

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

May 1, 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 Raynor
Council Member Sinquett
Mayor Burton

ABSENT:

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. RESOLUTION NO. 765 – AUTHORIZING AND EFFECTING THE ACCEPTANCE OF DEDICATION OF CERTAIN ADDITIONAL RIGHT-OF-WAY ALONG PENNSYLVANIA AVE.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0, adopting Resolution No. 765, authorizing and effecting the acceptance of dedication of certain additional right-of-way along Pennsylvania Ave.

4. PRESENTATION – MALVERN FIRE COMPANY – ACTIVITY REPORT

Chris Gastwirth, Chief of the Malvern Fire Company, appeared before Borough Council in order to provide a report on the activity of the Fire Company during the first quarter of 2018. Topics of discussion included:

- Hours of service provided
- Number of trainings held

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- Number of calls in the Borough
- Estimated value of property that has been saved

Chief Gastwirth stated that the new engine has been received and should be in service in 2 to 3 weeks.

Chief Gastwirth noted that volunteerism is down, highlighting that 10 members are responding to 20% of the calls received.

Chief Gastwirth stated that the explorer program and dual dispatch with Paoli Fire Company are going well.

Chief Gastwirth stated that the annual Pig Roast will be held on August 4, 2018.

Mayor Burton asked about the age to join the Malvern Fire Company. Chief Gastwirth stated that individuals must be 14 to 16 years old to join the explorer program and 16 years old to become a member of the Fire Company.

Kelly Schmidt, 17 Channing Ave., asked about the number of people that may ride in the new fire engine. Chief Gastwirth stated that the engine has a capacity for five (5) members.

Council President Grossman asked if any females are joining the fire company. Chief Gastwirth stated that the membership in the explorer program is predominantly female.

Borough Council thanked Chief Gastwirth for his presentation.

5. PRESENTATION – DAN DALEY, P.E. (BOROUGH ENGINEER) – WOODLAND AVENUE STREETScape PROJECT

Borough Manager Bashore stated the Borough Engineer, Dan Daley, P.E., is before Borough Council this evening to present the final plans for the Woodland Avenue Streetscape Project. This project is being partially funded by a Community Revitalization Program (CRP) grant from Chester County. The grant amount was \$490,000 and the projected total project cost is \$840,000, which has been allocated in the 2018 budget in the Capital Reserve Fund. Borough administration and the Borough Engineer reviewed the plans on April 19, 2018. In addition, the plans were reviewed with the Shade Tree Commission on April 16, 2018 in order to determine appropriate street trees for the project. The Borough Engineer conducted a site walk on April 23, 2018 in order to review street trees for the project. Meetings with residents on Woodland Avenue have also been conducted.

Borough Engineer Daley presented the final plans for the project for Borough Council's review and comment. Discussion included the proposed style for the stamped concrete, street lighting, street trees, and utility locations.

Mayor Burton asked about the style of the stamped concrete, noting that the old brick style has issues with snow removal and is difficult to walk on. Borough Engineer Daley stated that the Borough has received complaints about both the new and old brick style, and is aware of the

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concerns raised by Mayor Burton. It was noted that the grant application included stamped concrete and could not be modified without the approval of Chester County.

Council Vice-President Uzman questioned the proposed crosswalks on Second Ave. and recommended removing them from the plan at this time since no trail exists on the southside of Second Ave.

Discussion was had in regards to the utility locations for St. Patrick's School and where connections will be made for the new addition. Borough Engineer Daley stated that he will confirm the location of the proposed sanitary sewer tap for the St. Patrick's School addition. Borough Engineer Daley will also verify the proposed building removal by St. Patrick's School along Woodland Ave. will require the road to be opened in order to put the gas mains out of service.

Patricia Marcozzi, 221 Channing Ave., stated that the old brick style stamped concrete was used on the Channing Ave. Streetscape Project and recommended using the new brick style stamped concrete since it is smoother.

Eric Beauregard, 153 Woodland Ave., stated that the preference of the neighbors he has spoken to is for the new brick style stamped concrete since it is smoother.

Borough Engineer Daley requested a decision from Borough Council in early June for the brick style.

Borough Council thanked Borough Engineer Daley for his presentation.

6. UNFINISHED BUSINESS

- a. Update – Borough Council Initiatives
 - Proposed Zoning Ordinance Amendments
 - Consideration of Land Planner Appointment

Borough Manager Bashore stated that Borough Council directed the Borough administration to seek proposals from land planning consultants to assist in updating the Borough's Zoning Ordinance. Four (4) proposals were received. These proposals were referred to the Public Works Committee for review and a recommendation on an appointment. The Committee selected three (3) firms as follows for interviews:

1. Theurkauf Planning & Design, LLC – April 12, 2018
2. Thomas Comitta Associates, Inc. – April 12, 2018
3. Brandywine Conservancy – April 17, 2018

The Committee recommended that the Brandywine Conservancy be appointed.

A motion was made by Council Vice-President Uzman, seconded by Council Member Siquett, and carried by a vote of 7-0 to appoint the Brandywine Conservancy to serve as land planner for the Borough of Malvern based on their proposal dated March 1, 2018.

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- Proposed Home Rule Charter Amendments
 - Proposed Ordinance to Initiate Amendment of Section 211 of the Home Rule Charter (Forfeiture of Office)

Borough Manager Bashore stated that this ordinance was previously discussed at the April 3, 2018, where it was referred to Committee. The Committee met on April 24, 2018 and reviewed the draft ordinance. The proposed ordinance would amend section 211(A)(4) in order to outline that a member of Council would forfeit their office if they failed to attend three consecutive (3) months' worth of meetings, while maintaining the current 40% provision over 12 months. The proposed ordinance intends to maintain the original character of this provision, while making amending the section to reflect the meeting adjustments made by Council in 2016.

In addition, the Committee discussed provisions related to remote participation. This was due to amendments to Ordinance #2018 – 2, where provisions related to attendance were removed from the adopted ordinance. The proposed ordinance outlines that the first two (2) instances of remote participation by a Council member in a twelve (12) month period shall not be deemed a failure to attend.

John Buckley, 165 Church St., asked for clarification on the number of absences that would be permitted. Borough Solicitor Christakis stated that the number of missed meetings is the equivalent to three (3) months' worth and includes all meetings.

Frank Ortner, 144 Griffith Ave., asked about the length of the proposed ballot question. Borough Solicitor Christakis stated that the length is limited to 75 words by statute. Council Vice President Uzman recommended publishing summaries of the proposed amendment in the fall newsletter.

A motion was made by Council Vice-President Uzman, second by Council Member Laney, and carried by a vote of 7-0, to authorize the advertise of the proposed ordinance to initiate the amendment of section 211 of the Borough's Home Rule Charter.

b. Alternate Borough Engineer

Borough Manager Bashore stated that Borough Council directed the Borough administration to obtain proposals from engineering firms to serve as alternate Borough Engineer in order to perform the necessary reviews related to a proposed subdivision project on Channing Ave. Three (3) firms were solicited for proposals. They were as follows:

1. Yerkes Associates, Inc.
2. Pennoni Associates, Inc.
3. Gilmore & Associates, Inc.

A motion was made by Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0 to appoint Yerkes Associates, Inc. to serve as the Alternate Borough Engineer with Michael Conrad, P.E. serving as the Borough's representative.

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7. NEW BUSINESS

- a. Discussion – Proposed Ordinance – Establishing the intersection of Monument Ave. & Powelton Ave. as an all-way stop intersection

Borough Manager Bashore stated that before Borough Council this evening is a proposed ordinance to amend Chapter 200, Article II, section 200-16 of the Borough's Code of Ordinances in order to establish the intersection of Monument Ave. and Powelton Ave. as an all-way stop intersection. The Public Safety Committee met on April 17, 2018 to review the draft *Malvern Borough-wide Multimodal Transportation Study* report being completed through the Vision Partnership Program grant received from Chester County. A recommendation in the study was to establish this intersection as an all-way stop intersection due to location of multiple pedestrian generators. A report has been issued by the Borough Traffic Engineer, John Yurick, P.E. of McMahan Associates, Inc.

Council Member Finkbinder noted initial concerns with the proposed ordinance and requested additional information on the recommendations outlined in the traffic study currently being completed. The recommendations in the draft study were reviewed. Council President Grossman noted that the Public Safety Committee is still reviewing the draft study and has not yet prioritized the recommendations. It was noted that this intersection met the pedestrian warrants for an all-way stop intersection. Most of the recommendations in the draft study require a significant capital investment, engineering, and consultation. This recommendation could be completed quickly and without a significant cost to the Borough.

A motion was made by Council Member Meisel, seconded by Council Vice-President Uzman, and carried by a vote of 7-0 to authorize the advertisement of the proposed ordinance to establish the intersection of Monument Ave. & Powelton Ave. as an all-way stop intersection.

- b. Zoning Hearing Board

Borough Manager Bashore stated that the Zoning Hearing Board met on April 30, 2018 to continue the hearing for the application for 324/328 E. King St. Topics of discussion included lighting, buffering requirements, and parking. A decision will be issued at the May 21, 2018 meeting.

8. 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.

John Buckley, 165 Church St., asked about the proposed street trees for Woodland Ave. and the impact on the sidewalk. Council Vice-President Uzman stated that the trees would be slow growing. Council Member Finkbinder stated that the trees would not be installed in the grass strip between the curb and sidewalk. John Buckley asked about installing a crosswalk at the intersection of Bridge St. and Broad St. Council Member Meisel stated that the intersection is part of the study. John Buckley raised questions about the Borough's enforcement of the Property Maintenance Ordinance.

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Frank Ortner, 144 Griffith Ave., commended the Public Works Department for their work this winter, announced that the 150th Malvern Memorial Parade will be held on June 3, 2018, and stated that the Paoli Memorial Association has recently received a request for a Pickle Ball court.

Kelly Schmidt, 17 Channing Ave., stated that the first outdoor Farmers Market will be held on Saturday, May 5, 2018.

Connie Scanga, 152 Woodland Ave., asked about the traffic flow for St. Patrick's School as it relates to their upcoming project. Ms. Scanga is concerned about Woodland Ave. becoming a bus route for outgoing buses. Council Member Sinquett stated that the bus route is out of the Borough's control. Ms. Scanga also asked about parking. Council Member Sinquett stated that there will be more on-site parking after completion of the project, but there will be issues during construction.

9. 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,

Christopher C. Bashore
Borough Secretary