

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

January 6, 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
Council Member Raynor

ABSENT

Mayor Burton

2. APPROVAL OF AGENDA

A motion was made by Council President Finkbiner, second by Council Member Raynor, and carried by a vote of 7-0, to approve the agenda for January 6, 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. Board & Committee Resignation – Parks & Recreation Committee

Borough Manager Bashore stated Michael Panuschka of the Parks & Recreation Committee has submitted his resignation in an email dated December 28, 2019 as he has moved out of the Borough. The vacancy will be advertised on the Malvern Borough website and the individual appointed shall fill a term set to expire on January 1, 2021.

4. APPROVAL OF MINUTES

A motion was made by Council Vice-President Grossman, second by Council Member Phillips, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, December 17, 2019 as amended.

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5. SPECIAL BUSINESS

a. Resolution No. 798 – Chester County Tax Collection Committee

A motion was made by Council Member Phillips, second by Council Member Laney, and carried by a vote of 7-0, to adopt Resolution No. 798, a Resolution appointing a primary delegate and two alternate delegates to the Tax Collection Committee for Act 32, the collection of local earned income tax and possibly other taxes.

The following individuals have been appointed as representatives to the Chester County Tax Collection Committee: Christopher Bashore (primary delegate), Neil Lovekin (first alternate delegate), and Mary Lou Whitcomb (second alternate delegate).

b. Resolution No. 799 – Check Signing Requirements On All Accounts For The Accounts For The Borough of Malvern

A motion was made by Council Member Raynor, second by Council Vice-President Grossman, and carried by a vote of 7-0, to adopt Resolution No. 799, establishing four (4) authorized signers on all bank accounts of the Borough of Malvern and requiring three (3) signatures on all checks on Borough accounts. The three (3) signatures will consist of one (1) member of Borough Council, the Borough Secretary/Manager, and the Borough Treasurer.

The following individuals have been appointed as authorized check signers on all bank accounts for the Borough of Malvern: Christopher Bashore (Borough Secretary/Manager), Mary Lou Whitcomb (Borough Treasurer), Amy Finkbiner, Ph.D. (President of Borough Council), and Marty Laney (Member of Borough Council).

c. Resolution No. 800 – Schedule of Fees

Borough Manager Bashore stated the proposed fee schedule is the same as 2019, except for the addition of fees for a Shade Tree Removal Permit, Special Event Permit, and Special Duty Police Officers.

A motion was made by Council Member Meisel, second by Council Member Laney, and carried by a vote of 7-0, to adopt Resolution No. 800, establishing fees for services of the Building/Zoning/Administration Departments of the Borough of Malvern.

d. Resolution No. 801 – Police Pension Plan Officers

A motion was made by Council Vice-President Grossman, second by Council Member Phillips, and carried by a vote of 7-0, to adopt Resolution No. 801, authorizing officers of the Borough of Malvern to act on behalf of the Borough of Malvern Police Pension Fund in connection with InR Advisory Services, LLC.

The following individuals have been appointed as Police Pension Plan Officers: Christopher Bashore (Borough Secretary/Manager), Mary Lou Whitcomb (Borough Treasurer),

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Amy Finkbiner, Ph.D. (President of Borough Council), and Marty Laney (Member of Borough Council).

e. Resolution No. 802 – Non-Uniformed Pension Plan Officer

A motion was made by Council Vice-President Grossman, second by Council Member Laney, and carried by a vote of 7-0, to adopt No. 802, authorizing officers of the Borough of Malvern to act on behalf of the Borough of Malvern Non-Uniformed Pension Fund in connection with InR Advisory Services, LLC.

The following individuals have been appointed as Non-Uniformed Pension Plan Officers: Christopher Bashore (Borough Secretary/Manager), Mary Lou Whitcomb (Borough Treasurer), Amy Finkbiner, Ph.D. (President of Borough Council), and Marty Laney (Member of Borough Council).

6. UNFINISHED BUSINESS

Council President Finkbiner stated there was no unfinished business to discussion.

7. NEW BUSINESS

a. Borough Council Committee Appointments

Borough Manager Bashore stated Section 25-11 of the Malvern Borough Administrative Code authorizes the President of Borough Council to establish standing and ad hoc committees. Borough Council traditionally organizes three (3) standing committees consisting of three (3) members each.

i. Finance & Administration

Council President Finkbiner
Council Vice-President Grossman
Council Member Laney

ii. Public Safety

Council Member Meisel
Council Member Phillips
Council Member Raynor

iii. Public Works

Council President Finkbiner
Council Member Bones
Council Member Meisel

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b. Presentation – Nora LoGiudice (Emergency Management Coordinator) – Malvern Borough Emergency Operations Plan

Borough Manager Bashore stated that Nora LoGiudice is before Borough Council this evening in order to present an update to the Borough's Emergency Operations Plan. 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. The plan must be adopted by February 2020.

Nora LoGiudice, Emergency Management Coordinator, clarified what the role is for the Borough Councilors if an emergency should impact the Borough. She identified that the Police Department in the Borough Hall is the primary location for the Borough's Emergency Operations Center and the Malvern Fire Company is the back-up location.

Nora LoGiudice announced that she will be conducting a disaster preparedness workshop titled, 'When Are You Vulnerable' on Saturday, February 8th at 10:00 a.m. in the Borough Hall. Borough Manager Bashore stated that the workshop will be posted on the Borough's website, shared via email through Constant Contact, and included in the upcoming edition of 'The Borough Broadcaster.'

John Buckley, 165 Church Street, encouraged Nora LoGiudice to consider identifying ways for residents without smartphones and computers to be notified of a disaster, and what emergency measures may need to be taken.

c. Discussion – Environmental Advisory Council

Borough Manager Bashore stated Malvern Borough Council established an Environmental Advisory Council through the adoption of Ordinance No. 2019 – 10.

Borough Council considered appointments of the inaugural members of this new body to include certain members from the ad hoc committee and to publically advertise for volunteers to increase the applicant pool.

Borough Manager Bashore will place an ad in the Daily Local, post the ad on the Borough's website, include an article in the upcoming 'Borough Broadcaster,' and sent an announcement through the Constant Contact system.

d. Escrow Release Request – 13 Lovers Lane – Release Request #1

A motion was made by Council Vice-President Grossman, second by Council Member Raynor, and carried by a vote of 7-0, to approve Escrow Release Request #1 for the approved subdivision and land development project under construction at 13 Lovers Lane in the

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amount of \$13,912.00 based on the recommendation of the Borough Engineer dated December 30, 2019.

- e. Proposed amendments to Chapters 25 and 48 of the Malvern Borough Code of Ordinances

A motion was made by Council Member Phillips, second by Council Member Laney, and carried by a vote of 7-0, to authorize the advertisement of proposed Ordinance No. 2020 – 1 for a public hearing and possible adoption to amend chapters 25 (Administrative Code) and 48 (Shade Tree Commission) in order to address inconsistencies between these two (2) sections. The proposed ordinance has been reviewed by the Shade Tree Commission.

- f. Zoning Hearing Board

Borough Manager Bashore stated there are no new applications before the Zoning Hearing Board. The Zoning Hearing Board heard an application for 33 Daisey Lane on December 23, 2019. The applicant was seeking a Special Exception pursuant to section 220-601.B.(3) and 220-2412.B. of the Borough's Zoning Ordinance in order to operate a major home occupation at the residence. At the December 23, 2019 meeting, the Zoning Hearing Board voted to grant the requested Special Exception.

8. 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 swearing-in of elected officials and the use of the Bible. Borough Solicitor McLean stated that the state legislation does not require an elected official to swear on a Bible, rather to verbal confirm to uphold the laws of the State and the Borough of Malvern.

Sara Bones, 25 High Street, asked for clarification of what constituents as a 'Major Home Occupation' as defined in the Malvern Borough Zoning Ordinance. Borough Manager Bashore stated a 'Major Home Occupation' allows for a business to operate out a residence with an employee onsite, by Special Exception granted by the Malvern Borough Zoning Hearing Board.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice-President Grossman, seconded by Council Member Laney, and carried by a vote of 7-0, to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Manager/Asst. Secretary