

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

May 7, 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

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. 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 Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the agenda for the May 7, 2019 meeting of Borough Council as presented.

4. 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, April 16, 2019, as amended.

5. PRESENTATION – GEORGE FIEO, CPA – 2018 FINANCIAL REPORT AND AUDIT FOR THE BOROUGH OF MALVERN

George Fieo, CPA, reviewed the Audit Exit Memorandum for the Borough's 2018 financials, citing that the Borough is in good standing and no issues were identified.

## REGULAR MEETING

May 7, 2019

Page 2

A motion was made by Council Member Sinquett, seconded by Council Vice-President Uzman, and carried by a vote of 7-0, to approve the 2018 Financial Report and Audit for the Borough of Malvern and authorize the publication of the financial summary in an upcoming Daily Local, Legal section.

### 6. PRESENTATIONS – DANIEL DALEY, P.E. – BOROUGH ENGINEER

#### a. Old Lincoln Highway – Subsurface Evaluation

Borough Manager Bashore stated before Borough Council this evening is the Borough Engineer, Dan Daley, P.E., to discuss an evaluation that was completed for Old Lincoln Highway. There is a spring underneath Old Lincoln Highway that has resulted in the Borough paving the eastbound lane every two (2) to three (3) years. As such, the Public Works Committee began evaluating the subsurface of the roadway in order to determine what corrective measures were needed. A ground-penetrating radar evaluation was completed in order to determine the presence of voids underneath the roadway. The results of this evaluation indicated that there were 24 voids underneath the roadway. As a result of this evaluation, eight (8) test pits were dug in the right-of-way of Old Lincoln Highway on the south side of the road. The test pits revealed the presence of voids and groundwater in six (6) of the eight (8) test pit areas. Corrective measures were evaluated and it is recommended that an underdrain system and permeation grouting be installed in the roadway. The estimated cost for this work is between \$220,000 and \$270,000. As alternative, the Borough could continue its current course of repaving this area every few years at a cost of approximately \$8,000 per paving operation.

Council Member Sinquett asked Mr. Daley what the costs would be for the Borough to rebuild the subsurface of Old Lincoln Highway from the Borough line up to Bridge Street. Mr. Daley stated he would estimate the costs to be around \$700,000 with long-term road closures.

Council Member Raynor asked Mr. Daley how long it would take to complete the proposed underdrain system. Mr. Daley stated the work would take approximately one (1) month, weather-permitting and Old Lincoln Highway would be reduced to 1-lane at a time from 9:00 a.m. to 3:00 p.m.

Council President Grossman asked if the underdrain and grouting would be a permanent solution in alleviating the subsurface drainage. Mr. Daley stated there are too many variables to guarantee 100%, there may be some roadway settling, however the design will properly redirect the subsurface water under Old Lincoln Highway.

Council Member Finkbinder stated based on the current costs projects of \$8,000 to annually to resurface Old Lincoln Highway as has been the case, to would take sixty (60) years to meet project costs. Council Member Finkbinder asked if there are any safety concerns that make this project a 2019 priority. Mr. Daley stated that Old Lincoln Highway is structurally sound and there is no deadline for action by Borough Council; however there is no guarantee that a sinkhole will not occur.

REGULAR MEETING

May 7, 2019

Page 3

Frank Ortner, 144 Griffith Avenue, asked how deep the test pits were dug. Mr. Daley stated the pits were 3.5 to 5 feet deep.

Gail Newman, 11 Landmark Drive, asked why there are only partial French drains are proposed and not a full system. Mr. Daley stated there is no need to install drains where there is no water to redirect.

Borough Council advised Mr. Daley to complete final design plans of the underdrain system and grouting and for Mr. Bashore to budget the project for 2020, with work to be completed in the summer.

b. Horace J. Quann Park – Sidewalk and Parking Installation

Borough Manager Bashore stated before Borough Council this evening is the Borough Engineer, Dan Daley, P.E., to discuss a plan for the installation of sidewalk and parking at Horace J. Quann Park at the intersection of First Ave. and Warren Ave. The installation of sidewalk was reviewed in 2018 during the discussion about the installation of the handicapped ramp for an Eagle Scout project. The plan proposes the installation of sidewalk to connect the existing sidewalk network to the ramp, as well as extend the existing sidewalk on the south side of W. First Ave. to Powelton Ave. A small parking area is outlined behind the baseball field.

Council Member Meisel recommended that the Shade Tree Commission review the proposed plan, as there are four (4) trees slated for removal along First Avenue. Council Member Meisel suggested removing the mid-block crosswalk by the Willistown Day School. Council President Grossman stated the crosswalk exists for the school to use during recess.

Council Member Finkbiner asked Mr. Daley to show how the sidewalk for Malvern Preparatory School would link-up to the sidewalk on South Warren Road. Mr. Daley said the current project would not have sidewalk down to the Malvern Preparatory School's property line.

Frank Ortner, 144 Griffith Avenue, asked why the parking lot is proposed to be asphalt, instead of gravel. Mr. Daley stated that gravel would increase maintenance costs, gravel gets moved around and compacted by vehicles, and the parking stalls would not be able to be painted.

Council President Grossman asked Mr. Daley about the handicapped parking and whether 1 or 2 on-street parking spots designated for handicap access could be added. Mr. Daley stated he will look into it.

Borough Council directed Mr. Bashore to send the plans to the Malvern Parks & Recreation Committee and Shade Tree Commission for their review and comments. Mr. Bashore stated if this project is approved by Borough Council that it would be budgeted for 2020.

7. RESOLUTION NO. 788 – ACT 537 SPECIAL STUDY FOR THE VALLEY CREEK TRUNK SEWER SYSTEM

REGULAR MEETING

May 7, 2019

Page 4

Borough Manager Bashore stated before Borough Council this evening is proposed Resolution No. 788, approving the Act 537 Special Study for the Valley Creek Trunk Sewer (VCTS) System. This special study is required by the PA Department of Environmental Protection (PADEP) as part of the sale of the VCTS system to Aqua Resources, Inc. This is the final step in the sale of the VCTS line. Borough Council approved the sale of the VCTS line on December 4, 2018 through the adoption of Resolution No.773. The Act 537 Special Study is intended to provide the documentation requested by PADEP in connection to the sale of the VCTS line. This Special Study has been reviewed by both the Borough Solicitor and the Borough Engineer. The Borough Engineer has no objections to the Special Study and is recommending approval by Borough Council. The Act 537 Special Study was reviewed by the Planning Commission at their meeting on April 18, 2019 as required.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0, to approve Resolution No. 788, approving the Act 537 Special Study for the Valley Creek Trunk Sewer System as a revision to the official Act 537 Sewage Facilities Plan for the Borough of Malvern.

8. PUBLIC HEARING – ORDINANCE NO. 2019 – 3: AMENDMENT TO THE MALVERN BOROUGH SUBDIVISION & LAND DEVELOPMENT ORDINANCE, SECTION 181-511(F) (BLOCKS AND LOTS)

Council President Grossman announced that Borough Council will now open a public hearing to consider Ordinance No. 2019 – 3. This ordinance would amend Chapter 181 of the Malvern Borough Code of Ordinances in order to amend the language in section 181-511(F) of the Borough's Subdivision & Land Development Ordinance in order to provide for clarification regarding requirements for minimum lot area and lot width. The Notice of Public Hearing was published in the April 16, 2019 and April 23, 2019 editions of the Daily Local News, as required, and posted on the Borough website.

There being no public comment, Council President Grossman closed the public hearing.

9. ADOPTION – ORDINANCE NO. 2019 – 3 AMENDMENT TO CHAPTER 181 (SUBDIVISION & LAND DEVELOPMENT ORDINANCE), SECTION 181-511(F) OF THE MALVERN BOROUGH CODE OF ORDINANCES

A motion was made by Council Member Finkbiner, seconded by Council Member Sinquett, and carried by a vote of 7-0, to adopt Ordinance No. 2019 – 3, amending Chapter 181, section 181-511(F) of the Malvern Borough Code of Ordinances, providing clarification for the requirements for minimum lot area and lot width.

10. UNFINISHED BUSINESS

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

11. NEW BUSINESS

REGULAR MEETING

May 7, 2019

Page 5

a. Bid Award – 1995 Ford F350 Pick-up Truck

Borough Manager Bashore stated before Borough Council this evening is consideration to award the bid for the 1995 Ford F350 Pick-Up Truck. At the March 19, 2019 meeting, authorized the sale of this vehicle pursuant to the Borough's Administrative Code. Bids were solicited through Municibid from April 15, 2019 to May 2, 2019 and it was advertised on the Borough website and in the April 15, 2019 edition of the Daily Local newspaper as required. The winning bid amount was \$8,200. There were 60 bids received for the vehicle. Attached for Council's review is the bid history. The value of the vehicle based on "good" condition is estimated at \$6,988 (trade-in value). Please be advised that the vehicle was purchased for \$20,000 in 1995 and there has been approximately \$2,500 worth of work put into the truck during that time period.

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 bid to Kevin Ray of Downingtown, PA in the amount of \$8,200 based on his bid dated May 2, 2019.

b. Zoning Hearing Board

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

12. 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.

Kelly Schmitt, 17 Channing Avenue, stated his appreciation for the Malvern Police Department for their attendance and preparedness for the Malvern Blossoms even though it was canceled due to inclement weather.

Borough Council reiterated similar sentiments for the Malvern Police Department's readiness in policing the Malvern Blooms.

13. 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 8:58 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Borough Secretary