

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

July 5, 2016  
7:30 P.M.

PRESIDING: David G. Bramwell, President

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. 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 on any item on the agenda to bring any issues/concerns before Council.

- a. Televised Borough Council Meetings

Karen Martinez, 142 West First Avenue, suggested Council consider broadcasting the meetings on cable television for residents who are unable to attend the meetings.

Borough Council agreed to discuss Mrs. Martinez's suggestion at a later date.

3. APPROVAL OF MINUTES:

A motion was made by Council Vice-President Uzman, seconded by Council Member Grossman and carried by a vote of 7-0, to approve the minutes of Tuesday, June 7, 2016, as submitted.

4. INTERVIEWS FOR THE ZONING HEARING:

- a. John Finkbiner, 121 Woodland Avenue, stated that he grew up in Wayne and Newtown Square area, and spent some time in Maryland. In 2007, he moved to his current house in Malvern Borough. If appointed, he would focus on making sure that the Borough's ordinances are appropriately enforced. He brings a scientific background, organizational skills, and experience with conflict resolution that will aid in reaching fair, objective conclusions. He understands that Borough Council would like the appointee attend the Chester County 2020 Master Planning courses to gain more detailed subject matter expertise.

- b. Daniel Fruchter, 234 Channing Avenue, stated he would like to be considered for the alternate position only as there are other applicants he believes are more qualified.

## REGULAR MEETING

July 5, 2016

Page 2

c. Catherine Raymond, 6 Karen Drive, stated her recent experience on the Malvern Historical Commission and Borough Council over three successive terms has enabled her to participate in zoning processes and making policy decisions. Mrs. Raymond understands if appointed to the Zoning Hearing Board, she would resign from the Historical Commission to remain impartial to borough affairs. She understands that Borough Council would prefer the selected candidate attend training courses related to zoning.

Council Member Arena asked Mrs. Raymond what her political intentions may be in the 2017 election.

Mrs. Raymond stated she feels her legal background and broad experience in borough affairs makes her a better candidate for appointment to the Zoning Hearing Board, instead of seeking a Borough Council seat.

Council Member Grossman inquired if Mrs. Raymond would be interested in serving as the Zoning Hearing Board Solicitor.

Mrs. Raymond stated she would be willing to serve in either capacity for the Zoning Hearing Board.

Borough Solicitor Christakis advised Borough Council that the Zoning Hearing Board Solicitor is selected by the members of the Zoning Hearing Board and not by Borough Council. Therefore, the discussion of the Zoning Hearing Board Solicitor position is not an appropriate discussion matter for Borough Council.

Council Member Grossman asked Mrs. Raymond what her position is regarding the right's a property owner verse enforcement of the Borough's ordinances.

Mrs. Raymond stated the Zoning Hearing Board has to balance the rights of all property owners based on the Borough's Ordinances, not just the rights of the property owners that appear before the Board.

d. Andrew Willis, 215 West First Avenue, stated he has over 26 years of professional experience; an ability to direct projects from concept to fully operational status; is a goal-oriented individual with strong leadership capabilities; is Organized, highly motivated, and a detail-directed problem solver; and a proven ability to work in unison with staff, volunteers, and board of directors. He has personal experience complying with local ordinances with working with non-profits and his second home in New Jersey. Mr. Willis has lived in the borough for approximately 12 years and believes he will bring a fresh set of eyes and ears to zoning hearings. He stated he is willing to attend the zoning courses that other candidates have expressed interest in attending.

### 5. OLD BUSINESS:

- a. Ordinance No. 2016-2: Issuance of Non-Electoral Debt  
Council agreed to table discussion for a later meeting date.

REGULAR MEETING

July 5, 2016

Page 3

b. Resolution No. 714 – Code of Conduct

A motion was made by Council Vice-President Uzman seconded by Council Member Grossman and carried by a vote of 7-0, to adopt Resolution No. 714, establishing a Code of Conduct governing participation at all public meetings of the Borough of Malvern, Chester County, Commonwealth of Pennsylvania.

Daniel Fruchter, 234 Channing Avenue, opposed the 6-month time constraint imposed for residents to revisit a past agenda item for further discussion.

6. NEW BUSINESS:

a. Petition to Borough Council

Borough Manager Bashore stated on June 7<sup>th</sup> after the Borough Council meeting, a resident in the audience handed him a document titled, “A Petition to the Malvern Borough Council”. Based on his review of the document, the petition is invalid as it does not meet the criteria as stated in section 1103 (B) of the Borough’s Home Rule Charter. At the suggestion of the Borough Solicitor, Borough Council acknowledged this document and its intent, noting the deficiencies, and thereby take no further action.

Council Member Grossman acknowledged that even though the petition does not meet the requirements of the Borough’s Home Rule Charter, the fact that there were eighty-three (83) signatures of residents residing on the following streets shows that a borough-wide solution is in the best interest of all parties involved: 1) Crest Avenue; 2) Monument Avenue; 3) Highland Avenue; 4) Wayne Avenue; 5) King Street; 6) Raintree Lane; 7) Malvern Avenue; 8) Margaret Lane; 9) Green Street; 10) Valley View Road; and 11) Miner Street.

Council Vice-President Uzman thanked Borough Manager Bashore for his thorough report that outlined the deficiencies, however, Mr. Uzman believes that the public should not be discouraged from approaching Borough Council with issues of public interest.

Council agreed to take no further action.

b. Greenstone Development II Corp./TAG Builders, Inc. – Escrow Release #1

A motion was made by Council Vice-President Uzman seconded by Council Member Siquett and carried by a vote of 7-0, to approve an escrow release in the amount of \$55,484.90 as recommended by the Borough Engineer’s letter dated, June 29, 2016 to TAG Builders, Inc. for the Subdivision Plan of 217 South Warren Avenue.

c. Transportation & Community Development Initiative – Application Update

Borough Manager Bashore stated on June 24, 2016, the Borough was notified that it was not awarded funding from the Delaware Valley Regional Planning Commission (DVRPC) for conducting a borough-wide traffic study. DVRPC received 41 applications in Pennsylvania and only 20 were able to be funded this round. The Borough was encouraged to continue to submit this or other projects to DVRPC.

## REGULAR MEETING

July 5, 2016

Page 4

Borough Manager Bashore stated that the Borough may be able to submit this project for consideration under Chester County's Vision Partnership Program (VPP). This program opens on July 5<sup>th</sup> and applications are due on August 31<sup>st</sup>, with a reward announcement slated between October and December 2016. VPP provides funding to municipalities to assist in achieving consistency with the principles of Chester County's comprehensive policy plan, Landscapes 2. If awarded, there is an 18-month completion timeline. This program funds up to \$30,000 for planning studies and has a 30% match requirement.

A motion was made by Council President Bramwell seconded by Council Vice President Uzman and carried by a vote of 7-0, to apply for Chester County's Vision Partnership Program for a borough-wide traffic study.

### d. Proposed Zoning Ordinance Amendment – Front Yard Setbacks

Borough Manager Bashore stated that the Malvern Planning Commission recommends adoption by Borough Council of a set of revisions to replace the language specifying front yard setback requirements in the R1, R2, R3a, R3b, R4, R5, and R6 Zoning Districts. The existing setback language is confusing and fails to achieve the objectives for which it was created. The new language is unambiguous and specific as to the minimum setback expressed in feet for each of the seven Residential Zoning Districts.

A motion was made by Council Vice-President Uzman seconded by Council Member Sinquett and carried by a vote of 7-0, to submit the proposed ordinance to the Chester County Planning Commission for review and comment, as submitted.

### e. Historical Commission – Proposed Photo Policy

Borough Manager Bashore stated that businesses and property owners have recently approached the Malvern Historical Commission about obtaining photographs. The Malvern Historical Commission has been working to establish a photo policy for distributing licensed images to those who wish have copies of historical pictures. Campli Photography was approached to be the licensee for images from the Borough. Before Borough Council is the agreement that is proposed between the Borough and Campli Photography. This agreement would authorize Campli Photography, on behalf of the Borough, to reproduce photographs for individuals interested in receiving historical pictures. The Borough would receive 10% of the proceeds from the sale of photographs.

Borough Manager Bashore thanked Alicia Marziani, Historical Commission Volunteer for spearheading the photo policy with Mr. Campli.

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 agreement between the Borough of Malvern and Campli Photography.

### f. Chester County Housing and Community Development Programs

Borough Manager Bashore stated this is the time that the Borough of Malvern, if it

## REGULAR MEETING

July 5, 2016

Page 5

chooses, could decide to no longer support the initiatives of Chester County's Housing Community Development Programs as funded through the U.S. Department of Housing and Urban Development.

Borough Council agreed it is in the Borough's best interests to continue to support the County's initiatives. No further action by Council was required.

### g. Zoning Hearing Board

#### i. Decision on 349 East King Street Application

Borough Manager Bashore stated the public hearing for the variance application for the property located at 346 East King Street was held on May 24, 2016. The applicant was seeking variances in order to permit the expansion of a non-conforming structure and reconfigure the permanent parking on the property. Specifically, the applicant sought to add two (2) floors of apartments. The Borough Solicitor entered an appearance at the public hearing in opposition to the application. A decision was not rendered at the time of the hearing. On June 28, 2016, the Zoning Hearing Board met to issue the decision on this application. In its decision, the Zoning Hearing Board determined that the applicant did not meet the burden of establishing a hardship for either exceeding the maximum building height or establishing a 12-foot wide access driveway. The request for variances was denied.

No further discussion was made by Borough Council.

#### ii. Applications

Borough Manager Bashore stated there is one application pending for the Zoning Hearing Board for a property located at 203 East Broad Street. This application is for a variance from Article IX, Section 902.F. of the Zoning Ordinance, lot coverage in order to add a deck to an existing building. The Planning Commission will review this information at the July 7th meeting. A hearing has not been scheduled at this time.

Borough Manager Bashore thanked the Borough's emergency services personnel for their professionalism for a building fire that occurred on East King Street on the early morning of July 4<sup>th</sup>.

## 7. ADJOURNMENT:

At 8:50 p.m. Council President Bramwell stated Council will adjourn to Executive Session to discuss personnel matters.

Council President Bramwell reconvened the public meeting at 9:35 p.m.

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and unanimously carried by a vote of 7-0 to adjourn the meeting at 9:38 p.m.

REGULAR MEETING  
July 5, 2016  
Page 6

Respectfully submitted,

Neil G. Lovekin  
Assistant Secretary