

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

January 3, 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. Patti Rossiter, 241 Miner Street, introduced Damian Parsons as the Republican Committee Man for Malvern Borough.

b. John Buckley, 165 Church Street, asked for an update regarding the donation boxes that were at Kohlerman's Pharmacy during the 2016 Holiday Season.

Police Chief Marcelli stated the donation boxes have been in use for over a decade, the Malvern Fire Company & St. Patrick's Church have been placing collection boxes at Worrell's Butcher Shop and Kohlerman's Pharmacy. The money donations are used to purchase gifts for approximately 11 families, located in the Malvern area. None of the funds collected are used by the fire dept. or the church.

4. RESOLUTION NO. 725 – FINAL LOT LINE CHANGE PLAN FOR 547 S. SUGARTOWN RD / 644 HIGHLAND AVE:

Borough Manager Bashore stated the proposed Resolution No. 725, is for a lot line change that borders the properties of 547 South Sugartown Road and 644 Highland Avenue. This

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lot line change has been recommended for approval by the Planning Commission subject to the conditions identified by the Borough Engineer.

Amy Meisinger, applicant and owner of 574 S. Sugartown Road summarized her justification for the proposed lot line change, citing irregular lot formation and conformance with her deed.

A motion was made by Council Vice-President Uzman, seconded by Council Member Siquett and carried by a vote of 7-0 to approve adopt Resolution No. 725, to approve, subject to conditions, the plan entitled "Final Lot Line Change Plan for Amy A. Meisinger 547 S. Sugartown Road, Malvern, PA 19355" prepared by Site Engineering Concepts, LLC., dated September 27, 2016, submitted by Amy Meisinger pursuant to the Malvern Borough Subdivision and Land Development Ordinance of 2006, as amended ("Land Development Ordinance") for a lot line change involving parcels at 547 S. Sugartown Road (Parcel ID # 2-6-25) and 644 Highland Avenue (Parcel ID # 2-6-25.1) located in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the R-2 zoning district.

5. RESOLUTION NO. 726 – ESTABLISHING THE AD HOC RANDOLPH WOODS COMMITTEE:

Borough Manager Bashore stated the purpose of the Committee shall be to investigate and report to Borough Council, in writing, upon the following matters:

- a. The historical use(s) of Randolph Woods
- b. The current use(s) of Randolph Woods
- c. Legal or practical constraints upon the use of Randolph Woods.
- d. A professional survey of the lands owned by the Borough and encroachments by others together with photographic documentation of the same.
- e. A comprehensive analysis of potential future use(s) of Randolph Woods and the respective benefits and challenges associated with each such use.
- f. A comprehensive statement of capital costs and operating expenses associated with any potential future use(s).
- g. A comprehensive series of recommendations for the future use(s) of Randolph Woods and any specific capital improvements to be made in relation thereto, together with a rationale for such recommendations.

Borough Manager Bashore stated the Committee shall include at least one (1) active member of the following bodies (one person may satisfy multiple requirements as may be the case): 1) Borough Council; 2) Borough's Planning Commission; 3) Borough's Historic Commission; 4) Borough's Parks and Recreation Committee; 5) Borough Council's Public Safety Committee.

A motion was made by Council Member Siquett, seconded by Council Vice-President Uzman and carried by a vote of 7-0 to adopt Resolution No. 726, establishing the ad hoc Randolph Woods Committee to evaluate potential uses of the lands owned by the Borough and commonly referred to as Randolph Woods.

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6. PRESENTATION – PAOLI BATTLEFIELD PRESERVATION FUND – 2017 CALENDAR OF EVENTS:

Bruce Knapp, President of the Paoli Battlefield Preservation Fund (PBPF) provided Borough Council with the Fund's 2016 Annual Report. Highlights of the report included:

- I. Paoli Battlefield Historical Park (PBHP) Grounds
 - a. Joint Borough PBPF Project - Complete Boundary Survey & Markers
 - i. Survey Completed - Budgeted Funding jointly paid by Borough & PBPF
 - ii. Above-Ground markers designed and purchased by PBPF from (West First Avenue and Remington Road)
 - iii. Department of Public Works to install markers in Spring, 2017

Council Member Grossman asked Mr. Knapp how high the markers are and who will be responsible for maintain (e.g. Lawn mowing). Bruce Knapp stated the markers are approximately 2 feet in height from ground-level and are for visitors of the Battlefield to gain a visual reference to the overall size of the battlefield. The markers will be maintained by the Paoli Battlefield Preservation Fund as the markers reside on its property and the grass around the markers will be maintained by the Borough's Public Works Department.

Council President Bramwell asked Mr. Knapp if markers are planned to be placed on Monument Avenue towards the little league fields. Bruce Knapp stated no markers are planned to be installed on Monument Avenue.

Frank Ortner, 144 Griffith Avenue, a member of the Paoli Battlefield Preservation Fund stated the parcel shaped like a triangle, west of the Little League fields is also owned by the Fund.

- b. Trail, Fence Lines & Field Maintenance
 - i. Shade Tree Commission and Public Works Department did excellent work on addressing safety issues and regular maintenance through the year.
 - ii. Repaired/Replaced broken fence rails
 - c. 2017 Proposed Actions:
 - i. Move snake fence to reconfigure demonstration area
 - ii. Addition of "Broken Wheel Cannon" (replica) to illustrate major battle feature
 - iii. Trail & Wooden Bridge Condition by swampy area – repair/replace for safety of Paoli Battlefield Events
- II. 4th Annual Paoli Battlefield Heritage Day (Sept. 23, 2016)
 - a. Nearly 500 attendees, 100 re-enactors, over 40 historic organizations sites, authors, and entertainers onsite. Donations & sponsorships (including Malvern Borough) covered most costs. PBPF covered remainder.

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- b. Special dedication of new monument on Paoli Memorial Grounds for war veterans

- III. Two (2) Paranormal Tours brought in significant donation funds.
- IV. PBPF co-sponsored and hosted a number of other events on the PBHP properties with other Borough groups (i.e. Easter Egg Hunt, races, marathons, Memorial Parade) and participated in both Borough & Malvern Business & Professional Association events by monetary support and active participation in events.
- V. Revolutionary Lecture Series - at General Warren Inne continues its popularity into its 7th year. Malvern Borough sponsors it by coverage in on its website, news releases, and bulletin boards.
- VI. 2017 Events - Borough Sponsorship Requested
 - a. 240th Anniversary Heritage Day & Battle of Paoli Re-Enactment (9/23/2017)
 - b. Heritage Day extended into early evening for re-enactment
 - c. First Re-enactment since 2002
 - d. Other Special Activities Planned
 - e. Paranormal Tours (from 2 to 4 separate tours planned starting May 20, 2017)
 - f. Special "Woman in History" Event- Saturday - May 13, 2017 at the PBHP Girl Scouts inspired by our Heritage Day Timeline event
 - g. Town Tours & Village Walks - Thursday - August 10, 2017 In conjunction with Malvern Historical Commission at the PBHP
 - h. Revolutionary Lecture Series - at General Warren Inne
 - i. PBPF Activities at Malvern Borough & MBPA Events
- VII. American Battlefield Protection Program (ABPP) & National Historical Landmark (NHL).
 - a. PBPF spent \$19,616.10 on consultants' fees in 2016 for the Grant - all of which has been reimbursed by ABPP. Due to extended NHL Process, ABPP granted a one-year extension of the grant period (however no additional funds provided). Basis of NHL approved by National Park Service's National NHL office. Full submission of NHL package planned for 1st Quarter 2017 (will be over 100 pages long). Additionally, PBPF is submitting updated National Register of Historic Places to increase its level of significance from "Local" in original 1997 to "National" level.
 - b. This grant has uncovered previously unrecognized national significance of the Paoli Massacre and the "Remember Paoli" battle cry. It played a continuing role signifying a national ideal and was used in both educational and political realms.
 - c. NHL status timeline is still slated to the end of 2017. PBPF has secured the direct support of Senators Casey and Toomey and Congressman Costello in support and focus on getting this completed.

- VIII. Archeology at the Battlefield
 - a. Archaeologist Matt Kalos, a Temple University Doctoral Candidate has been working on the Paoli Battlefield. He conducted public archaeology at

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the Bowen Farm complex ruins and has made well-received presentations at national archaeology conferences. He currently has custody of the hundreds of artifacts and his findings will be provided to PBPF & Malvern Borough this year. The artifacts will be returned to Malvern Borough for future research, display and public education. His dissertation should be completed this year. Matt has also managed the Valley Forge NHP public archaeology programs in the past years.

- IX. The Paoli Battlefield Preservation Fund thanks Borough Council for its strong support, both financially and administratively.

7. OLD BUSINESS:

- a. Ordinance 2016-2: Issuance of Non-Electoral Debt

Council President Bramwell stated this item was tabled.

- b. Board & Committee Appointments

A motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and carried by a vote of 7-0 to re-appoint Joseph Rubino, 1 Raffaella Drive, to the Zoning Hearing Board for a three (3) year term, to expire on January 1, 2020.

A motion was made by Council Member Lexer, seconded by Council Member Arena and carried by a vote of 6-0, Carroll Sinquett abstained, to re-appoint Carroll Sinquett, 223 Green Street, to the Planning Commission for a four (4) year term, to expire on January 1, 2021.

A motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and carried by a vote of 7-0 to re-appoint Sharon Shepard, 103 Old Lincoln Highway, to the Parks & Recreation Committee for a five (5) year term, to expire on January 1, 2022.

A motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and carried by a vote of 7-0 to re-appoint Catherine Raymond, 6 Karen Drive, to the Historical Commission for a five (5) year term, to expire on January 1, 2022.

A motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and carried by a vote of 7-0 to authorize Borough Manager Bashore to advertise the one (1) vacancy for the Historical Commission.

8. NEW BUSINESS:

- a. Discussion – Meeting Attendance

Borough Solicitor Christakis provided a summary of the Home Rule Charter, Section 211. Forfeiture of Office, specifically the failure of a Council Member to attend three (3) consecutive Regular Meetings of the Council or forty percent (40%) of all scheduled Council

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meetings in a twelve (12) months period. Mr. Christakis stated in 2016, when Council returned to all Regular Meetings and eliminated Work Sessions, it increased the probability of attendance becoming a conflict for Council Members' schedules.

Borough Solicitor Christakis stated Borough Council must follow the Home Rule Charter by holding a public hearing and determine by resolution whether the office of the Member of Council has been forfeited for cause. Notice of such public hearing with the purpose, date, time and place thereof shall be advertised at least once in one (1) or more newspapers of general circulation, not more than thirty (30) days or less than ten (10) days prior to the hearing. Council has to send notice by registered mail to the named Member of Council not less than thirty (30) days prior to the hearing. The Member of Council and other interested parties shall be given an opportunity to testify at such public hearing. No later than the next Regular Meeting of Council, Council shall at a public hearing, by the affirmative vote of four Members of Council, render its decision as to whether or not it has been demonstrated and proven that the office of Member of Council has been forfeited for cause.

Kelly Schmitt, 133 Church Street, stated her father served on Borough Council and held the position of President for years and does not recall her father's attendance being called into question. Therefore, Borough Council should follow the procedure outlined in the Home Rule Charter to conduct a public hearing.

Frank Ortner, 144 Griffith Avenue, stated as a former Member of Council he understands the time and dedication required of Council Members, not just the Public Meetings but the time necessary for various committees, meeting preparation, and public events. Council should weigh not just the attendance at Public Meetings, but also the time spent outside of the Meetings.

Catherine Raymond, 6 Karen Drive, stated as a former Member of Council she appreciates the time commitment of all past and present Council Members necessary to be an effective public official. She believes the Home Rule Charter should be followed as it is the Borough's official procedure.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 6-0, Council President Bramwell abstained, to authorize Borough Manager Bashore to advertise a Public Hearing to be conducted on Tuesday, February 7, 2017 for the purposes addressing Home Rule Charter, Section 211. Forfeiture of Office regarding Council President Bramwell's attendance for the 2016 Calendar Year.

b. Malvern Borough website – Communication Policy

Council President Bramwell requested each Council Member state if they plan to use a "@malvern.org" email account for communication purposes.

<u>COUNCIL MEMBER</u>	<u>DECISION</u>	<u>EMAIL</u>
Council President Bramwell	Yes	dbramwell@malvern.org
Council Vice-President Uzman	Yes	zuzman@malvern.org

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Council Member Arena	Yes	carena@malvern.org
Council Member Grossman	Yes	jgrossman@malvern.org
Council Member Lexer	Yes	tlexer@malvern.org
Council Member Meisel	Yes	jmeisel@malvern.org
Council Member Sinquett	Yes	csinquett@malvern.org

Catherine Raymond, 6 Karen Drive, stated as a member of the Historical Commission she would like to have a “@malvern.org” email account. Borough Manager Bashore stated he will check with the Borough’s technology consultant for access.

c. PECO Gas – Service Contract for Borough Hall

Borough Manager Bashore provided a summary of the actions that have led to this service contract. In 2016, the Borough had two (2) studies completed of Borough Hall: an engineering study of potential upgrades to the HVAC system and an energy audit of the building, which included considerations for the HVAC system. Both studies recommended replacement of the existing oil-feed boiler with a high-efficiency natural gas boiler. The energy audit completed by Practical Energy Solutions estimates that this conversion would result in a projected savings of \$9,700 in the Borough’s utility costs. In addition, PECO encourages natural gas conversions and offers \$1,000 rebates for service line installations, an additional \$300 rebate for converting from oil to natural gas, and possible utility bill credits. There is \$160,000 in the 2017 Capital Reserve Fund budget for this project from the Borough’s 2002 and 2013 bond issues. During discussion of the replacement/upgrade of Borough Hall’s HVAC system, the Public Works Committee recommended having the service facilities installed first so that the connection to the line in the street is readily available when the boiler is replaced. Gas lines are located in Channing Ave. and First Ave. In order to have the facilities installed, the Borough will need to enter into a natural gas service agreement with PECO. The contractor selected to complete the work will be responsible to run the service line from Borough Hall to gas connection in the street.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 7-0 to authorize Borough Manager Bashore to be the Borough Representative for purposes of entering into a natural gas service agreement with PECO with the intent of installing a gas boiler to replace an aging oil boiler.

d. Zoning Hearing Board

Borough Manager Bashore stated the scheduled Zoning Hearing Board meeting of Monday, January 23, 2017 has been cancelled due to no pending applications. The next scheduled meeting is Monday, February 27, 2017.

9. 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 8:55 p.m.

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Respectfully submitted,

Neil G. Lovekin
Assistant Secretary