

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

June 5, 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 Finkbiner
Council Member Laney
Council Member Meisel
Council Member Sinquett
Mayor Burton

ABSENT:

Council Member Raynor

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

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. ACKNOWLEDGMENT OF THE UPPER MAIN LINE MEMORIAL ASSOCIATION FOR THE SUCCESS OF THE 150TH MALVERN MEMORIAL PARADE:

Council President Grossman thanked the Upper Main Line Memorial Association and congratulated them on the success of the 150th Malvern Memorial Parade. Frank Ortner, Co-Chair for the Parade Committee of the Upper Main Line Memorial Association (UMLMA), provided a summary of the 150th Parade that occurred on Sunday, June 3, 2018 noting the leadership change of the UMLMA, Borough support, and parade participation.

4. RESOLUTION NO. 766 – AMENDING THE APPROVAL FOR THE TRANSFER OF A RESTAURANT LIQUOR LICENSE INTO THE BOROUGH OF MALVERN FOR HEARTH OF MALVERN, LLC. GRANT THROUGH RESOLUTION NO. 763:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 6-0, to adopt Resolution No. 766, amending the approval for the transfer of a restaurant liquor license into the Borough of Malvern for Hearth of Malvern, LLC. granted through Resolution No. 763.

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5. APPROVAL OF MINUTES:

A motion was made by Council Member Finkbiner, seconded by Council Member Sinquett, and carried by a vote of 6-0, to approve the minutes of the meeting held on Tuesday, May 15, 2018, as submitted.

6. APPOINTMENT OF FULL-TIME POLICE OFFICER – TYLER BURY:

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0, to appoint Tyler Bury as a full-time officer with the Malvern Police Department effective June 8, 2018.

7. POLICE DEPARTMENT RECOGNITIONS:

Police Chief Marcelli presented Tyler Bury, Police Officer, with a Commendation of Merit for the apprehension of a suspect that robbed a local gun shop.

Police Chief Marcelli presented Daniel Sheridan, Police Officer, with a Commendation of Life Saving for rendering aid to a female who had multiple wounds to her wrists and neck.

Bob Jones, State Representative Aid for Duane Milne, presented Officers Bury and Sheridan with Recognitions from the State House of Representatives.

8. PRESENTATION – JOHN RIGSBY – FIRST AVENUE BASKETBALL LEAGUE:

John Rigsby, requested Borough Council consider allowing him to use the basketball court at Horace J. Quann Park, located at the intersection of First and Warren Avenues, for an eight (8) week basketball league. Mr. Rigsby met with the Parks & Recreation Committee at their meeting on May 2, 2018 and the Committee recommends that Borough Council allow Mr. Rigsby to conduct his league. Borough Manager Bashore stated Mr. Rigsby has provided the necessary liability insurance, which has been reviewed by the Borough Solicitor and found to be acceptable. A draft use agreement has been prepared for Borough Council's review and acceptance.

Katie Lindstrom, 45 Malvern Avenue, asked Mr. Rigsby if he would be collecting fees for the league. Mr. Rigsby stated he would be charging a nominal fee to cover teams' shirt costs, however, P.J. Whelihan's Pub & Restaurant has agreed to be a league sponsor to defer costs.

Danny Fruchter, 234 Channing Avenue, asked Mr. Rigsby to clarify what outreach and marketing he did to promote the league. Mr. Rigsby stated he has used social media and word-of-mouth to promote the league.

Borough Council was in agreement to allow Mr. Rigsby to use the basketball court at Horace J. Quann Park for his league and to hang a banner on the fence at the intersection of First and Warren Avenues during the duration of the league.

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A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 6-0, to approve the use agreement between the Borough of Malvern and John Rigsby for the use of the basketball court at Horace J. Quann Park for the First Ave. Men's Basketball League.

9. AWARD BID – WOODLAND AVENUE STREETSCAPE PROJECT:

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0, to award the contract for the Woodland Avenue Streetscape Project to Marino Corporation, of Skippack, PA, as the lowest responsible bidder, at a cost of \$712,086.50, as recommended by the Borough Engineer, contingent on the approval of the bid documentation by the Chester County Department of Community Development.

10. UNFINISHED BUSINESS:

a. 2017 Financial Report & Audit:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 6-0, to approve the 2017 Financial Report & Audit as prepared by Peterson Fieo & Company, of Media, Pennsylvania.

b. Update – Borough Council Initiatives:

Borough Manager Bashore stated Borough officials met with Brandywine Conversancy staff to coordinate an aerial analysis of the R-3a zoning district to identify the current pattern of land development. The analysis will include: An aerial analysis of building footprints; comparison to mapping of required setbacks in the Zoning Ordinance; and a calculation of impervious and lot coverage. The estimated cost to complete this task is \$1,100 and should be completed in approximately three (3) weeks.

11. NEW BUSINESS:

a. 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 rezone 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.

Borough Council was in agreement to consider rezoning the subject parcels to the I-4 zoning district and to have the Planning Commission review the proposed zoning map amendment and to make a recommendation to Borough Council for its action.

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b. Proposed Ordinance – Amendment to Chapter 25 (Administrative Code) of the Malvern Borough Code of Ordinances – Threshold for Competitive Bidding:

Borough Manager Bashore stated before Borough Council this evening is a proposed ordinance to amend the bidding threshold found in Malvern Borough's Administrative Code (Chapter 25 of the Code of Ordinances). The proposed amendments to the bidding threshold were discussed at the Finance & Administration Committee's meeting on May 22, 2018. The proposed ordinance would amend the Administrative Code to establish that the Borough's bidding threshold be amended to match the current amount specified by law (\$20,100) and to adjust annually in the same as outlined in Act 90 of 2011.

A motion was made by Council Member Laney seconded by Council Vice-President Uzman, and carried by a vote of 6-0, to authorize advertise of the proposed ordinance amendment prior to adoption.

c. Permit Management Software – Proposed Agreement with iWorQ Systems:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 6-0, to execute an agreement between the Borough of Malvern and iWorQ Systems for the permit management, at an initial costs of \$1,675.00 and an annual cost of \$2,500.00.

d. Proposed License Agreement between the Borough of Malvern and Chester Valley Little League:

Borough Manager Bashore stated before Borough Council this evening is a draft license agreement between the Borough and the Chester Valley Little League. The Chester Valley Little League has been utilizing the baseball field in Horace J. Quann Park with no agreement on file outlining the terms on Borough property.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0, to execute a license agreement between the Borough of Malvern and the Chester County Little League for the use of the baseball field, located on Horace Quann Park.

e. Investment of Borough funds – National Bank of Malvern:

Borough Manager Bashore stated the National Bank of Malvern has offered a 12-month CD with an interest rate of 2.00% of the Borough's General Fund and Sewer Fund contingency funds. If the Borough needed to withdraw the funds from the CD early, the penalty would be 90 days' interest. There are no additional penalties for early withdrawal.

No action was taken by Borough Council due to no money will be transferred out of a Borough account and the National Bank of Malvern is an approved depository for Borough funds.

f. Zoning Hearing Board:

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Borough Manager Bashore stated the Zoning Hearing Board will met on May 21, 2018 to issue its decision for 324/328 East King Street, the applicant is Renehan Realty, LLC. The hearing was conducted on April 30, 2018. In the decision, the Board granted three (3) variances with conditions. A copy of the decision is available for public viewing at Borough Hall.

In addition, there is one (1) item that will be before the Zoning Hearing Board that is presently scheduled for June 18, 2018 for 353 Old Lincoln Highway, the property owner, LaGrie, LLC. is appealing a Notice of Violation issued by the Zoning Officer. This was due to the clearing of woodlands in excess of 60% as defined by the Zoning Ordinance. In addition, the applicant is requesting a variance from section 2204.A.(1) of the Zoning Ordinance to clear 60% of woodlands as defined in the alternative.

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.

12. 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.

Joan Yeager, 1404 Raintree Lane, thinks the property owner(s) of the Malvern Post Office should clean-up the landscaping in front of the building, it is an eyesore along King Street.

13. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Meisel, and carried by a vote of 6-0, to adjourn the meeting at 8:37 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary