

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

June 18, 2019
7:30 P.M.

PRESIDING: Council President Grossman

INVOCATION: Council Member Laney

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL

PRESENT

Council President Grossman
Council Vice-President Uzman
Council Member Finkbiner
Council Member Laney
Council Member Meisel
Council Member Raynor
Council Member Sinquett

ABSENT

Mayor Burton

Council President Grossman announced that Borough Council met in Executive Session prior to the meeting in order to discuss a litigation matter.

2. RECORDING OF MEETING

Council President Grossman asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting.

Lynne Frederick, 227 East Broad Street, stated she was audio recording the meeting.

3. APPROVAL OF AGENDA

A motion was made by Council Member Finkbiner, second by Council Vice-President Uzman, and carried by a vote of 7-0 to approve the agenda for June 18, 2019 as amended to include acknowledgment of correspondence and announcements.

4. ACKNOWLEDGEMENT OF CORRESPONDENCE AND ANNOUNCEMENTS

a. Acknowledgement of Correspondence

Borough Manager Bashore announced that the Borough received correspondence from resident Danny Fruchter regarding a variety of issues. Borough Manager Bashore stated that the letter has been forwarded to the Borough Solicitor's office and that no action is required by Borough Council at this time.

b. Borough Website Recognition

Borough Manager Bashore stated Councilor Finkbiner, Assistant Manager Lovekin, and

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he attended the Pennsylvania State Association of Boroughs' Annual Awards Luncheon at the Hershey Lodge on Tuesday, June 11, 2019 for being awarded 'Second Place Recognition' in the category of 2,501 to 5,000 population in the 2019 Borough News Municipal Website Contest.

c. Philadelphia Inquirer News Article – 'Destination for Restaurants'

Council President Grossman summarized an article released in the June 15, 2019 edition of the Philadelphia Inquirer that outlined the success witnessed in the Borough exemplified by the recent opening of new businesses and restaurants in the community. The article included interviews with various stakeholders in the Borough.

5. APPROVAL OF MINUTES

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, June 4, 2019, as amended.

6. APPROVAL OF REPORTS

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, 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 May 2019, as submitted.

7. BOROUGH COUNCIL COMMITTEE REPORTS

a. Finance & Administration

Council Vice-President Uzman stated that the Finance & Administration Committee has not met since the May 21, 2019 meeting of Borough Council. The Committee did review information provided by the Borough Treasurer on new rates for the Borough's funds. Specifically, the Borough Treasurer researched new CDs for the Borough's contingency funds as the CDs purchased in 2018 have matured and moving a portion of the Borough's operating funds into money market accounts. The interest rates for the new 12-month CDs is 2.50% (previous CDs were 2.00%), while the money market accounts will be at a rate of 1.15%. This information was reviewed with Borough Council at the June 4, 2019. The Borough Treasurer is initiating these transactions.

b. Public Safety

Council Member Meisel stated that the Public Safety Committee is scheduled to meet on June 20, 2019. Items before the Committee will include review of the recommendations for the intersection of King St. and Powelton Ave. from the *Malvern Borough-wide Multimodal Transportation Study*, a review of the recommendations from the Borough Traffic Engineer for

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the intersection of King St. and Griffith Ave./Karen Dr., and discussion about safety enhancements in Borough Hall.

The bids for the E. King St. Pedestrian Signal project were received on June 13, 2019. A recommendation for awarding is before Borough Council this evening.

c. Public Works

Council Member Sinquett stated that the Public Works Committee met prior to tonight's 18, 2019. Items before the Committee included discussion of additional paving projects for 2019 based receipt of the recent bid results, the Crest Ave. sidewalk/paving project, and continued review of the Community Installation Application for the Malvern Business & Professional Association (pole banners along King St.). Regarding the 2019 paving program, bid results for the paving of a section of W. King St., the Burke Park parking lot, the trails in Burke Park, and the paving of the King St. parking lot are before Borough Council this evening for consideration. These projects were allocated in the 2019 budget.

8. ORDINANCE NO. 2019 – 4: AUTHORIZATION FOR LAND ACQUISITION FOR THE N. WARREN AVENUE TRANSIT PROJECT

a. Public Hearing for Authorizing The Acquisition of Land for the North Warren Avenue Transit Project

Council President Grossman announced that Borough Council will now open a public hearing to consider Ordinance No. 2019–4. This ordinance will authorize the acquisition of land for the N. Warren Avenue Transit Project. The proposed ordinance was advertised in the June 6, 2019 edition of the Daily Local News, as required, and posted on the Borough website.

Hearing no public discussion, Council President Grossman closed the Public Hearing.

b. Motion to Adopt Ordinance No. 2019–4

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0 to adopt Ordinance No. 2019–4, authorizing the acquisition of land for the North Warren Avenue Transit Project.

9. UNFINISHED BUSINESS

a. Authorization to Advertise – Amendments to the Home Rule Charter – Section 409 Forfeiture of Office & Procedure for Removal

Borough Manager Bashore stated before Borough Council this evening are two (2) ordinances to initiate the amendment of the Borough's Home Rule Charter. These amendments were discussed by the Home Rule Charter Ad Hoc Committee (Vice-President Uzman, Councilor Laney, and Councilor Raynor). The proposed amendments would establish meeting attendance requirements for the Mayor's office. An additional amendment is required in order to

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establish removal procedures in the event of a violation. The proposed amendments mirror the requirements for members of Borough Council. These amendments would not go into effect until January 1, 2022.

Borough Manager Bashore said he discussed the proposed amendments with Mayor Burton last week. He understood and was appreciative of the consideration given to have this go into effect at the conclusion of his term. During our conversation, he noted that he is going to work to adhere to the provisions of the amendment in order to set an example for the next Mayor.

Both ordinances would need to be authorized for advertisement by Borough Council. If authorized, the required public hearings could be held on July 2, 2019. Please be advised that the proposed amendments will need to be presented to the Chester County Board of Elections 13 weeks prior to the election in order to be on the ballot in the November General Election.

A motion was made by Council Vice-President Uzman, seconded by Council Member Raynor, and carried by a vote of 7-0 to authorize for advertisement amendments to the Home Rule Charter – Section 409 Forfeiture of Office & Procedure for Removal.

b. Borough Council Initiatives – Zoning Ordinance Amendments

Borough Manager Bashore stated before Borough Council is a memo from the Brandywine Conservancy that summarizes recommendations following extensive analysis of Borough's existing zoning regulations, specifically related to building and lot coverage allowances in the Borough's residential zoning districts. There was careful review of the impacts this may have on existing properties in several residential zoning districts and considerable discussion with an informal "internal Borough committee." This committee consisted of Council Member Finkbiner, Council Member Sinquett, the Borough Manager, and the Assistant Borough Manager/Zoning Officer. The primary focus centered on the impact of new residential construction that often seems out of character or scale with the existing neighborhood. To prepare these recommendations, the committee analyzed existing zoning definitions, lot coverage and building coverage limitations, yard area setbacks, and building height, with a view not to curtail new construction and improvements, but to protect neighborhood character. As a result of the analysis and discussion, the discussion has been narrowed down to the recommendations outlined in the memo.

Borough Council directed Borough Manager Bashore to send the documentation compiled by the Brandywine Conservancy to the Planning Commission for their review and recommendations.

10. NEW BUSINESS

a. Bid Awards

i. 2019 Paving Program – West King Street

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Borough Manager Bashore stated before Borough Council is a recommendation from the Borough Engineer for the awarding of the paving of West King Street, a component of the 2019 paving program. A pre-bid meeting was held on June 6, 2019 and bids were received on June 13, 2019. There were seven (7) bids received for the project.

In a letter dated June 14, 2019, the Borough Engineer recommends awarding the project to S.A. Macanga, Inc. in the amount of \$24,237.04 based on their bid dated June 13, 2019. Please be advised that the bid was only for the labor. As with past projects, the Borough will purchase the material directly from the asphalt plant through the COSTARS program. The Borough Engineer estimates that the cost for material is approximately \$19,000, bringing the total project cost to \$43,237.04, which is below what was budgeted.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0 to award the contract for the paving of West King Street to S.A. Macanga, Inc. based on their bid, dated June 13, 2019.

ii. Paving of Burke Park Parking Lot & Walking Trails

Borough Manager Bashore stated before Borough Council is a recommendation from the Borough Engineer for the awarding of the paving of the Burke Park Parking Lot and the walking trails in Burke Park. This is a component of the 2019 paving program, a component of the 2019 paving program. A pre-bid meeting was held on June 6, 2019 and bids were received on June 13, 2019. There were five (5) bids received for the project.

In a letter dated June 14, 2019, the Borough Engineer recommends awarding the project to S.A. Macanga, Inc. in the amount of \$24,881.10 based on their bid dated June 13, 2019. Please be advised that the bid was only for the labor. As with past projects, the Borough will purchase the material directly from the asphalt plant through the COSTARS program. The Borough Engineer estimates that the cost for material is approximately \$18,000, bringing the total project cost to \$42,881.10, which is below what was budgeted.

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 contract for the paving of Burke Park Parking Lot and walking trails to S.A. Macanga, Inc. based on their bid dated June 13, 2019.

iii. Paving of King St. Parking Lot

Borough Manager Bashore stated before Borough Council is a recommendation from the Borough Engineer for the awarding of the paving of the parking lot on East King Street (next to the Malvern Pizza parking lot), a component of the 2019 paving program. A pre-bid meeting was held on June 6, 2019 and bids were received on June 13, 2019. There were six (6) bids received for the project.

In a letter dated June 14, 2019, the Borough Engineer recommends awarding the project to S.A. Macanga, Inc. in the amount of \$12,657.72 based on their bid dated June 13, 2019. Please be advised that the bid was only for the labor. As with past projects, the Borough

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will purchase the material directly from the asphalt plant through the COSTARS program. The Borough Engineer estimates that the cost for material is approximately \$4,500, bringing the total project cost to \$17,157.72. The Burke Park parking lot was constructed in 1980 and has not been repaved since its construction.

Cathy Raymond, 6 Karen Drive, asked Borough Manager Bashore to ensure the paving work does not interfere with the August 8, 2019 Town Tour that has the parking lot scheduled as one of its stops. Borough Manager Bashore stated he will notify the Borough Engineer of the Town Walk and to coordinate accordingly with the Malvern Historical Commission.

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 7-0 to award the contract for the paving of the East King Street Parking Lot to S.A. Macanga, Inc. based on their bid dated June 13, 2019.

iv. East King Street Pedestrian Signals

Borough Manager Bashore stated before Borough Council are the bid results for the installation of pedestrian signals East King Street. The project proposes installing signals at the intersections with Church Street and Ruthland Avenue. This was recommended in the *Malvern Borough-wide Multimodal Transportation Study* due to the fact that these intersections have existing crosswalks, but do not meet the warrants for all-way stop controls. Bids were received on June 13, 2019. The two (2) bids received were from Charles A Higgins & Sons, Inc. in the amount of \$82,894.80, and Lenni Electric Corporation in the amount of \$111,721.30.

In a letter dated June 13, 2019, the Borough Traffic Engineer recommends awarding the contract to Charles A. Higgins & Sons, Inc. as the qualified low bidder in the amount of \$82,894.80 based on their bid dated June 13, 2019, which is below the original cost estimate for this project.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0 to award the contract to Charles A. Higgins & Sons, Inc. as the qualified low bidder in the amount of \$82,894.80 based on their bid dated June 13, 2019.

b. Escrow Release – 100 Quaker Lane – Request #1

Borough Manager Bashore stated before Borough Council is escrow release request #1 for the approved land development project at 100 Quaker Lane. The amount requested for release is \$37,555.00. Please be advised that this represents the balance of the escrow for this project.

In a letter dated June 13, 2019, the Borough Engineer recommended releasing the requested \$37,555.00 subject to the following conditions: 1) Ensuring payment of all outstanding fees, including professional service fees; and 2) Payment of the following required fees to the

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Borough: Stormwater Operation & Maintenance Fee at a cost of \$1,200.00, and a Sidewalk Fee-in-Lieu at a cost of \$3,520.00.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0 to approve escrow release request #1 for the project at 100 Quaker Lane, based on the Borough Engineer's letter dated June 13, 2019, subject to the conditions outlined therein.

c. Grant Application – Chester County Vision Partnership Program

Borough Manager Bashore stated before Borough Council is information regarding a potential grant application to the Chester County Vision Partnership Program. As Borough Council is aware, the Borough previously received funding through this program in order to complete the *Malvern Borough-wide Multimodal Transportation Study*. The proposed application would be an update to the Borough's 2012 Comprehensive Plan, with an update of the 2009 Revitalization Plan.

The Vision Partnership Program offers grants to Chester County municipalities seeking to improve their planning programs, while achieving consistency with and implementation of the goals, objectives, recommendations, and map of *Landscapes3* (the Chester County Comprehensive Plan). There are two (2) grant rounds per year, with \$125,000 available in each round. There is a \$50,000 cap for individual projects for plans or ordinances adopted under the Municipalities Planning Code (MPC). In addition, there is a 30% minimum match requirement; however, applicants may earn more points with a greater match. Please be advised that the Borough provided a 50% match in our previous Vision Partnership Program grant project.

Borough Council reviewed a draft scope of work and cost estimate provided by the Brandywine Conservancy. After review, Borough Council directed Borough Manager Bashore to provide the information for review in order to consider an application in the second round of 2019.

d. Volunteer Boards and Committees

i. Planning Commission

Borough Manager Bashore stated Lynne Frederick has submitted her resignation from the Planning Commission effective July 1, 2019. A copy of her resignation letter was provided in the Borough Council packets. The individual appointed will complete a term set to expire on January 1, 2021. The recently created alternate Planning Commission member position is still vacant.

ii. Randolph Woods Nature Preserve Master Plan Ad Hoc Committee

Borough Manager Bashore stated Borough resident, Zoe Warner, contacted him regarding her interest in serving on the Randolph Woods Nature Preserve Master Plan Ad

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Hoc Committee. Dr. Warner currently serves on the Planning Commission and recently completed her doctorate in City and Regional Planning from the University of Pennsylvania.

A motion was made by Council Vice-President Uzman, seconded by Council Member Meisel, and carried by a vote of 7-0 to appoint Zoe Warner to the Randolph Woods Nature Preserve Master Plan Ad Hoc Committee.

- iii. Passing of Joseph O'Donnell – Former Member of the Malvern Parks & Recreation Committee

Borough Manager Bashore stated he received notification that Mr. Joseph O'Donnell recently passed away who served on the Malvern Parks & Recreation Committee.

- e. Zoning Hearing Board

Borough Manager Bashore stated that there are no new applications before the Zoning Hearing Board.

11. 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.

No member of the audience had any comments.

12. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Meisel, seconded by Council Vice-President Uzman, and carried by a vote of 7-0, to adjourn the meeting at 8:18 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary