

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

June 1, 2021  
7:30 P.M.

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: David B. Burton, Mayor

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  
David B. Burton, Mayor

ABSENT

Council President Finkbiner announced that this evening's meeting was being held virtually due to the COVID-19 pandemic and as permitted under Act No. 15 of 2020. Council President Finkbiner announced the following guidelines for the meeting:

- Participants will be asked to identify themselves when being accepted into the meeting.
- The public will be muted during the meeting when the members of Borough Council are speaking.
- For each agenda item, the public will be unmuted and given an opportunity to comment and ask questions.
- Public Comment received via email will be read by the Borough Manager either during the topic on the agenda or the general "Public Forum" period.
- Participants wishing to comment must state their name and must speak one at a time.

2. APPROVAL OF AGENDA

A motion was made by Vice-President Grossman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the agenda for the June 1, 2021 meeting as presented.

3. ANNOUNCEMENTS

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### 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. Council President Finkbiner announced that Borough Council met in Executive Session on Tuesday, June 1, 2021, prior to this evening's meeting in order to discuss a personnel matter.

c. Council President Finkbiner announced that Malvern Borough has been awarded a Municipal Park and Trail Improvement Grant from the Chester County Commissioners for the construction of a bicycle pump track as outlined in the Randolph Woods Master Plan. The Borough is awaiting the executed grant contract from Chester County and the next steps will be reviewed when that is received.

d. Council President Finkbiner announced that Malvern Borough Hall has re-opened to the public as of June 1, 2021. All residents entering Borough Hall are reminded that they must wear masks inside the building.

e. Council President Finkbiner announced that the Malvern Public Library resumed their normal hours as of June 1, 2021. All patrons must wear masks when entering the library. Time on the computers is only accessible by appointment and limited to one (1) hour.

f. Council President Finkbiner announced that the Malvern Business & Professional Association has two (2) upcoming events. On June 3, 2021, they will host a special evening of the Malvern Stroll from 5:00 pm to 7:00 pm. On June 5, 2021 from 12:00 pm to 2:00 pm, they will host "Derby Days," which will include special activities, including caricature artists, a scavenger hunt for children and food trucks at various businesses in the community.

g. Council President Finkbiner announced that PA Senator Carolyn Comitta will host a community shredding event on Saturday, June 12, 2021 in Burke Park from 1:00 pm to 4:00 pm. This event is only open to residents. Residents may bring up to three (3) boxes of items to be shredded.

Kel Schmitt, 17 Channing Avenue, asked about the information on PA Senator Comitta's website regarding the upcoming shredding event. Borough Manager Bashore stated that the event is open to the resident in the senatorial district; however, no material will be accepted from businesses.

## 4. MINUTES & REPORTS

### a. APPROVAL OF MINUTES

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A motion was made by Council Member Laney, seconded by Council Member Raynor, and carried by a vote of 7-0, to approve the minutes from the May 4, 2021 meeting of Borough Council as presented.

b. APPROVAL OF REPORTS:

A motion was made by Council Member Bones, seconded by Council Member Raynor, and carried by a vote of 7-0, to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works, 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 April 2021, as submitted.

c. BOROUGH COUNCIL COMMITTEE REPORTS

- Finance & Administration – Council Member Laney

Councilor Laney stated that the Finance & Administration Committee has not met since the April 20, 2021 meeting of Borough Council.

- Public Safety – Council Member Meisel

Council Member Meisel stated that the Public Safety Committee met on May 10, 2021. The Committee reviewed potential crosswalk projects, discussed potential sidewalk improvement projections, discussed parking concerns on Longford Avenue, and reviewed a request for the placement of a speed hump on Bridge Street. Council Member Meisel stated that the Borough Traffic Engineer is before Borough Council this evening to discuss a proposed crosswalk project on King Street at the western driveway of the SEPTA station.

- Public Works – Council Member Bones

Council Member Bones stated that the Public Works Committee met on May 19, 2021. The Committee reviewed updates on the paving projects for Malvern Avenue, Karen Drive, and W. King Street, stormwater management options for Quann Park, stormwater concerns on Jennings Lane, pedestrian access for Malvern Preparatory School, a tree that has died at the Paoli Memorial Grounds that may be salvaged as a legacy, and discussion regarding funds from the American Rescue Plan Act of 2021. Council Member Bones stated that the paving projects at Malvern Avenue and Karen Drive will be bid out as one (1) project, while W. King Street will be bid out separately due to the estimated cost. Council Member Bones stated that a rain garden has been proposed for Quann Park and will be sent to the Environmental Advisory Council for additional input. Council Member Bones stated that a site walk is being scheduled to review the pedestrian access for Malvern Preparatory School.

Mayor Burton asked for clarification on a rain garden. Council Member Bones stated that is an area of native plantings that will assist with stormwater management. Council

President Finkbinder stated that the grant application for the improvements to Quann Park included a stormwater management facility and this is an alternative as an underground facility is not feasible.

5. SPECIAL BUSINESS

a. PRESENTATION – DEAN KAISER, P.E., BOROUGH TRAFFIC ENGINEER – PROPOSED CROSSWALK AT KING ST. AND THE SEPTA STATION DRIVEWAY

Council President Finkbinder stated that the Public Safety Committee recently reviewed a plan for a crosswalk installation on King Street at the SEPTA stations western driveway. The installation of a crosswalk at this location is recommended in the *2018 Malvern Borough-wide Multimodal Transportation Study* and has been recommended by the Public Safety Committee. Dean Kaiser, P.E., is before Borough Council to discuss the plan. Borough Council may consider action to proceed forward with the project based on the presentation.

Dean Kaiser, P.E., Borough Traffic Engineer, appeared before Borough Council to review the crosswalk plan. Mr. Kaiser stated that he reviewed the recommendations of the *2018 Malvern Borough-wide Multimodal Transportation Study* and believes that this is a good crosswalk location, noting that there is currently all-way STOP controls at this intersection. Mr. Kaiser stated that he evaluated the proposed ramp locations, but more survey work is necessary before finalizing the locations. Mr. Kaiser stated that he does not believe that any additional warning devices are necessary.

Mr. Kaiser reviewed the cost estimate for the project, which he estimated at \$22,675.00, noting that the proposed ramps are the most costly portion of the project. Mr. Kaiser noted that he believes that this project will assist with walkability in the Borough.

Council President Finkbinder asked if permits would be required to move a STOP sign at this location. Mr. Kaiser stated that permits would not be necessary since the project involves two (2) Borough-owned streets. Mr. Kaiser noted that the eventual contractor will need to coordinate with the Borough and traffic will need to be coordinated due to the size of the street and equipment that will be needed to complete the project.

Council President Finkbinder asked if there were any comments from the public.

Carroll Sinquett, 223 Green Street, asked about traffic counts and the amount of non-compliance with the STOP signs at this location that may have been witnessed. Mr. Kaiser stated that under 50% of motorists do not come to a complete stop, but noted that they did not complete a full evaluation. Mr. Kaiser stated that he does not believe that compliance is an issue at this location and noted that the installation of a crosswalk may increase compliance. Mr. Sinquett stated that he has observed motorists at this location and believes that it is easier to count the motorists who come to a complete STOP as opposed to those who do not. Mr. Kaiser stated that

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he does his best to design for the safety of the project and it does not always account for the behavioral component of the motorists.

Council Member Bones stated that he believes that this is a good project and that it will assist with visibility at this location.

Council Member Meisel stated that he agreed and that additional markings will be beneficial. Council Member Meisel stated that the Borough is lacking sufficient north/south crossing areas on King Street, particularly in the west and that this project will help address this concern.

Kel Schmitt, 17 Channing Avenue, stated that the sidewalk owned by the Malvern Shopping Center near the Angel Cleaners business is not accessible and asked if the Borough could contact the owner of the Malvern Shopping Center. Borough Manager Bashore stated that the owner of the Malvern Shopping Center previously contacted the Borough regarding sidewalk concerns. Dan Daley, P.E., Borough Engineer, stated that the owner contacted the Borough regarding drainage concerns. Council President Finkbiner stated that the Borough should contact the owner of the Malvern Shopping Center regarding this project to ensure it goes smoothly and address all concerns. Borough Engineer Daley stated that he would contact the owner of the Malvern Shopping Center.

Council President Finkbiner thanked Mr. Kaiser for his presentation and asked for a motion to proceed forward with the project.

A motion was made by Council Member Meisel, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize the Borough Traffic Engineer to prepare plans and a public bid package for the installation of a crosswalk on King Street at the western SEPTA station driveway as recommended by the *2018 Malvern Borough-wide Multimodal Transportation Study*.

**b. PRESENTATION – DAN DALEY, P.E., BOROUGH ENGINEER, & ANTHONY DUFOUR, LANDSCAPE ARCHITECT – KING ST. TREE SURVEY**

Council President Finkbiner stated that at the June 16, 2020 meeting, Borough Council authorized the Borough Engineer to undertake a survey and management plan for trees on King Street as recommended by the Shade Tree Commission. At the April 19, 2021 and May 17, 2021 meetings, the Shade Tree Commission reviewed the information prepared and recommended that it be presented to Borough Council. Dan Daley, P.E., and Anthony Dufour are before Borough Council to discuss the plan. Borough Council may consider action to proceed forward with the first phase of this project based on the presentation.

Borough Engineer Daley stated that the work consisted of identifying the existing trees along King Street, outlining potential removals, and determining the appropriate locations for new plantings. Borough Engineer Daley stated that these have been outlined on the draft plan before

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Borough Council. Anthony Dufour, Landscape Architect, provided an overview of the locations of the proposed new tree plants, noting that the project is divided into three (3) phases. Mr. Dufour stated that some locations may require infrastructure work, including sidewalk replacements.

Mr. Dufour stated that the Shade Tree Commission is recommending that the Borough proceed forward with the phase 1 plantings as outlined, noting that there would not be the additional costs associated with phases 2 and 3. Borough Engineer Daley noted that 82 trees are identified in phase 1 and recommended separating this into small components of 20 trees. Mr. Dufour stated that education for property owners is important and the Borough does not want to force trees onto property owners. Borough Engineer Daley stated that smaller components may assist in building public support for the project.

Mr. Dufour discussed some of the current issues pertaining to trees in the Borough, noting that the canopy is aging and that there are ailing sidewalks and curbs. Mr. Dufour noted that some trees were planted in poor locations and that certain species have reached their useful life and should be replaced.

Council Member Bones thanked Borough Engineer Daley and Mr. Dufour for their presentation and that the Shade Tree Commission is excited to see this project progress forward. Council Member Bones discussed the plan to complete plantings at high energy, low impact sites to increase community support for the project.

Council Member Meisel expressed support for the project and thanked Borough Engineer Daley and Mr. Dufour for their work.

Council President Finkbinder asked about tree removals. Mr. Dufour stated that any removals were to be determined and would most likely be part of phase 2, but noted that removals may be completed outside of the scope of this project.

Vice-President Grossman asked about the cost for the various phases. Borough Engineer Daley stated that the 82 trees outlined in phase 1 would be approximately \$41,000, but that the initial thought was to separate this into smaller sub-phases of 20 trees, which is estimated at \$10,400. Borough Engineer Daley stated that resident meetings would be held to gain feedback from the public.

Vice-President Grossman asked about the cost for sidewalk repairs and tree removal. Borough Engineer Daley stated that those costs have not yet been determined and noted consideration of approval for phases 2 and 3 is not being requested of Borough Council at this time since more work needs to be completed.

Council Member Bones stated that the Shade Tree Commission recognizes that many trees are at the end of their life, noting the Zelkovas specifically. Council Member Bones noted that this was a point of discussion among the Shade Tree Commission and determining the best way to have a healthy, beautiful downtown.

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Council President Finkbiner asked about the funds for this project in the 2021 budget. Borough Manager Bashore stated that \$25,000 was allocated in the 2021 budget in the Capital Reserve Fund for this project and there is approximately \$23,000 remaining.

Vice-President Grossman asked about the impact of the Spotted Lanternfly, noting the impact it has had on the trees near St. Patrick's School. Mr. Dufour discussed the impact and the history of insects impacting tree species.

Council President Finkbiner asked if there were any comments from the public on the proposed plan.

Carroll Sinquett, 223 Green Street, asked if it would be possible for the public to obtain copies of the plan. Council President Finkbiner stated that this could be posted on the Borough website. Borough Manager Bashore stated that the plan is still in draft form and would need to be updated, but the document would be available through a Right-to-Know request.

A motion was made by Council Member Bones, seconded by Vice-President Grossman, and carried by a vote of 7-0, to authorize the installation of 20 2-inch caliper trees from phase 1 of the King Street Tree Survey at an estimated price of \$10,400 as outlined by the plan prepared by the Borough Engineer.

### c. EXPANDED OUTDOOR DINING FORBEARANCE AGREEMENTS

- The Flying Pig Saloon

Council President Finkbiner stated that the Flying Pig Saloon is requesting a 60-day extension of their existing agreement for outdoor dining during the COVID-19 pandemic. All existing conditions are proposed to remain in place. The extension would expire on August 4, 2021. Council President Finkbiner noted that the business owner has applied to the PA Liquor Control Board for an expansion of their Liquor License to include the outdoor area on a permanent basis.

A motion was made by Vice-President Grossman, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve a 60 day extension to The Flying Pig Saloon's expanded outdoor dining forbearance agreement.

### 6. UNFINISHED BUSINESS

Council President Finkbiner stated that there were no items of "Unfinished Business" before Borough Council this evening.

### 7. NEW BUSINESS

- a. Chester County Solid Waste Authority – Processing and Marketing Contract – One (1) Year Extension

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Council President Finkbinder stated that the partners in the Chester County Solid Waste Authority's Processing and Marketing Contract for Recyclables desire to extend the contract for an additional year. This would extend the contract until September 2022 and would be the final extension under the contract. The Borough has participated in this program since its inception. A memorandum from the Chester County Solid Waste Authority is before Borough Council to consider action on extending the contract for an additional year. Council President Finkbinder stated that the price has declined from \$32 per ton to approximately \$11 per ton. Borough Manager Bashore noted that this is due to a need for shipping materials as a result of the pandemic.

A motion was made by Vice-President Grossman, seconded by Council Member Raynor, and carried by a vote of 7-0, to authorize the one (1) year extension of the Chester County Solid Waste Authority's processing and marketing contract.

b. Zoning Hearing Board

Council President Finkbinder stated that there are no new applications before the Zoning Hearing Board.

8. PUBLIC FORUM

Council President Finkbinder stated that Borough Council will now take comment from the public on any item not on the agenda.

John Buckley, 165 Church Street, discussed cars driving the wrong way on Church Street, concerns about safety, and sidewalks on First Avenue. Council President Finkbinder stated that the Public Safety Committee is awaiting information from the Borough Engineer regarding sidewalks and curbs on E. First Avenue. Council President Finkbinder stated that the Malvern Police Department will be advised on the concern regarding motorists traveling the wrong way on Church Street and the appropriate action will be taken.

Kel Schmitt, 17 Channing Avenue, stated that he has witnessed people driving the wrong way on Church Street. Mr. Schmitt stated that since there is no STOP sign heading south on Church Street, there is an increased safety concern when this occurs.

9. ADJOURNMENT

All business having been discussed, a motion was made by Vice-President Grossman, seconded by Council Member Laney, and carried by a vote of 7-0, to adjourn the meeting at 8:41 p.m.

Respectfully submitted,

Christopher Bashore  
Borough Manager/Secretary