

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

March 19, 2019  
7:30 P.M.

PRESIDING: Council President Grossman

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 (Arrived at 7:35 p.m.)  
Council Member Raynor  
Council Member Sinquett  
Mayor Burton

ABSENT

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

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. 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, March 5, 2019, as submitted.

4. 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 & Administration, Public Safety, Public Works and 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 February 2019, as submitted.

5. BOROUGH COUNCIL COMMITTEE REPORTS

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### a. Finance & Administration

Council Vice-President Uzman stated the Finance & Administration Committee met on March 19, 2019 prior to this evening's meeting. Items before the Committee include investment of Borough funds with the PA Local Government Investment Trust (PLGIT), a potential internship program with the Borough, information on upgrades to the A/V system in the Borough Council meeting room to accommodate teleconferencing, revisions to the proposed Community Installation Policy, and potential amendments to the Borough's meeting Code of Conduct.

### b. Public Safety

Council Member Meisel stated the Public Safety Committee last met on February 27, 2019. The only item of discussion were revisions to the plans for the pedestrian crossing signals on E. King Street based on comments that were received from the PA Department of Transportation (PennDOT). There will be pedestrian warning lights on both sides of each unit at the subject intersections. The Committee reviewed a similar installation in Royersford Borough, with documentation both during the day and night.

### c. Public Works

Council Member Siquett stated the Public Works Committee has not met since the February 19, 2019. The Committee reviewed via email information from the Borough Engineer and Ingram Engineering regarding the groundwater situation on Old Lincoln Highway. There were eight (8) test pits that were dug in the right-of-way of Old Lincoln Highway on the northern side. A report issued by Ingram Engineering indicates that there was groundwater infiltration at various depths in six (6) of the pits.

## 6. 2018 VOLUNTEER BOARD & COMMITTEE REPORTS

### a. Planning Commission

Dave Knies, Chair of the Planning Commission, provided a summary of the Commission's 2018 activities, which included: 5 Subdivision & Land Development Applications, 6 Zoning Hearing Applications, 2 Conditional Uses, and 4 Ordinance Amendments. Discussion focused on updating the Comprehensive Plan last revised in 2012, the Zoning Ordinance last revised in 2003, and the Subdivision and Land Development Ordinance last revised in 2006. In addition, Mr. Knies cautioned that the I-2 Institutional District, where the Malvern Retreat House resides, should be evaluated for new home density impacts.

Borough Council discussion focused on updating the Comprehensive Plan, adopted in 2012, followed by the Zoning Ordinance and Subdivision & Land Development Ordinance. Funding for the plan update could be from the Chester County Vision Partnership Program and would take approximately 2 years to complete.

### b. Historical Commission

Lynne Frederick, Chair of the Historical Commission, provided a summary of the

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Commission's 2018 activities, which focused on public events, research, and 2019 goals.

Lynne Frederick highlighted 2018 accomplishments, including: 1) Held second Lyceum night, 2) Had 1,046 followers on Facebook, 3) Published articles in Borough Broadcaster and InGreat Valley, 4) Worked at the Malvern Blooms, Oktoberfest, Victorian Christmas, Heritage Day, and Farmers Markets during the summer months, and 5) Provided nine Preservation awards to property owners that exemplify preservation efforts.

### c. Shade Tree Commission

Borough Manager Bashore stated fifteen (15) trees were ordered from the Pennsylvania Horticulture Society, picked and delivered by the Public Works Department to borough residents. All residents were consulted on planting and care of the trees. Cost to Borough was \$750.00.

In 2018, the Shade Tree Commission (STC) reviewed a number of Land Development and Subdivision plans to provide recommendations for new tree plantings and assess the condition of existing trees. The STC also assisted with the selection and planting of trees along Woodland Avenue as part of the streetscape project. There are plans for more trees to be planted along Woodland Avenue as part of the St. Patrick's Subdivision development and along Warren Avenue between First Avenue and Roberts Avenue.

### d. Parks & Recreation Committee

Borough Manager Bashore stated the 2018 Easter Egg Hunt was attended by approximately 250 area residents. This past year's hunt was held indoors at the Malvern Fire Company's station house due to wet and muddy conditions at the Paoli Battlefield. A similar (if not greater) crowd is expected again this year and the Parks and Rec Committee will collaborate with the Paoli Battlefield Association, Malvern Borough Police Department, and Malvern Volunteer Fire Company to ensure the event's continued success. This year's hunt will be on Sunday, April 14<sup>th</sup> in the early afternoon at the Paoli Battlefield.

In late October, the Committee held its Malvern Halloween Parade with planning efforts lead by Liz Scoropanos. Planning for the 2019 parade is underway and will feature, among other additions and enhancements, new costume categories and an elevated stage for the awards presentation.

The Committee conducted its 3<sup>rd</sup> season of the adult kickball league that featured 16 teams of 15-20 players per team. The final week of games was played under lights (one light tower was rented and the other generously loaned by the Malvern Fire Company). The 4<sup>th</sup> season will take place this coming August – October, 2019. Parks and Rec is also planning an adult wiffle ball league for the late spring/early summer.

The Committee welcomed a wide range of area families and residents to gather in Burke Park for free community events including Malvern on Ice, Pumpkins in the Park, fall and spring yard sales, and family movie night. All events were well attended and received positive feedback from attendees.

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The Committee thanked Alicia Marziani, Administrative Assistant and the Parks & Recreation Coordinator, for her time, professionalism, and hard work in organizing the Committee's events.

### 7. RESOLUTION NO. 786 – DESIGNATING APRIL 2019 AS “PENNSYLVANIA 811 SAFE DIGGING MONTH

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0, to adopt Resolution No. 786, designating the month of April 2019 as “Pennsylvania 811 Safe Digging Month.”

### 8. UNFINISHED BUSINESS

Council President Grossman stated there was no old business for discussion.

### 9. NEW BUSINESS

#### a. Authorization to sell Public Works Vehicle – 1995 Ford F-350

Borough Manager Bashore requested authorization to sell the 1995 Ford F-350, currently in use by the Public Works Department. As part of the 2019 Budget, the purchase of a new Ford F-350 was allocated in order to replace this vehicle. The new vehicle has been acquired and came in under budget. As such, the Borough is in a position to sell the existing vehicle. Pursuant to section 25-21 of the Borough's Administrative Code, sale of equipment with a sale value of more than \$500 requires the approval of Borough Council. If authorized, the vehicle would be placed on Municibid for sale as we have had success in the past selling equipment through this program.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to authorize the sale of the 1995 Ford F-350 on Municibid, pursuant to section 25-21 of the Borough's Administrative Code.

#### b. First Ave. Basketball League – Amendment to Lease Agreement

Borough Manager Bashore stated before Borough Council is an amended agreement between the Borough and John Rigsby for the use of the full-court basketball court at Horace J. Quann Memorial Court for the First Avenue. Men's Basketball League. Mr. Rigsby operated the league for the first year in 2018 and an agreement was previously in place as approved at the June 5, 2018 meeting of Borough Council. The league operated from June 11, 2018 until August 5, 2018.

For 2019, Mr. Rigsby is seeking to expand the operating days of the league. The proposed agreement would allow the league to use the court from May 20, 2019 until August 8, 2019 (12 weeks in total). Mr. Rigsby plans to conduct games on Mondays thru Thursdays from 6:00 pm to 8:00 pm. In addition to the changes regarding the operating time, provisions regarding signage have also been included. Specifically, the agreement only allows signage to be

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out during the days in which the league is operating. Please be advised that, based on the operating schedule, this would comply with the time limitations for temporary signs outlined in the Borough's Zoning Ordinance.

Borough Council reviewed the draft lease agreement for 2019. Topics of discussion included a review of provisions for termination of the agreement, issues pertaining to parking, the fee associated with the lease, and ensuring that the court will be publicly available prior to the start of games. Borough Manager Bashore reviewed an amended version of the proposed agreement to address these items and will circulate this to Borough Council for review.

Council President Grossman recommended pro-rating the court fee to better reflect the maintenance services that are routinely performed by the Public Works Department.

Council Vice-President Uzman recommended a \$50 per week charge for use of the basketball court, for a total charge of \$600 for twelve (12) weeks. Borough Council was in agreement to have the draft lease agreement stipulate a \$600 usage fee.

Kel Schmitt, 17 Channing Avenue, stated that the Malvern Historical Commission will be participating in the Chester County Town Tours and Walks on August 8, 2019 and asked if it would be possible to end the lease on August 7, 2019 so as to not conflict with that event. Borough Council was agreeable to this request and directed Borough Manager Bashore to amend the agreement to end on August 7, 2019.

No action was taken.

### c. Malvern Farmer's Market – Amendment to Lease Agreement

Borough Manager Bashore reviewed the proposed amendment to the lease agreement between the Borough and Growing Roots Partners, LLC for the operation of the Malvern Farmers Market in Burke Park. The proposed amendment would extend the operating period to cover the months of January thru April and December. The operating hours in the January thru April time period would be abbreviated. He advised the amendment would cover winter months, a provision has been included that would prohibit the operation of the Farmers Market during inclement weather. The Public Works Department does not currently clear the walking trails in Burke Park as part of their normal operating procedures.

Council Member Finkbiner asked if the fee remains unchanged from 2018. Borough Manager Bashore stated the fee will be \$50 a month, the same as was charged in 2018.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0, to authorize the

### d. Alternate Planning Commission member

Borough Manager Bashore stated the Malvern Borough Planning Commission has been discussing adding an alternate member. Similar to the alternates on the Zoning Hearing Board,

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an individual appointed as an alternate would be able to participate in all meetings and discussion, but would only be able to vote in the at the designation of the chair. This would be in an instance where a member is either absent, has recused themselves from a topic of discussion, or is disqualified by the governing body.

The PA Municipalities Planning Code allows for a municipality to appoint up to three (3) alternate members (section 203(e)), with a four (4) year term of office (equal to the current term of Planning Commission members). A memorandum has been prepared by the Borough Solicitor outlining the necessary steps that would be required in the event that Borough Council wishes to add an alternate Planning Commission member. If Borough Council would like to add an alternate member to the Planning Commission, an ordinance amendment to section 25-28.I. of the Borough's Administrative Code would need to be adopted.

Borough Solicitor Yaw stated the alternate member would be able to fill-in if a Commissioner is conflicted out, absent, or other circumstance as outlined in the PA Municipalities Planning Code. The alternate member should be held to the same standards as a Commissioner, such as attendance at trainings and meetings.

Borough Solicitor Yaw said he did review three (3) documents that Planning Commission was working on: 1) Bylaws, 2) Expectations, and 3) Procedures. He recommended the Planning Commission work on consolidating the documents into two (2): 1) Bylaws and 2) Procedures, which are permitted in the PA Municipalities Planning Code.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to authorize the Borough Solicitor to draft an amendment to section 25-28.I. of the Borough's Administrative Code for the appointment of an alternate to the Planning Commission.

### e. Emergency Management Coordinator

Borough Manager Bashore state Kenneth Furlong, Emergency Management Coordinator, submitted his resignation effective April 1, 2019. Mr. Furlong has served as the Emergency Management Coordinator since 2013. Every municipality is required to have an appointed Emergency Management Coordinator. This individual is responsible for planning, administration and operational of the municipal management program, under the direction and control of the executive officer or governing body.

In order to provide a smooth transition, Mr. Furlong has provided the name and information of Nora LoGiudice, a resident of East Side Flats, who is interested in serving has the Borough's Emergency Management Coordinator.

Council President Grossman and Vice-President Uzman recommended that Borough Council consider providing a stipend for the role of Emergency Management Coordinator.

A motion was made by Council Vice-President Uzman, seconded by Council Member

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Laney, and carried by a vote of 7-0, to recommend the appointment of Nora LoGiudice as the Emergency Management Coordinator, for the Borough of Malvern, to Tom Wolf, Pennsylvania Governor.

### f. Zoning Hearing Board

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

The Zoning Hearing Board had been scheduled to meet on March 25, 2019 to hear the appeal of 331 Old Lincoln Highway. The applicant is appealing a Notice of Violation issued by the Zoning Officer for violations against sections 220-201, 220-701, and 220-2309 of the Zoning Ordinance. These sections pertain to the use of the property as a junk yard. The attorney for the applicant contacted the Borough Solicitor in regards to reaching a settlement. A continuance has been granted and the application will be heard on April 22, 2019.

No action was taken at this time.

## 10. 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 made any comments.

## 11. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Raynor, and carried by a vote of 7-0 to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Borough Secretary