

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

November 19, 2019  
7:30 P.M.

PRESIDING: Zeyn Uzman, Vice-President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL

PRESENT

Council Vice-President Uzman  
Council Member Finkbiner  
Council Member Laney  
Council Member Raynor  
Council Member Siquett  
David B. Burton, Mayor

ABSENT

Council President Grossman  
Council Member Meisel

Council Vice-President Uzman announced that Borough Council met in Executive Session prior to the public meeting to discuss matters pertaining to a potential litigation matter and personnel.

2. RECORDING OF MEETING

Council Vice-President Uzman asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting.

Lynne Frederick, 227 E. Broad Street, stated she was audio recording the meeting.

3. APPROVAL OF AGENDA

A motion was made by Council Member Siquett, second by Council Member Laney, and carried by a vote of 5-0 to approve the agenda for November 19, 2019 as presented.

4. APPROVAL OF MINUTES

A motion was made by Council Member Finkbiner, second by Council Member Siquett, and carried by a vote of 5-0, to approve the minutes of the meeting held on Wednesday, November 6, 2019 as amended.

5. APPROVAL OF REPORTS

A motion was made by Council Member Laney, second by Council Member Siquett, and carried by a vote of 5-0 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

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Maintenance Report, and Zoning Report), the Superintendent of Public Works Report and the Manager's Report for the month of October 2019 as submitted.

### 6. BOROUGH COUNCIL COMMITTEE REPORTS

#### a. Finance & Administration

Council Vice-President Uzman stated the Finance & Administration Committee has not met since October 15, 2019. Items before the Committee included a continuation of reviewing the proposed 2020 budget. The 2020 budget does not propose a tax increase or an increase to the Borough's sewer rate. The proposed 2020 budget does propose utilizing available reserve funds to offset the projected deficit in the Sewer Fund. The proposed 2020 budget for the Borough of Malvern is before Borough Council this evening for authorization to advertise.

#### b. Public Safety

Borough Manager Bashore stated that the Public Safety Committee last met on October 24, 2019. Items before the Committee included review of a safety concern letter received from a resident, information pertaining to Second Avenue, a review of an update to the Borough's Emergency Operations Plan, and discussion of safety improvements to Borough Hall.

The Committee will review the pedestrian facility recommendations from the Borough's Comprehensive Plan and outline a prioritization for sidewalk/safety improvement projects. Councilor Raynor and the Borough Manager will work together to prepare this document.

The Committee reviewed a draft of an update to the Borough's Emergency Operations Plan. This draft was prepared by the Emergency Management Coordinator, Nora LoGiudice, and was initially reviewed by Neil Lovekin, Assistant Borough Manager. The new plan must be adopted by February 2020. The Committee requested that the Chief of Police review the plan and provide comments.

Cost estimates for safety improvements to Borough Hall were reviewed. Specific discussion centered on the expansion of the camera system in Borough Hall, fencing in the driveway for the Police Department, and expansion of the FOB lock system. The Committee requested an itemized breakdown of the camera and FOB system expansion to include proposed locations. In addition, the Committee reviewed a sample Facility Emergency Action Plan. The Committee requested that the Chief of Police review the sample plan, which was provided by the Borough's Workers Compensation Insurance Provider.

#### c. Public Works

Council Member Sinquett stated the Public Works Committee has not met since the October 15, 2019 meeting of Borough Council. Two projects have been completed which are the paving of the 200 block of Church Street and the Ruthland Avenue – Force Main Upgrades.

7. RESOLUTION NO. 795: APPROVING A REVISION TO THE APPROVED SUBDIVISION AND LAND DEVELOPMENT PLAN FOR 51 RUTHLAND AVENUE

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 Dave Hopkins, Owner of Providence One Builders. Inc., were present on behalf of the property owner/applicant. Mr. Bush reviewed the requested waiver from the Subdivision and Land Development Ordinance.

Kenneth Kynett, Esq., was present on behalf of the Borough for this agenda item.

Council Member Finkbiner recalled during her tenure on the Planning Commission, the original plans showed a crosswalk on the east-side of Ruthland Avenue that crossed over to Raspberry Lane. Councilor Finkbiner would prefer to see the crosswalk in that location since the revised driveway curb cuts will conflict with the approved location for the crosswalk. Matt Bush stated he will reevaluate the crosswalk and work with Dan Daley, P.E., Borough Engineer, as to the most appropriate location.

Joe Bones, 25 High Street, agreed with Council Member Finkbiner's comments of relocating the crosswalk to more naturally align with connecting to Raspberry Lane.

Council Member Sinquett questioned whether an ADA-compliant crosswalk is to be installed along the Malvern Fire Department's private drive. Councilor Finkbiner recalled that land development approval only required a ramp since there is no existing sidewalk to connect a crosswalk to.

A motion was made by Council Member Sinquett, second by Council Member Laney, and carried by a vote of 4-0, Council Vice-President Uzman abstained, to approve Resolution No. 795, approving a revision to the subdivision and land development plan for the project at 51 Ruthland Avenue, approved through the adoption of Resolution No. 750 on December 5, 2017, and granting a waiver from Section 181-513.F. (Driveways) of the Malvern Borough Subdivision and Land Development Ordinance in order to allow the driveways to be located closer than five (5) feet from the side or rear property lines. Approval is conditioned on the proposed crosswalk at the intersection with Ruthland Avenue and Raspberry Street being evaluated by the Borough Engineer to determine if it should be located on the north or south side of the intersection. The Borough Engineer shall have final determination on the location.

8. RESOLUTION NO. 796: AUTHORIZING COOPERATIVE PURCHASING AND PARTICIPATION IN PHASES 3 AND 4 OF THE REGIONAL STREETLIGHT PROCUREMENT PROGRAM ADMINISTERED BY THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION

Borough Manager Bashore stated that before Borough Council this evening is proposed Resolution No. 796, which would authorize participation in phases 3 and 4 of the Regional Streetlight Procurement Program (RSLPP) administered by the Delaware Valley Regional

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Planning Commission (DVRPC). By way of background information, this project would involve the conversion of the Borough's streetlight system to LED. Additionally, as part of the project, the Borough would need to purchase the streetlight system from PECO, the cost of which has been factored into the overall project total.

Borough Council previously discussed information pertaining to this project at the September 3, 2019 meeting. At the conclusion of that discussion, Borough Council requested cost information on an LED retrofit kit for the Borough's decorative fixtures on King Street and to have a sample installed in different color temperatures. Samples for the retrofit kits were installed in front of Wolfe's Brass and Malvern Pizza. A 2,000 kelvin light (more yellow) was installed in front of Wolfe's Brass and a 3,000 kelvin light (more white) was installed in front of Malvern Pizza.

Joe Bones, 25 High Street, prefers the softer, yellow-hue light fixtures as it matches the character of the Borough.

Liz Deal, 337 West First Avenue, prefers the look of the yellow-colored light fixtures. She does not want to see the bright, white lights installed because they will contribute to the already prevalent glare caused by resident's flood lights.

Council was in agreement that they prefer the white, 3000k light fixtures. Council Member Siquett is concerned that any residents adjacent to the white colored lights may have to content with glare. Borough Council agreed to delay a determination on the color temperature to a future meeting.

A motion was made by Council Member Finkbiner, second by Council Member Siquett, and carried by a vote of 5-0, to adopt Resolution No. 796, authorizing cooperative purchasing and participation in phases 3 and 4 of the Regional Streetlight Procurement Program administered by the Delaware Valley Regional Planning Commission and approving the agreement for installation services with Armour & Sons Electric, Inc.

### 9. ORDINANCE NO. 2019 – 10: AMENDMENT TO CHAPTER 25 (ADMINISTRATIVE CODE) OF THE MALVERN BOROUGH CODE OF ORDINANCES IN ORDER TO ESTABLISH AN ENVIRONMENTAL ADVISORY COUNCIL

Council Vice-President Uzman announced that Borough Council will now open a public hearing to consider Ordinance No. 2019-10. This ordinance would amend Chapter 25 of the Borough's Code of Ordinances in order to establish an Environmental Advisory Council for the Borough of Malvern.

The proposed ordinance was advertised in the November 8, 2019 edition of the Daily Local News, as required, and posted on the Borough website.

Council Vice-President Uzman opened the hearing up for discussion among Borough Council.

Hearing no comments from Borough Council, Council Vice-President Uzman opened the hearing up for comments from the public on the proposed ordinance.

Joe Bones, 25 High Street, advised he would be willing to stepdown from the Environmental Advisory Council and to attend the meetings as a public participant. Council Member Laney agreed to stepdown as well and to attend the meetings as a public participant.

Sid Baglini, 203 Channing Avenue, said as a resident in another municipality she served on its Environmental Advisory Council and saw its good work go unappreciated and unacted upon by the elected officials. The lack of commitment by the elected officials caused the Council to become disenfranchised. Council Vice-President Zeyn Uzman said the current members of the Borough Council and the two newly elected officials are in full support of the Borough's anticipated Environmental Advisory Council.

Hearing no further comments from the public, Council Vice-President Uzman closed the Public Hearing.

10. ADOPTION – ORDINANCE NO. 2019 – 10: AMENDMENT TO CHAPTER 25 (ADMINISTRATIVE CODE) OF THE MALVERN BOROUGH CODE OF ORDINANCES IN ORDER TO ESTABLISH AN ENVIRONMENTAL ADVISORY COUNCIL

A motion was made by Council Member Raynor, seconded by Council Member Laney, and carried by a vote of 5-0, to adopt Ordinance No. 2019-10, amending Chapter 25 of the Borough's Code of Ordinances in order to establish an Environmental Advisory Council in the Borough of Malvern.

11. UNFINISHED BUSINESS

a. 2020 Budget or the Borough of Malvern – Authorization to Advertise

Borough Manager Bashore stated the Finance & Administration Committee reviewed the budget at their meetings on September 17, 2019 and October 9, 2019. An initial public presentation was held at the October 15, 2019 meeting of Borough Council. The budget contained in this document is based on the discussion at the aforementioned meetings. The proposed budget does not include a tax increase and strives to maintain the level of service expected by the residents of the Borough. Preparation of the budget was a collaborative effort among all Borough departments (Administration, Police, and Public Works). The staff worked diligently to prepare the budget and he commended them for their work.

The 2020 Budget is allocated as follows:

	<u>Revenue</u>	<u>Expenditures</u>
General Fund	\$4,511,018	\$4,511,018
Sewer Fund	\$872,009	\$1,014,608
Sewer Capital Reserve Fund	\$1,306,857	\$135,000
Capital Reserve Fund	\$4,488,682	\$2,904,769

Highway Fund	\$318,308	\$210,000
Total	\$11,496,874	\$8,775,395

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 5-0, to authorize the advertisement of the proposed 2020 Budget for the Borough of Malvern.

## 12. NEW BUSINESS

- a. Collective Bargaining Agreement between the Borough of Malvern and the Malvern Police Officers' Association

Borough Manager Bashore reviewed the proposed Collective Bargaining Agreement between the Borough of Malvern and the Malvern Police Officers' Association. The current Collective Bargaining Agreement will expire on December 31, 2019.

Borough Manager Bashore stated the Collective Bargaining Agreement will run for a term of four (4) years (i.e. January 1, 2020 to December 31, 2023). Council Vice-President Uzman and Councilor Laney led the negotiations on the Borough's behalf.

Council Vice-President Uzman thanked Sergeant Douglas and Officer Walker for handling the negotiations on behalf of the Malvern Police Officers' Association.

A motion was made by Council Member Laney, seconded by Council Member Sinquett, and carried by a vote of 5-0, to approve the Collective Bargaining Agreement for a term of four (4) years (i.e. January 1, 2020 to December 31, 2023).

- b. Escrow Release Request – 156 W. King Street – Release Request #3

Borough Manager Bashore stated escrow release request No. 3 is for the approved land development project at 156 West King Street. The amount requested for release is \$34,016.35. The amount requested represents the balance of the remaining escrow for this project prior to this release. In a letter dated November 14, 2019, the Borough Engineer recommends the release of \$17,370.00. If approved, the remaining escrow balance will be \$16,646.35.

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 5-0, to approval escrow release request No. 3 for the land development project under construction at 156 West King Street in the amount of \$17,370.00 based on the Borough Engineer's letter dated November 14, 2019.

- c. Zoning Hearing Board

Borough Manager Bashore stated that there is one (1) new application before the Zoning Hearing Board. The application is for a property located at 33 Daisey Lane. The applicant is seeking a Special Exception of the Borough's Zoning Ordinance in order to operate a major

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home occupation at the residence. Per the Borough Zoning Ordinance, a minor home-based business is not permitted to have employees. Since an employee would be coming to the residence, a Special Exception from the Zoning Hearing Board is required. The application was reviewed by the Malvern Planning Commission at their meeting on November 21, 2019 and its recommendation is to not send the Borough Solicitor as there appears to be no planning issues or impact to the neighborhood of Daisey Lane.

### 13. PUBLIC FORUM

Council Vice-President Uzman stated that Borough Council will now take comment from the public on any item not on the agenda.

Joe Ranaudo, Malvern Crossing Apartments, stated as a volunteer for the Chester County Voter Services, he found out that many homes in the Borough are poorly numbered. He is concerned that first responders may have a difficult time finding the correct residence, delaying essential emergency assistance. Borough Solicitor McLean stated she is aware of the Paoli Fire Company distributing reflective house numbers during fundraiser events.

Joe Ranaudo, Malvern Crossing Apartments, said he uses the sidewalks in the Borough on a daily basis and notices a large amount of litter and asked if something could be placed in the newsletter.

Council Member Sinquett suggested that the two concerns Mr. Ranaudo would be good topics to be included in the next Borough Broadcaster Newsletter. The rest of the Borough Council was in agreement.

Liz Deal, 337 West First Avenue, requested that agenda items with plans or other referenced materials be projected onto the large screens for the public to view. Ms. Deal would like the Borough to consider hosting a paper shredding day similar to how Willistown Township does every year. She would also like the Borough Administration to cite homeowners who have floodlights that illuminate past their property lines, to limit the light pollution and unsafe glare.

Eric Beauregard, 153 Woodland Avenue, handed out a letter with photographs of the Quann Park baseball field to the members of Borough Council. He summarized the needed repairs to the chain-link fence, bleachers, exposed electrical outlets, and other items that the Chester Valley Little League would like the Borough to make in the 2020 Calendar year.

Borough Council was in agreement to have Ira Dutter, Public Works Superintendent, immediately repair the electrical outlets and any other known hazards.

Borough Council was in agreement to have the Borough Manager acquire three quotes for repairing and/or replacing the chain-link fence and to budget the work for the 2020 Calendar year.

Shirley Georgopulos, 8 Remington Lane, reviewed a letter she received from the Borough, signed by the Borough Manager. The content of the letter was to advise the parents that

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live on Remington Lane to stop their children from riding their bicycles in the Paoli Battlefield grounds. She and other residents on Remington Lane were caught off guard by the nature of the letter, for the reason that they were not aware of the rules that apply to the Battlefield, including prohibiting the use of bicycles on the grounds. The rules need to be clearly marked at the entrances of the Battlefield. Mrs. Georgopulos would like to request that she and other residents to be on an upcoming agenda of the Borough Council to discuss the matters mentioned in the letter issued by the Borough Manager. Borough Council was in agreement to have Borough Manager Bashore coordinate with Mrs. Georgopulos in scheduling an upcoming agenda.

Police Chief Marcelli reminded the audience of the Malvern Police Department and surrounding police departments are growing beards for charitable organizations for the remainder of the year. This friendly competition with Willistown and West Goshen is intended to raise money for “Unite for Her” and “Beards for Buc.”

Police Chief Marcelli announced the retirement of Anna Novelli, a longtime resident and employee of the Malvern Borough Police Department. She has served as the Executive Assistant to numerous Chiefs of Police over the span of her 35 years of service. Mrs. Novelli’s last day of employment with the police department is January 10, 2020. The Chief of Police and the Borough Manager have begun interviews potential successors, with a start date in early to mid-January of 2020.

Borough Council thanked Mrs. Anna Novelli for her years of service with the Borough.

## 14. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Raynor, seconded by Council Member Sinquett, and carried by a vote of 5-0, to adjourn the meeting at 8:37 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Borough Secretary