

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

July 17, 2018
7:30 P.M.

PRESIDING: Jamie S. Grossman, President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:

PRESENT:

Council President Grossman
Council Vice-President Uzman
Council Member Laney
Council Member Raynor
Council Member Sinquett
Mayor Burton

ABSENT:

Council Member Finkbiner
Council Member Meisel

Council President Grossman announced that Borough Council met in Executive Session prior to this evening's meeting to discuss matters pertaining to litigation.

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 Raynor, and carried by a vote of 5-0, to approve the minutes of the meeting held on Tuesday, June 19, 2018, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 5-0, 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 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 June 2018, as submitted.

5. BOROUGH COUNCIL COMMITTEE REPORTS:

a. Financial & Administration

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Council Vice-President Uzman stated the Finance & Administration Committee met earlier this evening, prior to tonight's meeting of Borough Council. Matters discussed by the Committee included a review representatives from InR Advisory Services, LLC. to review the second quarter performance of the Police and Non-Uniform Pension funds, reviewed references for proposals for a second 457 plan option for Borough employees, and discussed investment options for Borough funds.

b. Public Safety

Borough Manager Bashore stated the Public Safety Committee last met on June 21, 2018. The Committee continued their review of the first draft of the *Malvern Borough-wide Multimodal Transportation Study* and its recommendations. Based on this review, comments were forwarded to the Borough Traffic Engineer for consideration.

c. Public Works

Council Member Sinquett stated the Public Works Committee last met on July 16, 2018. Items of discussion included the 2018 paving program and the Ruthland Ave. Pump Station project. The Committee also reviewed, via email, information pertaining to proposed equipment purchases for the Public Works Department. In addition, the Committee is reviewing a list prepared by the Superintendent of Public Works of potential paving projects and cost estimates have been provided by the Borough Engineer.

6. APPOINTMENT OF FULL-TIME POLICE OFFICER – DANIEL SHERIDAN:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 5-0, to appoint Daniel Sheridan as a full-time officer with the Malvern Police Department effective July 20, 2018.

7. PRESENTATION – JOHN DOUGHTY – PROPOSED EAGLE SCOUT SERVICE PROJECT:

Borough Manager Bashore stated that John Doughty is a member of Boy Scout Troop 7 and resident of Malvern Borough. He and his father, William Doughty, presented a proposed Eagle Scout Service Project. Mr. Doughty is proposing to install a handicapped ramp at Quann Park that will provide a handicapped accessible route to the basketball courts where one does not currently exist. The plan proposes the construction of a 120' x 4' asphalt path with a handrail that would lead to a 19' x 4' wooden ramp to the basketball court on the southern end. Mr. Doughty has met with Bill Wilfong, Building & Code Enforcement Official, to fully understand the Accessibility Code.

Questions related to the project included the potential relocation from the existing fence, stormwater management, grading, and the location of the handrail for the proposed ramp as it relates to the basketball court. Borough Council requested additional information from the Borough Engineer and Building & Code Enforcement Official prior to taking action.

Borough Council thanked Mr. Doughty for his presentation.

8. UNFINISHED BUSINESS:

a. Update – Backyard Poultry

Borough Manager Bashore stated before Borough Council this evening is a proposed Zoning Ordinance amendment to section 220-2312 of the Borough's Zoning Ordinance. This section pertains to the keeping of animals and livestock and would address the requirements for the keeping of backyard poultry. At their meeting on June 21, 2018, the Planning Commission voted to recommend the proposed ordinance amendment to Borough Council. The proposed ordinance before Borough Council would address the following: 1) Limit the types of properties where chickens and ducks may be kept to single-family detached dwelling and two-family semidetached dwelling (twin) units within a residential district; 2) Require a predator-proof enclosure that is located no less than 10 feet from any lot line and at least 12 square feet, but no larger than 32 square feet; and 3) Limit the number of birds to no more than four (4) and prohibiting the keeping of roosters.

Borough Council directed the Borough administration is to forward the ordinance to the Chester County Planning Commission for review pursuant to the Municipalities Planning Code.

b. Proposed Zoning Map Amendment – Proposed rezoning of certain parcels from the R-4 to I-4 zoning districts

Borough Manager Bashore stated before Borough Council this evening is a draft ordinance to rezoning certain parcels currently in the R-4 – Residential zoning district to the I-4 – Institutional zoning district. This proposed rezoning is related to the current land development application for St. Patrick's Roman Catholic Church currently under review by the Planning Commission. The draft ordinance was prepared by Kelly Sullivan, Esq., legal counsel for St. Patrick's Roman Catholic Church.

Danny Fruchter, 234 Channing Avenue, asked for clarification regarding the process for re-zoning the parcels St. Patrick owns verses the land development application for the school addition. Borough Solicitor McLean summarized the process for each application.

Borough Council directed the Borough administration is to forward the ordinance to the Chester County Planning Commission for review pursuant to the Municipalities Planning Code.

9. NEW BUSINESS:

a. Paoli Battlefield Preservation Fund – Heritage Day – Request for Approval for Beer Garden

Jim Christ and Bruce Knapp presented a request to host a 'Beer Garden' on behalf of the

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Paoli Battlefield Preservation Fund as part of the organization's Heritage Day event on September 22, 2018. Locust Lane Brewery and Chadds Ford Winery would be the vendors providing the beer and wine, in addition to the usual food trucks and other vendors.

Mr. Christ stated Locust Lane Brewery and Chadds Ford Winery both comply with the Responsible Alcohol Management Program (RAMP) as required by the 2016 Pennsylvania Liquor Code.

Council Member Laney asked if emergency medical personnel will be onsite during Heritage Day. Bruce Knapp stated the Malvern Fire Company will have an ambulance onsite with emergency personnel on-hand to render any necessary assistance. In addition, the Red Cross will be staffing a tent and the Malvern Fire Company's Fire Police will be directing traffic and managing parking during the event. Mr. Knapp stated the event will have recycling containers onsite so the Borough can claim the tonnage towards its recycling grant.

Frank Ortner of the Paoli Memorial Association (PMA) stated the PMA supports the Heritage Day by allowing the use of its land for the event.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 5-0, to approve the request of the Paoli Battlefield Preservation Fund for a 'Beer Garden' as part of their annual Heritage Day event on September 22, 2018, conditioned on the Borough of Malvern being named as an additionally insured on the providers' (Locust Lane Brewery and Chadds Ford Winery) insurance policies.

b. Herzak Memorial Park Basketball Court – Parking Lot Paving

Borough Manager Bashore stated before Borough Council this evening is a quote from Willistown Contractors to repave the parking lot for the basketball court on Old Lincoln Highway. As Borough Council is aware, the Public Works Department has been working to enhance the basketball court on Old Lincoln Highway (Herzak Memorial Park). We have purchased new backboards and nets, re-stripped the court, and updated the benches. The quote for this work is for \$4,750. Please note that this would be for the eastern parking area as the western parking area is currently paved. The Public Works Committee reviewed the proposal and recommends proceeding with the work.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 5-0, to authorize Willistown Contractors to repave the parking lot for the basketball court on the Herzak Park in the amount of \$4,750.00.

c. Equipment Purchase – 2-ton Asphalt Hot Box

Borough Manager Bashore stated before Borough Council this evening is a request from the Public Works Department to purchase a 2-ton, tow-behind asphalt hot box. The supplier, Stephenson Equipment, is a COSTARS vendor and provide a quote in the amount of \$20,570.00. The Borough budgeted for equipment purchases in 2018, specifically for a Bobcat MT85 Mini Track Loader and a new paint machine. Both purchases came in under budget,

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which has result in \$21,096.58 available in the budget. This would be beneficial for re-heating asphalt that has cooled and may result in a cost savings to the Borough.

The Public Works Committee has reviewed this request and is recommending the purchase.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 5-0, to approve the purchase of a 2-ton tow-behind asphalt hot box for the Public Works Department through Stephenson Equipment, Inc. in the amount of \$20,570 through COSTARS Contract 038-13.

d. Eastside Flats – Release of Maintenance Bond

Borough Manager Bashore stated before Council this evening is a recommendation from Dan Daley, P.E., Borough Engineer, to release the maintenance bond for Eastside Flats. Eastside Flats was required to post a maintenance bond to guarantee certain improvements as part of their project. In a letter dated July 5, 2018, the Borough Engineer stated that all maintenance bond items have been addressed and he is recommending release of the maintenance bond.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 5-0, to approve the release of the release of the maintenance bond for 237 King Partners, LLC, based on the letter from the Borough Engineer dated July 5, 2018.

e. Proposed Ordinance Amendment – Chapter 200 (Vehicles & Traffic) – Parking restrictions on Roberts Lane

Borough Manager Bashore stated before Borough Council this evening is a draft ordinance to amend Chapter 200, Vehicles & Traffic, of the Borough's Code of Ordinances to add parking restrictions to Roberts Lane. The proposed ordinance would prohibit parking on Roberts Lane from 7:00 am to 9:00 am Monday through Friday. The proposed ordinance has been reviewed by the Public Safety Committee, who recommend moving forward. Chief Marcelli recommended including a provision to prohibit parking on the south side of Roberts Lane from 3:00 pm to 5:00 pm, Monday thru Friday, as well. Borough Council agreed with this recommendation.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 5-0, to authorize Borough Administration to advertise the amended ordinance, to include prohibiting parking on Roberts Lane from 3:00 pm to 5:00 pm Monday through Friday.

f. Resignation from the Parks & Recreation Committee

Borough Manager Bashore stated Liz Scoropanos has tendered her resignation from the Parks & Recreation Committee effective in September for the reason that she is moving out of the Borough. The individual appointed to fill this position will complete a term that runs until January 1, 2021.

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g. Zoning Hearing Board

Borough Manager Bashore stated there is one (1) item that will be before the Zoning Hearing Board that has been continued to July 23, 2018 for 353 Old Lincoln Highway, the property owner, LaGrie, LLC. is appealing a Notice of Violation issued by the Zoning Officer.

At the May 15, 2018 meeting of Borough Council, Council was in agreement to authorize the Borough Solicitor attend the Zoning Hearing Board meeting to defend the determination of the Zoning Officer.

10. 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 issues/concerns before Council.

Tony Mancini, 525 Highland Avenue, requested that Borough Council address his runoff/stormwater issues that have persisted on Highland Avenue for years even though he has approached prior Borough Councils to resolve the matter with no avail. Council Vice-President Uzman stated he did recall discussing this matter during his tenure on a prior Borough Council. He encouraged Borough Manager Bashore to contact Dan Daley, Borough Engineer, to review his previously analysis. Borough Manager Bashore stated he will coordinate with borough staff and consultants to look into the stormwater runoff issues, specifically if storm sewers may need to be installed.

Danny Fruchter, 234 Channing Avenue, opposes the widening of Second Avenue, citing various factors including, but not limited to, financial costs and lack of neighborhood involvement.

Brendan Phillips, 228 Church Street, opposes the widening of Second Avenue for the reason that vehicles will go faster than the posted speed if the road is widen. Mr. Phillips stated that he thinks vehicles are traveling as fast as 60 mph. Mr. Phillips would prefer to see speed humps and Stop signs installed.

11. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 5-0, to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary