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 Finkbiner
   Council Member Grossman
   Council Member Lexer
   Council Member Meisel
   Council Member Sinquett
   Mayor Burton

   Council President Bramwell informed all present that copies of the agenda were available at the front entrance.

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 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 Sinquett, and carried by a vote of 7-0, to approve the minutes of the meetings held on Tuesday, June 20, 2017 and Tuesday, July 5, 2017 as amended.

4. **SWEARING IN OF PART-TIME POLICE OFFICERS – DANIEL SHERIDAN:**

   Mayor Burton administered the Oath of Office for Officer Sheridan.

5. **APPROVAL OF REPORTS:**

   A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 7-0 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 July 2017 as submitted.
REGULAR MEETING
July 18, 2017
Page 2

6. BOROUGH COUNCIL COMMITTEE REPORTS:

   a. Finance & Administration

   Borough Manager Bashore stated the Finance and Administration Committee met on July 18, 2017, prior to tonight’s meeting and met with representatives from InR Advisory Services, LLC to review the second quarter performance of the Borough’s pension funds.

   b. Public Safety

   Borough Manager Bashore stated the Public Safety Committee met on June 28, 2017. During this meeting, the Committee reviewed a draft plan prepared by McMahon Associates, as well as different options for East King Street provided by the Borough Traffic Engineer. Options considered included installation of roadway painting leading up to the crosswalks and the installation of delineators at the crosswalk entrances.

   c. Public Works

   Borough Manager Bashore stated the Public Works Committee last met on June 20, 2017. At the June 20, 2017 meeting, the Committee discussed recommending dedication of the sewer main in the private road off of Old Lincoln Highway. This recommendation would require that the following are addressed by the abutting residents: 1) An as-built plan is provided to the Borough; 2) A new pressure test is conducted; and 3) The sewer main is televised. The cost for these items would be the responsibility of the property owners.

7. PRESENTATION – MALVERN FIRE COMPANY (CHRIS GASTWIRTH, CHIEF):

   Chief Gastwirth provided an update of the fire company activities. He stated four (4) volunteers have completed the required 180 hour course to become a firefighter as recognized by the State, including interior entry. A new engine has been ordered and is being built, estimated in-service timeline is early spring of 2018. Malvern Fire Company has partnered with the Paoli Fire Company for being dual-dispatched when either company receives a call to insure proper coverage and resources are available. For the second quarter, the Malvern Fire Company has responded to 82 calls for assistance, 22 were in the borough (153 for the year); had 543 volunteers respond to calls and we were in-service for 89 hours and had 210 man-hours. The Malvern Fire Company held 18 trainings during the second quarter with 252 volunteers in attendance, training for an estimated 34 hours and achieved 519 man-hours. As the second quarter, there were 17 members that are above 20% that respond to calls and 15 members for the year that are above 20%.

8. PUBLIC HEARING – ORDINANCE #2017 – 3: ZONING ORDINANCE AMENDMENT TO THE FLOODPLAIN OVERLAY DISTRICT:

   Council President Bramwell announced that Borough Council will now open a Public Hearing to consider an amendment to the Borough’s Zoning Ordinance. The proposed ordinance will amend Section 220-2201 (“Floodplain Overlay District”) of the Malvern Borough Zoning
Ordinance in accordance updates to the Chester County Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency. The Borough of Malvern’s proposed ordinance will delete and replace Section 220-2201 of the Malvern Borough Zoning Ordinance.

The Notice of Public Hearing was published in the June 26, 2017 and July 6, 2017 editions of the Daily Local newspaper as required.

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

Borough Solicitor Christakis entered into public record the following exhibits:

- B-1: Legal Notice, dated Tuesday, July 11, 2017 published in Daily Local News
- B-2.1: Photograph of property posting at Remington Lane
- B-2.2: Photograph of property posting at 323 Willow Pond
- B-2.3: Photograph of property posting at Malvern Preparatory School
- B-2.4: Photograph of property posting at Malvern Retreat House
- B-2.5: Photograph of property posting at Paoli Monument Grounds/Battlefield
- B-3.1 – 3.4: Copy of borough letters addressed to property owners located within the proposed Floodplain Overlay District
- B-4: Spreadsheet printout of properties identified as being located in the proposed Floodplain Overlay District

9. ORDINANCE NO. 2017 – 4: ZONING ORDINANCE AMENDMENT TO THE FLOODPLAIN OVERLAY DISTRICT:

A motion was made by Council Member Meisel, seconded by Council Vice-President Uzman and carried by a vote of 7-0, to adopt Ordinance No. 2017-4, amending Section 220-2201 (“Floodplain Overlay District”) of the Malvern Borough Zoning Ordinance in accordance updates to the Chester County Flood Insurance Rate Maps, as prepared by the Federal Emergency Management Agency.

10. AWARD – 2017 PAVING PROGRAM:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 7-0, to award the following street as a part of the 2017 Paving Program, South Warren Avenue, to DiRocco Brothers of West Chester, Pennsylvania, as the lowest responsible bidder, at a cost of $125,641.28, as recommended by the Borough Engineer.

Borough Manager Bashore stated the awarded bid came in $56,000 under budget.

11. OLD BUSINESS:

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

Council President Bramwell tabled this agenda item for discussion.
b. Zoning Hearing Board – Application for 227 Monument Avenue

Borough Manager Bashore stated there is one (1) application before the Zoning Hearing Board for their meeting in July. The applicants are Thomas and Jaime Bemiller and the subject property is 227 Monument Avenue. The applicants are seeking a variance to allow more than one (1) supplemental dwelling unit on the lot. The applicants are requesting authorization to use an existing structure as an additional supplement dwelling unit. There is an existing garage apartment and cottage on the lot. The Planning Commission reviewed the application at their meeting on July 6, 2017 and recommended for the Borough Solicitor to gather facts as to the occupancy of the two (2) supplemental dwelling units and to attend the zoning hearing to object to the variance request.

Due to the physical address of the applicants, Council President Bramwell and Council Members Lexer and Meisel abstained from participating in the public vote.

A motion was made by Council Vice-President Uzman, seconded by Council Member Grossman and carried by a vote of 4-0, to have the Borough Solicitor attend the Monday, July 31, 2017 hearing of the Zoning Hearing Board.

12. NEW BUSINESS:

a. Burke Park Bench Dedication – Paul H. Wilkins

Borough Manager Bashore stated a bench dedication ceremony will occur for Paul H. Wilkins on August 1, 2017 at 6:30 p.m. in honor of his service to the community, volunteering with the Malvern Fire Company.

13. PUBLIC FORUM:

Council President Bramwell advised citizens/taxpayers that Public Forum is the time to offer comments to bring any issues/concerns before Council that were not on the agenda.

a. John Buckley, 165 Church Street, stated the banner at Upscale Consignment is still blocking the stop sign at the intersection of East King and Bridge Streets when coming eastbound. He said this was previously mentioned at the June 20, 2017 meeting of Borough Council.

Council President Bramwell directed the Borough Manager to have the Code Enforcement Officer investigate the banner at Upscale Consignment.

b. Patricia Marcozzi, 221 Channing Avenue, asked Borough Council to consider having the bus traffic along South Warren Avenue to Second Avenue studied for volume and speed. Council Member Sinquett stated this section of road will be studied as part of the Vision Partnership grant, awarded by the Chester County Commissioners.

c. Council Member Sinquett asked if a Stop sign will be installed on Second Avenue,
along South Warren Avenue. Council Member Lexer recalled the Public Safety Committee recommended a ‘No Left Turn’ sign to be installed on Second Avenue, to prevent vehicles from turning southbound on Warren Avenue.

d. Kelly Schmitt, 17 Channing Ave. - First Floor, said the intersection of North Warren Avenue and West Broad Street is dangerous with the restricted sight distances. Council Member Sinquett said the Multimodal Project should address her concerns.

e. Frank Ortner, 144 Griffith Avenue, questioned if a right-turn lane could be added on South Warren Avenue onto Paoli Pike. Borough Manager Bashore stated Paoli Pike is a state-owned road, therefore, only the state would be able to make improvements to it, including altering traffic patterns at intersections. Council Member Grossman recommended Borough Council partner with the Willistown Township Supervisors in addressing safety concerns with PennDOT, as both municipalities have interest in making the intersection safer.

f. Kelly Schmitt, 17 Channing Ave. - First Floor, asked if the intersection of Monument Avenue and Sugartown Road will be further investigated for possible safety improvements. Police Chief Marcelli stated he has been in discussions with the Willistown Police Chief to determine what, if any measures may be taken. Since Sugartown Road is a state-owned road, both Willistown Township and Malvern Borough are restricted from what can be done. Council Member Meisel stated he will reach out to PennDOT, District 6 to determine if it would be willing to make some safety improvements at the intersection.

g. Kelly Schmitt, 17 Channing Ave. - First Floor, asked for an update regarding the Community Art Project proposed for the rear of borough hall. Borough Manager Bashore stated the Parks and Recreation Committee will be making its recommendation at its August 2, 2017 meeting. It will then go back to the Public Works Committee for review and its recommendation to Borough Council for discussion in September.

14. ADJOURMENT:

At 8:58 p.m. Council President Bramwell stated Council will adjourn to executive session to discuss litigation matters.

Council President Bramwell reconvened the public meeting at 9:22 p.m.

All business having been discussed, a motion was made by Council Member Lexer, seconded by Council Vice-President Uzman, and carried by a vote of 7-0 to adjourn the meeting at 9:24 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary
Legal Notices
NOTICE OF PROPOSED ENACTMENT OF ORDINANCE NOTICE IS HEREBY GIVEN that the Borough Council of the Borough of Malvern, during their regular meeting on July 18, 2017 at 7:30 p.m. at Malvern Borough Hall, 1 East First Avenue, Malvern, PA 19355, will conduct a public hearing and consider the enactment of: AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE BOROUGH OF MALVERN WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE. The proposed ordinance will amend Section 220-2201 ("Floodplain Overlay District") of the Malvern Borough Zoning Ordinance in accordance updates to the Chester County Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency. The Borough of Malvern's proposed ordinance will delete and replace Section 220-2201 of the Malvern Borough Zoning Ordinance. Complete copies of the ordinance described above are available for public inspection at the Borough of Malvern Borough Hall, 1 East First Avenue, Malvern, PA 19355, during normal business hours, Monday through Friday. Christopher Bashore Borough Manager/Secretary dtn. 6/26, 7/6 - 1a.

Appeared in: Daily Local News on Thursday, 07/06/2017
June 14, 2017

Village of Pennwyck Homeowners Association
63 Chestnut Road
Paoli, PA 19301

Re: Zoning Ordinance Amendment
    Map Change
    Floodplain Overlay District

To Whom It May Concern,

This letter is being sent to your as the owner of property located in Malvern Borough’s Floodplain Overlay District. Recently, the Federal Emergency Management Agency (FEMA) completed updates to the Flood Insurance Rate Maps for Chester County. An ordinance updating the regulations to correspond with these map changes was prepared by FEMA and adopted by Chester County, with each municipality being required to adopt these guidelines. These mandated regulations are required to be adopted by the respective municipalities by September 29, 2017.

Below is a summary of the ordinance being considered by the Malvern Borough Council:

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE BOROUGH OF MALVERN WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

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Malvern Borough Council will conduct a public hearing to consider enactment of this ordinance at their regular meeting on July 18, 2017 at 7:30 p.m. Complete copies of the proposed ordinance are available for you to review on the Malvern Borough website at http://www.malvern.org/wp-content/uploads/2014/12/Proposed-Floodplain-Ordinance.pdf.

Please do not hesitate to contact the Borough if you have any questions. Thank you.

Sincerely,

Christopher Bashore
Borough Manager

1 East First Avenue
Phone 610.644.2602

Suite 3
Facsimile 610.644.4504

Malvern, Pennsylvania 19355
Email malvern@malvern.org
June 14, 2017

Remed Realty LP
16 Industrial Blvd., Suite 203
Paoli, PA 19301

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Borough Manager

1 East First Avenue  ■  Suite 3  ■  Malvern, Pennsylvania 19355
Phone 610.644.2602  ■  Facsimile 610.644.4504  ■  Email malvern@malvern.org
June 14, 2017

CCIDA c/o Malvern Preparatory School
418 S. Warren Avenue
Malvern, PA 19355

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Map Change
Floodplain Overlay District

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Borough Manager

1 East First Avenue
Phone 610.644.2602

Suite 3
Facsimile 610.644.4504

Malvern, Pennsylvania 19355
Email malvern@malvern.org
June 14, 2017

Laymen’s Weekend Retreat
313 S. Warren Avenue
Malvern, PA 19355

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Phone 610.644.2602 Facsimile 610.644.4504
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EXHIBIT

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