Ordinance and Comprehensive Plan. Borough Council agreed to request the Planning Commission provide a recommendation for the need to review the Comprehensive Plan and Zoning Ordinance.

ii. Home Rule Charter Amendments

Borough Manager Bashore recommended that Borough Council create an Ad Hoc Committee with a single purpose of reviewing the Home Rule Charter for updates and report back to Borough Council with its findings and recommendations for action.

REGULAR MEETING

January 16, 2018

Page 5

A motion was made by Council Vice-President Uzman, seconded by Council Member Finkbiner, and carried by a vote of 7-0 to create an Ad Hoc Committee to review and make recommendations for changes to the Home Rule Charter.

Borough Council agreed to create an Ad Hoc Committee consisting of three (3) members of Council:

Council Vice-President Uzman
Council Member Laney
Council Member Raynor

iii. Capital Improvement Plan Review

Borough Manager Bashore recommended that Borough Council create an Ad Hoc Committee with a single purpose of reviewing the 5-Year Capital Improvements Plan for updates and to report back to Borough Council with its findings and recommendations.

Council Member Sinquett asked if the Ad Hoc Committees should limit participation to council members only. Borough Manager Bashore recommended Borough Council limit the Ad Hoc Committees to council members since any decisions made will have budgetary implications. Council Vice-President Uzman suggested that Ad Hoc Committees make all final decisions by August, in time for preparation of the 2019 Budget.

Borough Council agreed to reorganize the Ad Hoc Committee that was created to review the 5-Year Capital Improvements Plan with membership to consist of three (3) members of Council:

Council President Grossman
Council Member Meisel
Council Vice-President Uzman

b. Zoning Hearing Board – Application Update

i. 327/328 East King Street

Borough Manager Bashore stated Renehan Realty, LLC, applicant, is seeking a variance from section 220-2501.D.9.e. of the Borough's Zoning Ordinance that requires 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. The Zoning Hearing is scheduled for Monday, February 26, 2018.

ii. 11 Griffith Avenue

Borough Manager Bashore stated JMW Enterprise, LLC (Joe Willis), applicant, is seeking a variance from section 220-602.A.1. of the Borough's Zoning Ordinance that requires a minimum lot area of 12,000 sq. ft. for a single-family detached dwelling unit. 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 St.

REGULAR MEETING

January 16, 2018

Page 6

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 Zoning Hearing is scheduled for Monday, February 26, 2018.

9. 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 Villa Maria included in the Randolph Woods outreach project. Council President Grossman suggested Mr. Buckley reach out to Villa Maria to have the school send a letter, addressed to Borough Council, stating its interest in participating in the Randolph Woods school project.

Mr. Buckley stated he would like to see the “No Thru Traffic” sign removed from East Broad Street as it creates a backup on Bridge Street heading towards Old Lincoln Highway. Council Member Sinquett stated the sign was installed to address the commercial vehicles that visit Recchilungo Landscaping located at 346 East Broad Street.

b. Frank Ortner, 144 Griffith Avenue, asked for a status update for the North Warren Avenue/King Street Multimodal Upgrade and the Woodland Avenue Streetscape projects. Borough Manager Bashore stated the North Warren Avenue project is under review by the Pennsylvania Department of Transportation (PennDOT) and the Woodland Avenue Streetscape project is in bid creation stage by the Borough Engineer. Both projects are anticipated to be completed in 2018.

c. Kelly Schmitt, 17 Channing Avenue, inquired when Warren Avenue between Roberts Lane and King Street will be repaved. Borough Manager Bashore stated he will have to check with Ira Dutter, Public Works Superintendent, and report back to Borough Council.

10. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 7-0, to adjourn the meeting at 8:47 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary