

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

January 17, 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 (Absent)  
Council Member Meisel  
Council Member Sinquett  
Mayor Burton

Council President Bramwell informed all present that copies of the agenda are available at the front entrance. Council President Bramwell stated that Public Forum was moved to the end of the agenda so Borough Council may conduct business, prior to hearing public comment. The public will be given an opportunity to offer comment for agenda items as they are discussed.

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. APPROVAL OF MINUTES:

A motion was made by Council Vice-President Uzman, seconded by Council Member Grossman and carried by a vote of 5-0, Council President Bramwell abstained for not being in attendance, to approve the minutes of the meeting held on Tuesday, December 20, 2016.

A motion was made by Council Vice-President Uzman, seconded by Council Member Grossman and carried by a vote of 6-0, to approve the minutes of the meeting held on Tuesday, January 3, 2017.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Arena, seconded by Council Vice-President Uzman and carried by a vote of 6-0 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 2016, as submitted.

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Council Member Grossman requested the Code Enforcement and Zoning Officer's Reports be consolidated into a table format as to provide a 'Snap Shot' of all current violations and their status through the remediation process. Borough Manager Bashore stated he will direct the Code Enforcement and Zoning Officer to adjust his reports accordingly.

### 5. BOROUGH COUNCIL COMMITTEE REPORTS:

#### a. Finance and Administration

Borough Manager Bashore stated the Finance and Administration Committee met on January 3, 2017. During their meeting, the Committee met with two (2) firms who submitted proposals for managing the Borough's pension funds: InR Advisory Services, LLC and Ellis Investment Partners, LLC. Discussion included background information on the respective firms, fees that would be charged, meetings with the Borough to advise on the status of the pension funds, actuarial interest projections, and the number of public plans currently being managed. Borough administration is currently conducting reference checks and will advise the Committee on the results.

#### b. Public Safety

Borough Manager Bashore stated there has not been meeting of the Public Safety Committee since the last the start of the New Year. The Committee may schedule a meeting prior to the February 21 Regular Meeting of Borough Council. Matters under the Committee's review include the proposed traffic calming project on Old Lincoln Highway and the traffic study funded by the Vision Partnership Program grant that the Borough received from Chester County.

#### c. Public Works

Borough Manager Bashore stated the Public Works Committee prior to tonight's January 17, 2017 Regular Meeting of Borough Council. Matters before the Committee included the North Warren Avenue Transit Safety Project, the Ruthland Avenue Pump Station Upgrade, the recent inspection of the bridge on Bridge Street prepared by Ingram Engineering Services, and the upgrade of the HVAC system for Borough Hall.

A motion was made by Council Vice-President Uzman, seconded by Council Member Arena and carried by a vote of 6-0, to accept the committee reports are presented by Borough Manager Bashore.

### 6. RESOLUTION NO. 727 – FEE SCHEDULE:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 6-0, to adopt Resolution No. 727, establishing fees for services of the Building/Zoning/Administration Departments of the Borough of Malvern.

### 7. AWARD BID – MONUMENT AVENUE TRAFFIC CALMING PROJECT:

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A motion was made by Council Member Meisel, seconded by Council Member Sinquett and carried by a vote of 6-0, to award the bid for the Monument Avenue Traffic Calming Project to Innovative Construction Services, of Folcroft, Pennsylvania, as the lowest responsible bidder, at a costs of \$23,892.00, as recommended by the Borough Traffic Engineer.

Borough Manager Bashore stated that construction is anticipated to begin in the spring, when the asphalt plants re-open for service.

### 8. OLD BUSINESS:

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

Council President Bramwell stated this agenda item is tabled.

### 9. NEW BUSINESS:

- a. 190 Pennsylvania Avenue – Request for Extension

Borough Manager Bashore stated before Borough Council is a request for an extension of the approval for the land development project at 190 Pennsylvania Avenue. Borough Council had previously granted a 90- day extension on June 21, 2016, and a 120-day extension on October 4, 2016. The Borough Engineer, Dan Daley, P.E., had previously reviewed and approved the drainage calculations. The Borough Engineer has found the stormwater calculations to be acceptable and has set the financial security amount at \$42,561.75. The Applicant is requesting an extension to July 19, 2017.

Alyson Zarro, Attorney for Angelo and Jayne Aras, 190 Pennsylvania Avenue was in attendance. She stated her clients are requesting that Borough Council grant an additional vesting period to July 19, 2017 to allow for the extension to execute all necessary agreements and post the required financial security pursuant to the Borough's regulations and the Municipalities Planning Code. In addition, the Aras' would work to resolve the outstanding issues related to the right-of-way along Pennsylvania Avenue.

A motion was made by Council Vice-President Uzman, seconded by Council Member Arena and carried by a vote of 6-0, to grant an extension request to the land development project, located at 190 Pennsylvania Avenue, to expire on July 19, 2017.

- b. Escrow Release Requests

- i. 347 Old Lincoln Highway – Release Request NO. 2

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 6-0 to release \$35,129.44 to Renehan Building Group for 347 Old Lincoln Highway as recommended by the Borough Engineer's letter dated, January 11, 2017.

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ii. 361 Old Lincoln Highway – Release Request NO. 4

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 6-0 to release \$9,600.00 to Renehan Building Group for 361 Old Lincoln Highway as recommended by the Borough Engineer's letter dated, January 11, 2017

c. Zoning Hearing Board

Borough Manager Bashore stated there is one (1) application pending before the Zoning Hearing Board for 156 West King Street. The applicant is proposing a 3-story renovation and addition of an existing apartment building. The applicant met with the Planning Commission at their January 5, 2017 meeting to discuss the proposed project. The applicant is seeking a Special Exception pursuant to Article XXVIII of the Borough's Zoning Ordinance to expand a non-conforming use. The applicant will also need a variance to allow for ground-level apartments in the C-2 zoning district where commercial is required. A hearing has been scheduled for February 22, 2017 in order to adhere to the 60-day requirement of the Municipalities Planning Code.

10. 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. John Buckley, 165 Church Street, asked for an apology from Police Chief Marcelli for comments made after the January 3, 2017 Meeting of Borough Council.

Council President Bramwell stated he is not aware of such comments, nor does he think this forum is the appropriate time to address Mr. Buckley's statement.

Mayor Burton stated that he did speak with Mr. Buckley regarding the comments made by Police Chief Marcelli and he has followed up with Chief Marcelli regarding his comments.

11. ADJOURNMENT:

At 8:02 p.m. Council President Bramwell stated Council will adjourn to Executive Session to discuss legal and personnel matters.

Council President Bramwell reconvened the public meeting at 9:09 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 9:10 p.m.

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Respectfully submitted,

Neil G. Lovekin  
Assistant Secretary