

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

May 17, 2016
7:30 P.M.

PRESIDING: David G. Bramwell, President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Bramwell
Council Vice-President Uzman
Council Member Arena
Council Member Grossman
Council Member Lexer
Council Member Meisel
Council Member Sinquett
Mayor Burton

2. PUBLIC FORUM:

Council President Bramwell informed all present that copies of the agenda are available at the front entrance. Citizens/taxpayers were advised that Public Forum is the time to offer comments on any item on the agenda to bring any issues/concerns before Council.

a) Sidewalks Along Church Street

Brendon Phillips, 228 Church Street, questioned Borough Council would consider installing sidewalks in front of his property. Council Member Meisel stated sidewalks are a priority for him to see installed in areas that do not have them, as it promotes pedestrian safety and are a public good. Borough Manager Bashore stated he will increase the line item in the 2017 Capital Improvement Plan for sidewalks for the 2017 Budget Process.

Allison Zaborowski, 218 Church Street, expressed her support and desire to have sidewalks installed in front of her property. Ms. Zaborowski inquired what the process is for prioritizing borough projects. Council Member Sinquett clarified that sidewalk improvements are based on the 2009 and 2015 Sidewalk Surveys performed by the Planning Commission.

b) Malvern Memorial Parade

Frank Ortner, 144 Griffith Avenue, made an announcement concerning the upcoming Malvern Memorial Parade, Cakewalk, and Spaghetti Dinner.

c) Sidewalk Design Feature

Elizabeth Deal, 337 W. First Avenue, asked what the purpose is of the grass strip in the sidewalks that runs adjacent to the road. Council Vice-President Uzman stated the strip is a design feature to encourage pedestrians to not walk at the edge of the sidewalks.

3. APPROVAL OF MINUTES:

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A motion was made by Council Vice-President Uzman, seconded by Council Member Grossman and carried by a vote of 6-0, to approve the minutes of Tuesday, April 19, 2016, and May 3, 2016 with amendments. Council President Bramwell abstained from voting due to his absence from the meetings.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice-President Uzman, seconded by Council Member Lexer, and unanimously 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 and Zoning Officer's 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 April 2016, as submitted.

5. PUBLIC HEARING – HOME RULE CHARTER AMENDMENT:

Council President Bramwell announced that Borough Council will open a Public Hearing to consider an ordinance to initiate the amendment process of the Borough's Home Rule Charter pertaining to section 205 (term limits of members of Borough Council). The amendment must be approved by the electors of the Borough via referendum.

The Notice of Public Hearing was published in the May 8, 2016 edition of the Daily Local newspaper as required.

Borough Manager Bashore stated the proposed ordinance will initiate the process of amending Section 205 of the Borough's Home Rule Charter pertaining to the term limits of members of Borough Council. The proposed amendment must be approved by the voters of Malvern Borough via referendum on the ballot during the November 8, 2016 general election. Adoption of proposed Ordinance #2016 – 8 is the first step in the amendment process and direct the Chester County Board of Electors to place the amendment on the ballot for the November 8, 2016 general election. It does not directly amend the Home Rule Charter as the ultimate decision to amend the Home Rule Charter lies in the voters of the Borough. Per Council's discussion, the proposed amendment would do the following: 1) Limit members of Borough Council to two elected terms; 2) Limit members of Borough Council, by either election or appointment, from serving any portion of more than three consecutive terms upon the Borough Council unless such person has not been a Member of the Borough Council for a continuous period of at least two years during the preceding twelve years; and 3) Provide for a two year waiting period for service on Borough Council once the maximum amount of time has been achieved.

6. ORDINANCE NO. 2016-8 – INITIATING BOROUGH COUNCIL TERM LIMITS:

A motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and carried by a vote of 7-0, to adopt Ordinance No. 2016-8, initiating the process of amending Section 205 of the Borough's Home Rule Charter pertaining to term limits of members of Borough Council.

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7. BID AWARD – TRASH & RECYCLING

A motion was made by Council President Bramwell, seconded by Council Vice-President Uzman and carried by a vote of 7-0 to award Republic Services, Inc., d/b/a BFI Waste Services of Pennsylvania, LLC, a two-year Trash Collection Contract, with two collections per week, and two bulk trash picks per year in the total amount of \$246,060.00 to begin July 1, 2016.

A motion was made by Council President Bramwell, seconded by Council Vice-President Uzman and carried by a vote of 7-0 to award Eagle Disposal of Pennsylvania, LLC, and a two-year Recycle Contract, with one collection per week, in the total amount of \$77,950.00 to begin July 1, 2016.

8. OLD BUSINESS:

a) Proposed Swing Set for Burke Park

Borough Manager Bashore provided a summary of a proposal from Amy Finkbiner, 121 Woodland Avenue, regarding the possibility of installing a swing set in Burke Park. The Parks & Recreation Committee reviewed the concept and is supportive of this addition to Burke Park.

Council unanimously agreed to commit to and budget for the installation of a swing set in its 2017 Budget.

b) Ordinance No. 2016-2 – Issuance of Non-Electoral Debt

Borough Manager Bashore recommended that Ordinance No. 2016-2 be tabled for the following reasons: 1) Continued questions and on-going issues with the Valley Creek Trunk Sewer (VCTS) project; and 2) A determination by Council on whether or not to fund additional capital projects outside of the VCTS project costs by incurring non-electoral debt based on the five-year Capital Improvement Budget.

Council unanimously agreed to table Ordinance No. 2016-2 with no further discussion.

9. NEW BUSINESS:

a) Proposed Peddling & Soliciting Ordinance

Borough Manager Bashore stated the proposed ordinance is to amend chapter 142 (Peddling & Soliciting) of the Malvern Borough Code of Ordinances. The proposed ordinance will repeal and replace the existing provisions of chapter 142. Major provisions included in this ordinance are: 1) Requirements for receiving a license from the Malvern Police Department for conducting peddling and soliciting activities in the Borough, as well as provisions for associated license and application fees; 2) Rules of conduct for individuals/businesses to conduct peddling and soliciting activities, including time limitations; and 3) Certain exemptions due to age or the nature of the solicitation (e.g., religious organizations, political candidates). The proposed ordinance was reviewed by the Public Safety Committee at their meeting on May 3, 2016. Please note that this ordinance has not yet been advertised and will need to be prior to adoption. If

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Council authorizes its advertisement, it may be placed on the agenda for the June 7, 2016 meeting for a Public Hearing and possible adoption.

Borough unanimously agreed to authorize Borough Manager Bashore to advertise the Ordinance for a Public Hearing and adoption at the June 7, 2016

b) Zoning Hearing Board

i. Resignation of member Louis G. Thomas, Jr.

Borough Manager Bashore stated Mr. Thomas is the current chair of the Borough's Zoning Hearing Board and has served on the Board since 1993. Council will need to advertise for his replacement and the new appointee will complete his unexpired term. His term was set to expire at the end of 2016. Residents interested in serving on the Zoning Hearing Board may send a letter of interest and a current resume to Borough Manager Bashore via email or U.S. Postal Service. Applications must be received by Friday, June 17th.

ii. Open Zoning Hearing Board Applications

Borough Manager Bashore stated there are no new applications for the Zoning Hearing Board. The hearing on the applications for 225 Roberts Lane and 346 E. King Street will be held on May 24, 2016 at 5:00 p.m. at Borough Hall. Per discussion at the April 19th meeting of Borough Council, the Borough Solicitor will be appearing for the application of 346 E. King Street on behalf of the Borough Council.

c) Private Road off of Old Lincoln Highway

After hearing from some of the property owners that share access rights on the private road, Council President Bramwell recommended the property owners determine if they would be willing to bring the private road up to Borough specification for dedication. Council unanimously agreed with Council President Bramwell's recommendation.

10. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and unanimously carried by a vote of 7-0 to adjourn the meeting at 9:27 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary