

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

June 6, 2017
7:30 P.M.

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 (Absent)
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. RESOLUTION NO. 737 – PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR MALVERN PREPARATORY SCHOOL – AUGSTINE CENTER & MIDDLE SCHOOL:

Council President Bramwell stated this agenda item has been tabled at the request of the Malvern Preparatory School.

4. AWARD BID – RUTHLAND AVENUE / RANDOLPH WOODS ROAD PAVING PROGRAM:

Borough Manager Bashore stated the scope of work for the paving project involves the paving of the driveway in front of the Public Works garage and the re-paving of the existing entrance way into Randolph Woods. This project was allocated in the Borough's 2017 budget in the Capital Reserve Fund. Bid results were as follows: 1) Willistown Contractors, Inc. at a cost of \$18,255.00; 2) Charlestown Paving at a cost of \$20,253.75, and 3) PJ Reilly Contracting Co. at a cost of \$24,762.55.

A motion was made by Council Member Sinquett, seconded by Council Vice-President Uzman, and carried by a vote of 6-0 to award the bid for the Ruthland Avenue / Randolph Woods Road Paving Program to Willistown Contractors, Inc., of Willistown, Pennsylvania, as

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the lowest responsible bidder, at a cost of \$18,255.00, as recommended by the Borough Engineer.

5. OLD BUSINESS:

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

Council President Bramwell tabled this agenda item for discussion.

b. Status Update – Community Arts Project

Council President Bramwell stated the community project has been referred back to the Public Works Committee. Borough Manager Bashore stated the Public Works Committee met prior to tonight's council meeting and has recommended the Parks & Recreation Committee review the proposed project, and if advised by the Committee to be referred to the Public Safety Committee.

Mayor Burton commented that Police Chief Marcelli wants council to take into consideration the proposed location of the community arts project in regards to the proximity of the Police Department. Council President Bramwell recommended either Mayor Burton and/or Police Chief Marcelli attend the next Parks & Recreation Committee meeting to discuss this matter.

Danny Fruchter, 234 Channing Avenue, submitted two (2) letters from borough residents regarding their concerns with the proposed art project. Ari Christakis stated the presented letters from Tom Teti of 115 West Broad Street, and Suzanne Stuut of 218 Channing Avenue will be entered into the record.

Sidne Baglini, 203 Channing Avenue, requested the letters submitted at the May 16, 2017 Borough Council Meeting, as well as, this evening's meeting be submitted to the Parks & Recreation Committee for its review.

6. NEW BUSINESS:

a. Status Report #1 – Randolph Woods Ad Hoc Committee

Mark Niemiec, chair of the Randolph Woods Ad Hoc Committee stated the committee last met on Wednesday, May 31, 2017 to finalize the status report. Mr. Niemiec stated the committee held a site walk on April 23, 2017 to: 1) Document the existing conditions of the property and identify future uses for the property, including additional passive recreational opportunities and re-establishing the trail network; 2) Evaluate the issues of encroachment by neighboring property owners; and 3) Evaluate the condition of the trees and vegetation on the property. The committee would like to repurpose the former pump house, located along the drive to Randolph Woods, for community use (e.g. Nature center).

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Mark Niemiec mentioned the next scheduled meeting of the ad hoc committee is Wednesday, June 21st.

He stated the committee recommends Borough Council authorize the Borough Engineer to conduct a site survey at a cost of \$2,200.00 to enable the borough to enforce the encroachment made by Willistown Township residents along the eastern border of Randolph Woods.

Borough Solicitor Christakis stated the conservation easement through the Willistown Conservation Trust gives the borough authority to enforce encroachment and the survey would be a tool to assist the matter. With the completion of a formal survey, the borough would be able to either craft licenses with the Williston Township property owners that have encroached on Randolph Woods with the option to revoke at any given time or to undertake official enforcement proceedings.

A motion was made by Council Member Sinquett, seconded by Council Vice-President Uzman, and carried by a vote of 6-0 to authorize the Borough Engineer to conduct a site survey of Randolph Woods at a costs not to exceed \$2,200.00.

b. Proposed Zoning Ordinance Amendment – Floodplain Overlay District

Borough Manager Bashore stated the proposed Floodplain Overlay District would amend the Zoning Ordinance. This ordinance will amend the Borough's requirements for the Floodplain Overlay District found in Section 220-2201 of the Borough's Zoning Ordinance. This ordinance was reviewed by the Planning Commission at their May 18, 2017 meeting, who recommended adoption. The requirements within this ordinance are state-mandated, limiting the Borough's ability to make changes. The regulations were adopted by Chester County and must be adopted by all municipalities by the end of September, 2017.

Borough Council was in agreement to have Borough Manager Bashore schedule and advertise a public hearing for July 18, 2017.

c. Escrow Release Requests

i. 347 Old Lincoln Highway – Release Request No. 4

A motion was made by Council Member Sinquett, seconded by Council Vice-President Uzman and carried by a vote of 6-0 to authorize the release of \$8,841.30 per the recommendation of the Borough Engineer's letter dated, June 1, 2017.

ii. 361 Old Lincoln Highway – Release Request No. 6

A motion was made by Council Member Sinquett, seconded by Council Vice-President Uzman and carried by a vote of 6-0 to authorize the release of \$9,321.90 per the recommendation of the Borough Engineer's letter dated, June 1, 2017.

d. Zoning Hearing Board

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Borough Manager Bashore stated the Zoning Hearing Board met on May 22, 2017 to review the application for 5 Raffaella Drive, owned by Jerome and Patty Heppelmann. The applicants were seeking a variance from Chapter 220, Section 602.B.6 in order to allow for an additional 266 sq. ft. (2.4%) of maximum lot coverage for the expansion of a rear-yard deck. At their meeting on May 22, 2017, the Zoning Hearing Board voted to grant the requested relief from the Zoning Ordinance, conditioned upon compliance with the evidence and testimony presented at the hearing.

There are no new Zoning Hearing applications at this time.

e. Annual Memorial Parade & Spaghetti Dinner

Council President Bramwell thanked Frank Ortner for coordinating another successful parade. Mr. Ortner stated the dinner had 100 attendees and the free concert afterwards brought in a few hundred attendees. The parade was the largest attended parade Mr. Ortner is aware of, crediting the large number of young attendees for the size. Mr. Ortner thanked the Malvern Police and Fire Departments for their assistance in producing another safe Memorial weekend.

Mr. Ortner announced a fundraising event for the Paoli Memorial Association and Paoli Battlefield Preservation Fund at the Wester Chester University Planetarium. The planetarium will display what the Malvern sky would have looked like on the night of September 20, 1777, the night of the Battle of Paoli, and will show how that compares to the night sky of today. The event is scheduled for Tuesday, June 13th and tickets are \$75.00 per person. Those interested in attending the event may purchase tickets at the National Bank of Malvern, Kohlermans' Pharmacy and other local businesses, as well as, online at paolimemorialassociation.org or pbpfinc.org.

7. 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, expressed his dissatisfaction with how Borough Council has not taken action on previous mentioned issues he has brought to their attention. Council President Bramwell instructed Mr. Buckley to write a letter or list of all his issues and to schedule an appointment with Borough Manager Bashore to discuss. The letter or list would then be the mechanism that Borough Council, Borough Staff, and Mr. Buckley may coordinate from.

b. Stacey McShane, 139 Church Street, asked if the paving specifications for Ruthland Avenue / Randolph Woods Paving were provided to the bidding contractors to assure accurate pricing. Borough Manager Bashore stated the bid specifications were compiled by the Borough Engineer and approved by the Public Works Committee prior to obtaining bids. The bid specifications included an eighteen (18) month warranty on all work.

8. ADJOURMENT:

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All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Siquett, and carried by a vote of 6-0 to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary

Dear Councillors,

My exception to the addition of dog statues on the Borough Hall lawn comes to me before any discussion of good or bad art. I agree with Sarah Bones that there would be an opportunity, here, to create an arts commission for ourselves. My exception comes when I try to understand why any person would be able to make a cosmetic change or addition to borough property without a broad-based referendum from the community. I love dogs, but I also love cats, and I am part of a very widespread subculture in Malvern that loves wine. Can I get a wine bottle onto the Hall lawn just by being active and pursuing the idea to the council? It seems to show either preferential treatment, or lack of commonality in the council's thinking about our surroundings. Perhaps we could have statues of two dogs clinking glasses, between them a twelve times scale burgundy bottle. I considered a cheese plate to go with it, but ultimately decided that papier-mache cheese would be cruel to the real dogs who come to visit.

Tom Teti
115 West broad street
Malvern PA 19355
June 6, 2017

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Public Comments by permission
of the author.


Danny Frucht 6/6/17

As I am out of state and cannot attend the meeting, I hereby give permission to Danny Fruchter or his designee to read my letter and enter it into the minutes of the Malvern Borough Council Meeting of June 6, 2017.

Suzanne Stuit

Owner of
218 Channing Avenue
Malvern

I am writing about the proposed change to the rear of the library in the form of an art installation. Please reconsider this project taking into account the opinions of those who would be most affected by this decision.

Since purchasing the home next door to the library at 218 Channing, I have been impacted by the decisions of the council in negative ways. I tried to express them at the last council meeting, but was extremely jet lagged and not prepared to speak. Since I couldn't delegate that as planned, I was unprepared.

First there was and is the over developing of the property behind me on Warren Avenue and the nightmare that construction has been. It continues to be a problem and has cost me money in the form of lost tenants. After approving that which I consider to be a mistake for our neighborhood and community, my house was added to a historic registry, approved by the Borough Council. It is my understanding that any changes I would want to make to the front of my house must now go through vigorous approval which could cost me more money and time. This is to keep the character of our historic places and to preserve them.

Everywhere I read or hear discussion about the proposed pop art installation, landscaping and picnic area, it is referred to being in the rear or in the back yard or behind the library. I think it may be helpful to change that verbiage to include the understanding that it will be in our front yards. The wonderful row of historic houses lovingly maintained in keeping with their individual historic architecture will possibly have a pop art installation with chairs and picnic tables in their front yards.

Who is going to maintain this picnic area? Who will monitor how it is used, how many people can congregate in front of our houses? Will they be allowed to picnic with alcohol, have children's parties and group picnics in front of our houses? How will parking on our street for these functions be monitored? Would you want this change to happen in your front yards?

My husband mentioned in his previous letter that we planned to move into our home on Channing when he finishes his job in California. As the atmosphere is chipped away in our lovely neighborhood this idea becomes less appealing.

Thank you for your consideration,
Suzanne Stuit

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Danny Fuchter 6/17