

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

March 3, 2020
7:30 P.M.

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: Marty Laney, Member of Malvern Borough Council

PLEDGE OF ALLEGIANCE TO THE FLAG

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

ABSENT

David B. Burton, Mayor

2. APPROVAL OF AGENDA

A motion was made by Council Vice-President Grossman, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve the agenda for March 3, 2020 as presented.

3. ANNOUNCEMENTS

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 the following vacancies exist on the Borough's volunteer boards and committees:

- Planning Commission – Regular & Alternate Member
- Zoning Hearing Board – Alternate Member
- Environmental Advisory Council

Interested parties should send a letter of interest, along with a current resume or letter stating past experience, to the Borough Manager at 1 E. First Avenue, Suite 3, Malvern, PA 19355 or at cbashore@malvern.org.

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c. Upcoming Events

- Borough Council & Planning Commission Joint Meeting – Thursday, March 5, 2020 at 7:30 pm at Borough Hall
- Parks & Recreation Committee's Kids WinterCraft Event – Saturday, March 7, 2020 from 10:00 am to 1:00 pm at Borough Hall

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Raynor, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, February 18, 2020 as presented.

5. SPECIAL BUSINESS

a. 2020 Cub Scout Day Camp

Council President Finkbiner stated that the Chester County Council of the Boy Scouts of America are requesting to host a day camp at the Malvern Memorial Scout Cabin from June 22, 2020 to June 26, 2020. This event would include BB shooting, archery, and slingshot lessons. Pursuant Chapter 104 of the Borough's Code of Ordinances, approval by Borough Council is required.

Jake Segal and Vicki Sharpless appeared before Borough Council on behalf of the Chester County Council of the Boy Scouts of America. Mr. Segal provided an overview of the event, noting that similar camps have been conducted throughout the region, and outlined the safety measures and equipment that are utilized. Mr. Segal stated that the day camp will run from 9:00 am to 3:30 pm each day and he has worked with Troop 7 at the Malvern Memorial Cabin and the Paoli Memorial Association to coordinate the event. Mr. Segal stated that all instructors are certified through the National Rifle Association Foundation and USA Archery. The student to instructor ratio is 1:1 for the BB shooting and 1:6 for archery. An inflatable range is used for the BB shooting portion of the day camp.

Council Vice-President Grossman asked about the number of attendees. Mr. Segal stated that they are anticipating about 100 attendees who will be separated into different groups. Mr. Segal stated that all material for the day camp will be broken down each night. Council Vice-President Grossman asked where the archery range would be located. Mr. Segal stated that it would be by the baseball field and the students would shoot from 15 feet.

Council Member Raynor asked about the number targets. Mr. Segal stated that there would be six (6) targets. Council Member Phillips asked if they will be using compound bows. Mr. Segal stated that they will not be. Council Member Raynor asked if there have been any incidents at similar events. Mr. Segal stated that there have not been.

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Council President Finkbinder asked what would occur if the Paoli Memorial Association did not permit the archery activities to occur. Mr. Segal stated that they would supplement the archery with another activity.

Chief Marcelli stated that he met with Mr. Segal to review the activities and did not have any objections. Chief Marcelli noted that he needed more information on the proposed archery location.

Council Vice-President Grossman asked about the slingshot activities. Mr. Segal stated that they use biodegradable paintballs and that the scouts are not permitted to keep them.

Borough Manager Bashore stated that he reviewed insurance information with the Borough Solicitor and they recommended a policy with a \$1 million per occurrence and a \$10 million aggregate. The Borough should be named as an additionally insured on the policy.

A motion was made by Council Member Meisel, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the request from the Chester County Council of the Boy Scouts of America for the day camp from June 22, 2020 to June 26, 2020 subject to the following conditions:

1. The Chester County Council of the Boy Scouts of America shall provide evidence of an insurance policy with a limit of \$1 million per occurrence and a \$10 million aggregate.
2. The Borough of Malvern shall be named as an "Additional Insured" for the above-referenced insurance policy.
3. The final location of the archery location shall be subject to the review and approval of the Chief of Police of the Malvern Police Department.

6. UNFINISHED BUSINESS

Council President Finkbinder stated that there are no items of Unfinished Business before Borough Council this evening.

7. NEW BUSINESS

a. Discussion – Trash & Recycling Contract

Council President Finkbinder stated that the Borough's current trash and recycling contract contains an option to extend the contract for an additional year. Borough Council must decide on whether or not to select the option on the current trash and recycling collection contract with Charles Blosenski Disposal Co. A decision must be made by March 30, 2020. If not selected, the current contract will expire on June 30, 2020. Council President Finkbinder noted that the Finance & Administration Committee has been reviewing information and decision must be made at the March 17, 2020 meeting.

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Council Member Laney stated that the Finance & Administration Committee has been reviewing options that include bidding out the current structure, modifying the service to once a week collection for trash, and potentially billing this service separately from taxes. Council Member Laney noted issues with the equitability of the current system and some residents are paying for a service they are not receiving. Council President Finkbinder stated that a decision on billing may be made at a later date and that the only decision before Borough Council at this time is whether or not to select the current contract option.

Council Member Bones stated that twice a week trash collection has been the Borough's standard and he would not want to make substantial changes to the service at this time. Council Member Bones noted concerns that the sudden change could have on residents and being able to provide enough time for education. Council Member Meisel stated that he had concerns on the impact weather delays could have if the number of collections per week were to be reduced.

Council Member Raynor asked about the structure of the current contract. Borough Manager Bashore stated that the current contract includes three (3) one (1) year options that the Borough Council must select within 90 days of the expiration of the contract. Borough Manager Bashore stated that the 2020 budget was based on the numbers from the first option year and that it includes a 6% increase. Council President Finkbinder expressed a desire to have further discussion. Council Member Meisel asked about the impetuous to making a change to the existing structure. Council President Finkbinder noted the numbers in the Borough's five-year projections.

John Buckley, 165 Church Street, asked if the number of receptacles would be reduced if the number of collections per week were decreased. Council President Finkbinder stated that the number of receptacles is set by ordinance and a change to that is not being discussed at this time.

Council Vice-President Grossman stated that this is an introduction of the discussion. Council Member Laney noted issues currently in the recycling market. Council President Finkbinder requested the information on the cost savings of moving to once a week trash collection for the next meeting.

John Buckley, 165 Church Street, asked where the money would go if the number of collections were reduced. Borough Manager Bashore stated that the Borough's policy is to transfer any excess revenue over expenditures in the General Fund to the Capital Reserve Fund.

Mark King, 16 Griffith Avenue, stated that he would like to see the Borough move to once a week collection and that it may encourage more recycling.

Council Member Bones stated that perhaps the Environmental Advisory Council should be involved due to the potential environmental impacts.

Kel Schmitt, 133 Channing Avenue, noted the onus of educating residents who rent on changes falls to the landlords.

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Joe Rubino, 1 Raffaella Drive, noted his experience in the waste management business and if Malvern Borough wants to continue providing this service.

This matter will be before Borough Council on March 17, 2020.

b. Consideration of professional appointment – Planning Commission Solicitor

Borough Manager Bashore stated that before Borough Council is a recommendation to appoint a dedicated solicitor to the Planning Commission. The recommended appointee is Kenneth Kynett, Esq. of the firm Petrikin, Wellman, Damico, Brown, & Petrosa. Borough Manager Bashore stated that he reviewed this possibility with the Borough Solicitor who was in agreement with this recommendation.

A motion was made by Council Member Bones, seconded by Council Vice-President Grossman, and carried by a vote of 7-0, to appoint Kenneth Kynett, Esq. of Petrikin, Wellman, Damico, Brown, & Petrosa as the solicitor for the Malvern Planning Commission.

c. Proposed Ordinances

- Amendments to the Malvern Borough Zoning Ordinances – Authorization to send to the Chester County Planning Commission

Council President Finkbiner stated that the Planning Commission has completed their review of the proposed amendments to the Borough's Zoning Ordinance. The proposed amendments to the Borough's Zoning Ordinance are based on the work completed by the Brandywine Conservancy. This work was reviewed by Borough Council on December 3, 2019. The Planning Commission has reviewed the amendments and recommends adoption. Council President Finkbiner stated that the next step in the process is to send these to the Chester County Planning Commission for review and comment.

A motion was made by Council Vice-President Grossman, seconded by Council Member Raynor, and carried by a vote of 7-0, to send the proposed Zoning Ordinance amendments to the Chester County Planning Commission for review and comment.

- Amendments to Chapter 25 (Administrative Code) of the Malvern Borough Code of Ordinances – Authorization to advertise

Borough Manager Bashore stated that before Borough Council this evening are proposed amendments to the Borough's Administrative Code. The proposed amendments would address items such as board and committee secretary functions, the role of certain employees, bonding limits for certain employees, and the disposal of surplus property. These amendments have been recommended by the Finance & Administration Committee.

A motion was made by Council Vice-President Grossman, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize the advertisement of the proposed amendments to the Borough's Administrative Code.

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- Amendments to Chapter 62 (Alarm Systems) of the Malvern Borough Code of Ordinances – Authorization to advertise

Borough Manager Bashore stated that before Borough Council this evening is a proposed amendment to the Borough's requirements pertaining to alarm systems. The proposed amendments would address the penalties for false alarms and fees required for registration by allowing them to be set by resolution. These amendments have been recommended by the Chief of Police.

Borough Manager Bashore stated that a modification to the definition of "Automatic Protection Devices" was brought to his attention by Council Vice-President Grossman. The proposed ordinance includes an amendment to this definition to exclude personal medical alert devices from the required registration and penalties.

Joe Rubino, 1 Raffaella Drive, asked if the Borough has an issue with false alarms. Chief Marcelli stated that there are some, but not many.

A motion was made by Council Vice-President Grossman, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize the advertise of the proposed amendments to Chapter 62 of the Borough's Code of Ordinances.

d. Zoning Hearing Board

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

8. PUBLIC FORUM

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

John Buckley, 165 Church Street, asked about the absence of Mayor Burton. Council President Finkbiner stated that Mayor Burton is not subject to the same attendance requirements as Borough Council. Borough Manager Bashore and Chief Marcelli stated that they regularly speak with Mayor Burton regarding matters with the Borough.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice-President Grossman, seconded by Council Member Bones, and carried by a vote of 7-0, to adjourn the meeting at 8:34 p.m.

Respectfully submitted,
Christopher Bashore
Borough Manager/Secretary