

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

January 21, 2020
7:30 P.M.

PRESIDING: Council President Finkbiner

INVOCATION: Council Member Laney

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL

PRESENT

Council President Finkbiner
Council Vice-President Grossman
Council Member Bones
Council Member Laney
Council Member Meisel
Council Member Phillips

ABSENT

Council Member Raynor
Mayor Burton

2. APPROVAL OF AGENDA

A motion was made by Council Vice-President Grossman, second by Council Member Phillips, and carried by a vote of 6-0, to approve the agenda for January 21, 2020 as presented.

3. ANNOUNCEMENTS

a. Recording of the Meeting

Council President Finkbiner asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting.

No member of the audience identified themselves as recording the meeting.

b. Upcoming Events

i. Randolph Woods Master Plan Ad Hoc Committee Meeting

Council President Finkbiner stated the next meeting of the Committee is scheduled for January 28, 2020 at 6:00 p.m. at the Borough Hall. Topics of discussion are to include identifying short and long –term goals for the draft Master Plan.

ii. Suicide Prevention Training

Council President Finkbiner stated that the Malvern Public Library, in conjunction with the QPR Institute will be hosting a suicide prevention workshop on Tuesday, January 28, 2020 at 6:00 p.m. This free event will provide evidence-based training to prepare people to perform Question, Persuade, and Refer (QPR) with confidence and ease. If this event is cancelled due to weather, the program will be held on February 11, 2020.

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iii. Emergency Preparedness Seminar

Council President Finkbiner stated that Nora LoGiudice, Emergency Management Coordinator, will be conducting a free disaster preparedness class on Saturday, February 8, 2020 at 10:00 a.m. at the Borough Hall.

Council Member Laney stated she met with Nora LoGiudice to review the Emergency Operations Plan and to discuss what components should be in her three (3) day 'Emergency Preparedness Kit.'

Nora LoGiudice recommended that the Borough Council consider conducting an exercise that would test the Borough's emergency response procedures.

Council President Finkbiner stated that the Chester County Department of Emergency Services is participating in the annual statewide weather emergency exercise on Thursday, March 26, 2020, and that Borough Council may want to be a participant as well.

c. Executive Session

Council President Finkbiner stated that the Borough Council will be conducting an executive session immediately after the conclusion of tonight's Regular Meeting of Borough Council to discuss legal and personnel matters.

4. APPROVAL OF MINUTES

A motion was made by Council Vice-President Grossman, second by Council Member Phillips, and carried by a vote of 6-0, to approve the minutes of the meetings held on Monday, January 6, 2020 (Organizational Meeting), and January 6, 2020 (Regular Meeting) as amended.

5. APPROVAL OF REPORTS

A motion was made by Council Member Meisel, second by Council Vice-President Grossman, and carried by a vote of 6-0 to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works, the Chief of Police Report, the Code Enforcement Department 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 2019 as submitted.

6. BOROUGH COUNCIL COMMITTEE REPORTS

a. Finance & Administration

Borough Manager Bashore stated the Finance & Administration Committee met prior to this evening's Regular Meeting of the Borough Council. Discussion items before the Committee include a review of the year-end report for the Police and Non-Uniform Pension Plans, the

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Borough's trash and recycling collection contract, and potential amendments to the Borough's Administrative Code pertaining to the sale of surplus property.

b. Public Safety

Borough Manager Bashore stated the Public Safety Committee has scheduled a meeting for January 28, 2020. Information from that meeting will be included in the materials for the February 18, 2020 meeting of Borough Council.

c. Public Works

Borough Manager Bashore stated the Public Works Committee will be scheduling a meeting for the first quarter of 2020.

7. SPECIAL BUSINESS

a. Resolution No. 803 – Adoption of Emergency Operations Plan for the Borough of Malvern

Borough Manager Bashore stated this resolution would adopt an updated Emergency Operations Plan (EOP) for the Borough of Malvern. The updated EOP was prepared by the Borough's Emergency Management Coordinator, Nora LoGiudice, and presented at the January 6, 2020 meeting of Borough Council. The plan was reviewed by the Public Safety Committee at their meeting on October 24, 2019. Prior to being submitted to the committee, it was reviewed by Neil Lovekin, Assistant Borough Manager, and comments were provided. The committee requested a review by Chief Marcelli. Comments were received and incorporated into the plan before Borough Council this evening.

A motion was made by Council Vice-President Grossman, second by Council Member Bones, and carried by a vote of 6-0, to adopt Resolution No. 803, adopting the Emergency Operations Plan for the Borough of Malvern.

b. Ordinance No. 2020-1: Amendment to Chapter 25 (Administrative Code) and Chapter 48 (Shade Tree Commission) of the Malvern Borough Code of Ordinances

i. Public Hearing

Council President Finkbiner announced that Borough Council will now open a public hearing to consider Ordinance No. 2020 – 1. The proposed ordinance would move certain sections from the Administrative Code to the Shade Tree Commission chapter, as well as clarify certain provisions in the Shade Tree Commission chapter.

The proposed ordinance was advertised in the January 8, 2020 edition of the Daily Local News as required, as well as posted on the Malvern Borough website.

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Wendy McLean, Esq., Borough Solicitor, stated the amendment for Chapter 48, Shade Tree Commission, will provide for a fair and objective evaluation process for determining the health of shade trees. Borough Solicitor McLean noted that both the current ordinance and the one before Borough Council this evening outline the Shade Tree Protection areas as the public right-of-way, plus an additional ten (10) feet.

Council Vice-President Grossman stated that she was concerned about limiting residents' ability to perform maintenance or removal of trees on their property. Council Vice-President Grossman noted concerns regarding the potential risks that dead/diseased trees may pose to property owners, highlighting experiences with a tree on her property.

Council Member Bones said as a member of the Shade Tree Commission, it was important that the Commission have an objective rating system based on an approved industry standard. Trees have a 'Value' to not just the property owner but also to the neighborhood.

Fran Givnish, 24 Monument Avenue, questioned why he was denied by the Shade Tree Commission to remove two (2) shade trees on his property that were in poor health and dropping limbs. Mr. Givnish noted concerns with larger trees, highlighting a tree failure that occurred on a neighboring property during an ice storm a few years ago.

Wendy McLean, Esq., Borough Solicitor, clarified that the Shade Tree Commission did not deny his request, rather the Commission requested a professional arborist provide a report detailing the condition of the trees' health. Mr. Givnish may remove the two (2) trees, at his own risk, with the understanding that the Shade Tree Commission could require replacement trees to be planted.

There being no further public comment, Council President Finkbiner closed the public hearing.

ii. Adoption of Ordinance No. 2020-1

A motion was made by Council Member Bones, second by Council Member Laney, and carried by a vote of 5-1, Council Vice-President Grossman voted against, to adopt Ordinance No. 2020 – 1, amending Chapters 25 and 48 of the Malvern Borough Code of Ordinances in to move certain sections from Chapter 25 to Chapter 48 and re-enact, with amendments, Chapter 48 to clarify and incorporate provisions previously contained in Chapter 25.

8. UNFINISHED BUSINESS

Council President Finkbiner stated there were no items of Unfinished Business for discussion.

9. NEW BUSINESS

a. Zoning Hearing Board

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Borough Manager Bashore stated there are no new applications before the Zoning Hearing Board.

10. PUBLIC FORUM

Council President Finkbiner stated that Borough Council will now take comment from the public on any item not on the agenda.

John Buckley, 165 Church Street, asked for clarification regarding the attendance of the Borough Mayor. Borough Manager Bashore stated that the Home Rule Charter does not impose attendance requires as are in place for the Borough Council Members.

11. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice-President Grossman, seconded by Council Member Meisel, and carried by a vote of 6-0, to adjourn the meeting at 8:01p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Manager/Asst. Secretary