

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

May 21, 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
Council Member Raynor
Council Member Sinquett
Mayor Burton

ABSENT

2. RECORDING OF MEETING

Council President Grossman 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.

3. APPROVAL OF AGENDA

A motion was made by Council Member Finkbiner, second by Council Vice-President Uzman, and carried by a vote of 7-0 to approve the agenda for May 21, 2019 as presented.

4. APPROVAL OF MINUTES

A motion was made by Council Vice-President Uzman, seconded by Council Member Raynor, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, May 7, 2019, as submitted.

5. APPROVAL OF REPORTS

A motion was made by Council Vice-President Uzman, seconded by Council Member Finkbiner, and carried by a vote of 7-0 to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works, 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 April 2019, as submitted.

6. BOROUGH COUNCIL COMMITTEE REPORTS

a. Finance & Administration

Council Vice-President Uzman stated that the Finance & Administration Committee met on April 16, 2019. Items before the Committee included a review of upgrades to the meeting room A/V system, with an option being upgrading the wireless microphones to wired, goose-necked microphones. The Borough Manager and Assistant Borough Manager met with representatives from Help-Now on May 10, 2019 in order to discuss a free assessment of the existing I.T. environment in the Borough offices. This information will be provided to the Borough's I.T. consultant in order determine if any additional measures are required.

The Borough's new intern, James Webb, began on May 13, 2019. Mr. Webb is a 2017 graduate of the Valley Forge Military College and is currently enrolled at Immaculata University with a major in International Studies.

Mary Lou Whitcomb, Borough Treasurer/Finance Director, attended the recent conference of the Government Finance Officers Association. Ms. Whitcomb will be attending the next meeting of the Committee in order to review information from the conference that may benefit the Borough.

b. Public Safety

Council Member Meisel stated that the Public Safety Committee met on May 2, 2019. Items before the Committee included a review of the recommendations from the *Malvern Borough-wide Multimodal Transportation Study* for the intersection of King Street and Powelton Avenue, a review of evaluations from the Borough Traffic Engineer for the intersections of King Street & Griffith Avenue/Karen Drive and Monument Avenue & Crest Avenue, multi-municipal pedestrian safety efforts, information pertaining to Second Avenue, and a draft ordinance regulating the use of fireworks in the Borough. The Public Works Department installed the warning sign on May 3rd that states, "STOP Ahead" due to the curvature in the road on Monument Avenue.

Liz Deal, 337 West First Avenue, asked about the status of installing a STOP sign at the intersection of King St. and Karen Dr./Griffith Ave. Council Member Meisel stated that the intersection has been evaluated by the Borough Traffic Engineer and was reviewed by the Public Safety Committee. Chief Marcelli stated that the Police Department is monitoring the intersection and he will report back to the Public Safety Committee, but no signage or other action is being taken at this time.

Police Chief Marcelli stated that per PennDOT, the stop bars for the 4-way stop at the intersection of Monument Avenue and Sugartown Road are Willistown Township and Malvern Borough. Borough Manager Bashore stated he will have Ira Dutter, Public Works Superintendent, coordinate with Willistown Township in painting the stop bars.

The next meeting of the Committee will be June 4, 2019.

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c. Public Works

Council Member Sinquett stated that the Public Works Committee met on April 16, 2019. Items before the Committee included a review of information from Ingram Engineering in regards to Old Lincoln Highway, a review of revised plans for sidewalk/parking around Quann Park, information pertaining to the Highland Avenue drainage issue, a review of the 2019 paving program, and a Community Installation Application for the Malvern Business & Professional Association. The Committee reviewed a request for seasonal pole banners from the Malvern Business & Professional Association. The Committee has requested a full-sized mock-up as part of its review.

7. RESOLUTION NO. 789 – PRELIMINARY/FINAL SUBDIVISION/LAND DEVELOPMENT PLAN FOR 11 GRIFFITH AVENUE (RENEHAN BUILDING GROUP, INC.):

Council Vice-President Uzman recused himself from discussion and the motion due to JMR Engineering being a client of his business, Uzman Engineering.

Matt Bush, P.E., and Chris Lake, Director of Operations for Renehan Building Group, Inc., were present on behalf of the property owner/applicant. Mr. Bush reviewed the requested waivers from the Subdivision and Land Development Ordinance.

Council Member Finkbiner asked if the Shade Tree Commission completed its review of the proposed land development project. Matt Bush stated he and the Applicant are actively working with the Commission in addressing any issues that may arise.

Council Member Meisel asked for clarification regarding the front yard setbacks of the proposed residences. Matt Bush stated the homes conform with the Zoning Ordinance and will be in character with the other homes on Griffith Avenue.

A motion was made by Council Member Finkbiner, seconded by Council Member Sinquett, and carried by a vote of 6-0, Council Vice-President Uzman abstained, to approve subject to conditions, the plan entitled “Preliminary/Final Plan of Property for 11 Griffith Avenue” prepared by JMR Engineering, LLC, dated February 21, 2019, last revised April 4, 2019, signed and sealed by John M. Robinson, P.E., Registered Professional Engineer, proposing the subdivision of an existing 0.776 acre lot at tax parcel number 2-3-25 into two (2) lots, including the demolition of an existing single-family detached dwelling unit and constructing two (2) new single family detached dwelling units pursuant to the Malvern Borough Land Development Ordinance of 2006, as amended (“Land Development Ordinance”) for the development of certain property (“Property”) in the Borough of Malvern (“Borough”), Chester County, Pennsylvania in the R-3a Residential Zoning District.

8. RESOLUTION NO. 790 – RANDOLPH WOODS NATURE PRESERVE MASTER PLAN AD HOC COMMITTEE:

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Borough Manager Bashore stated before Borough Council this evening is proposed Resolution No. 790, establishing the Randolph Woods Nature Preserve Master Plan Ad Hoc Committee. At the April 16, 2019 meeting, Borough Council authorized the issuance of a Request for Proposal (RFP) for qualified firms to prepare a Master Plan for Randolph Woods. This was due to a \$10,000 grant received through the PECO Green Region Grant program. During discussion on the RFP, it was recommended that the previous committee be re-established under a different mandate. Resolution No. 790 would set forth the functions of the ad hoc committee, including review of the proposal received and preparation of the plan document. Additionally, the existing membership of the previous committee would be reappointed.

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. 790, establishing the Randolph Woods Nature Preserve Master Plan Ad Hoc Committee.

9. UNFINISHED BUSINESS

Council President Grossman stated there was no unfinished business to discuss or take action on.

10. NEW BUSINESS

a. Discussion – First Avenue Basketball League – Revisions to Lease Agreement

Borough Manager Bashore reviewed a revision to the lease agreement between John Rigsby d/b/a the First Ave. Men's Basketball League and the Borough of Malvern. This agreement is for the operation of a basketball league at the full-court basketball court at Horace J. Quann Memorial Park. Borough Council previously approved a lease agreement on April 2, 2019. Mr. Rigsby recently contacted me regarding the operation of the league. He indicated that he did not receive the sponsorship level that he had hoped and would like to use the same operating schedule as in 2018. The league would operate for eight (8) weeks (reduced from 12 weeks) from the week of June 3, 2019 until the week of July 22, 2019 for three (3) nights per week (reduced from four (4) nights per week).

Lynne Frederick, 227 East Broad Street, requested Borough Council consider having any basketball league alternate between the court at Herzak Park and Quann Park. Council President Grossman was in support of having leagues alternate between parks. Council President Grossman noted increased activity at the basketball court on First Avenue, that the Borough spent money upgrading the courts on Old Lincoln Highway, and that she would like to see the court on Old Lincoln Highway considered as an alternate location in the future.

A motion was made by Council Member Raynor, seconded by Council Member Sinquett, and carried by a vote of 7-0, to amend the lease agreement originally approved on April 2, 2019 with John Rigsby d/b/a the First Ave. Men's Basketball League to allow the league to operate for eight (8) weeks from the week of June 3, 2019 until the week of July 22, 2019 for three (3) nights per week with the total fee to be reduced from \$500.00 to \$350.00.

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b. Bid Award – 2019 Paving Program – Green Street (from Church Street to First Avenue)

Borough Manager Bashore stated before Borough Council this evening is a recommendation from the Borough Engineer for the awarding of the paving of Green Street from Church Street to First Avenue. This is a component of the 2019 paving program. A pre-bid meeting was held on May 9, 2019 and bids were received on May 16, 2019. There were six (6) bids received for the project. In a letter dated May 17, 2019, the Borough Engineer recommends awarding the project to John A. DiRocco Contractors in the amount of \$14,673.40 based on their bid dated May 16, 2019. Please be advised that the bid was only for the labor. As with past projects, the Borough will purchase the material directly from the asphalt plant through the COSTARS program. The Borough Engineer estimates that the cost for material is approximately \$13,500, bringing the total project cost to \$28,173.40. Please be advised that this cost is below what was budgeted due to the fact that the original estimate for paving fabric was removed and there will be less base repair required than originally estimated as a result of a more thorough review completed in preparation for bidding.

Council Member Finkbiner asked if the earth berm at the intersection of Green Street and First Avenue is included in the contract. Borough Manager Bashore stated the Public Works Department will install the berm after the contractor has completed its work.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to award the contract for the paving of Green Street from Church Street to First Avenue to John A. DiRocco Contractors based on their bid in the amount of \$14,673.40, dated May 16, 2019.

c. Appointment of Voting Delegate – 2019 PA State Association of Boroughs Conference

Borough Manager Bashore stated before Borough Council is a consideration to appoint a voting delegate for the 2019 annual conference of the PA State Association of Boroughs (PSAB). The voting delegate is charged with electing the Officers of the Association and voting on proposed resolutions and policies. The names of the appointed individual must be communicated to PSAB by May 24, 2019. Councilor Finkbiner will be attending this year's conference for the Borough and has offered to serve as the voting delegate for the Borough.

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 6-0, Council Member Finkbiner abstained, to appoint Amy Finkbiner as the 2019 voting delegate for the Borough of Malvern at the PA State Association of Boroughs' Closing Business Meeting on Wednesday, June 12, 2019.

d. Escrow Release Request – 156 W. King Street – Release Request #2

Borough Manager Bashore stated before Borough Council is escrow release request #2 for the land development project under construction at 156 W. King St. by 203 Management, LLC. The amount requested for release is \$16,943.00. In a letter dated May 16, 2019, the Borough Engineer is recommending release of \$16,943.00. If approved, the remaining escrow balance will be \$34,016.35.

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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 release of escrow request #2 for the land development project at 156 W. King St. in the amount of \$16,943.00 based on the Borough Engineer's letter dated May 16, 2019.

e. Maintenance Bond Release – 347 Old Lincoln Highway

Borough Manager Bashore stated before Borough Council is consideration to release the maintenance bond for the subdivision project completed by Renehan Building Group at 347 Old Lincoln Highway. The applicant has requested release of the bond. This request has been reviewed by the Borough Engineer, in a letter dated May 7, 2019, the Borough Engineer recommended release of the maintenance bond for the project at 347 Old Lincoln Highway. All outstanding items that needed to be completed have been found to have been satisfactorily addressed.

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 release of the maintenance bond for the subdivision project at 347 Old Lincoln Highway in the amount of \$8,492.85 as recommended by the Borough Engineer's letter dated May 7, 2019.

f. Zoning Hearing Board

Council President Grossman stated that there are no new applications before the Zoning Hearing Board.

11. 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.

Liz Deal, 337 West First Avenue, asked if the Borough could join Willistown Township's annual shredding event. Borough Manager Bashore stated he will look into the matter once Willistown Township hires a new Township Manager.

12. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary