

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

November 6, 2019  
7:30 P.M.

PRESIDING: Council President Grossman

INVOCATION: Council Member Laney

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

ABSENT

David B. Burton, Mayor

Council President Grossman announced that Borough Council met in Executive Session immediately prior to tonight's meeting to discuss a personnel matter and potential 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.

Kel Schmitt, 17 Channing Avenue, stated he was audio recording the meeting.

3. APPROVAL OF AGENDA

A motion was made by Council Vice-President Uzman, second by Council Member Sinquett, and carried by a vote of 7-0, to approve the agenda for November 6, 2019 as presented.

4. APPROVAL OF MINUTES

A motion was made by Council Vice-President Uzman, second by Council Member Sinquett, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, October 16, 2019 as amended.

5. UNFINISHED BUSINESS

- a. "Christmas on King" – Road Closures

Borough Manager Bashore stated at the October 15, 2019 meeting, Borough Council

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discussed the requested road closures for the upcoming “Christmas on King” event on December 7, 2019. The organizer, Lisa O’Neill of Growing Roots, has requested the following road closures for this event:

- Powelton Avenue – from King Street to Monument Avenue
- Ruthland Avenue – from King Street to the entrance of the new apartment building at the intersection of King Street and Ruthland Avenue

Parking spaces on King St. will also be closed off during the event. All closures are to occur from 11:00 am to 5:30 pm on the day of the event.

Discussion at the October 15, 2019 meeting primarily centered on the closure of Ruthland Ave. This is to be closed for music and activities being sponsored by the Brick & Brew gastropub. Specific concerns included notification to residents on Ruthland Ave. and potential loitering after the event.

Lisa O’Neill, Growing Roots, Inc., requested that Ruthland Avenue be closed to traffic from 11:00 a.m. to 6:00 p.m. to allow for setup and breakdown of the ‘Holiday Block Party’ that is being sponsored by the Brick & Brew gastropub. In addition, Ms. O’Neill requested that the public parking lot, adjacent to the Malvern Pizza shop, be closed from 10:00 a.m. to 8:30 p.m. to for the ‘Yard Bar’ to be sponsored by the Locust Lane Brewery.

Ms. O’Neill stated she will fence off the ‘Holiday Block Party’ to contain the patrons in a controlled area and to prohibit the general public from freely entering.

Council President Grossman asked Ms. O’Neill if she will be notifying the residents along Ruthland Avenue of the ‘Holiday Block Party’ details. David Campli, President of the Malvern Business and Professional Association stated if the Borough staff provides the names of the residents, then the Malvern Business and Professional Association will send the mailers since they are coordinating the event.

Borough Manager Bashore reviewed the necessary actions that Lisa O’Neill and the Malvern Business and Professional Association must provide to the Borough, prior to the event occurring, which included:

- Certificates of Insurance from all vendors, including Locust Lane Brewery and Brick & Brew
- List of operating hours for all activities:
  - Yard Bar
  - Holiday Block Party on Ruthland Avenue
  - Tree Lighting Ceremony
- Copy of Locust Lane Brewery’s and Brick & Brew’s PA Liquor Entertainment Licenses
- Applicant to install all temporary fencing to contain the patrons that will be consuming alcohol, and to clean the public spaces prior to road re-openings

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Wendy McLean, Borough Solicitor, stated the Borough Code requires requests for alcoholic beverages that will be consumed in the general public area must be approved by resolution of the Borough Council. Borough Solicitor McLean said that Neil Lovekin, Assistant Borough Manager/Zoning Officer, and herself are drafting a Special Events Permit Application that will address many of the matters being discussed tonight for 'Christmas on King' and similar public event/festivals.

A motion was made by Council Vice-President Uzman, second by Council Member Siquett, and carried by a vote of 7-0, to authorize the closures of public roads and spaces for the 'Christmas on King' event with the following conditions:

- Certificates of Insurance from all vendors, including Locust Lane Brewery and Brick & Brew
  - List of operating hours for all activities:
    - Yard Bar
    - Holiday Block Party on Ruthland Avenue
    - Tree Lightning Ceremony
  - Copy of Locust Lane Brewery's and Brick & Brew's PA Liquor Entertainment Licenses
  - Applicant to install all temporary fencing to contain the patrons that will be consuming alcohol, and to clean the public spaces prior to road re-openings
  - Ruthland Avenue be closed to through traffic from 11:00 a.m. to 6:00 p.m. to allow for setup and breakdown of the 'Holiday Block Party' that is being sponsored by the Brick & Brew gastropub
  - The public parking lot, adjacent to the Malvern Pizza shop, be closed from 10:00 a.m. to 8:30 p.m. to for the 'Yard Bar' to be sponsored by the Locust Lane Brewery.
- b. Sustainability Advisory Ad Hoc Committee – Draft ordinance language to establish committee

Borough Manager Bashore stated the draft ordinance language is to establish an Environmental Advisory Council in the Borough of Malvern. Originally discussed as the Sustainability Advisory Committee, with an ad hoc committee formed to determine appropriate ordinance language, the Committee has crafted language to establish an Environmental Advisory Council. The Committee met on September 24, 2019 and October 30, 2019 in order to discuss the proposed language. In addition, they reviewed ordinances from other municipalities and spoke with members of other municipal Environmental Advisory Councils in order to learn how they operate.

A motion was made by Council Vice-President Uzman, second by Council Member

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Laney, and carried by a vote of 7-0, to authorize for advertisement a public hearing and adoption of an ordinance to establish an Environmental Advisory Council in the Borough of Malvern at the November 19, 2019 meeting of Borough Council.

### 6. NEW BUSINESS

- a. Malvern Preparatory School – Request to use football field lights for student athlete recruitment event

Borough Manager Bashore stated before Borough Council is a request from Malvern Preparatory School to utilize the football field and associated field lighting for an event for the recruitment of student athletes. Borough Council approved the construction of the football fields and associated lighting through the adoption of Resolution No. 496 of 2003. As this is outside of the normal operating procedures for the fields as approved, it would be appropriate for Borough Council to consider this request.

Ted Caniglia, Director of Financial Affairs for the Malvern Preparatory School, reviewed the request made by Elizabeth Alfonsi, Executive Director of Advancement, submitted on October 31, 2019. In summary, Mr. Caniglia stated the Malvern Preparatory School is hosting a football all-star game as an admissions/recruiting strategy. It's a great way for 7<sup>th</sup> and 8<sup>th</sup> grade boys to visit the campus, meet the coaches, and to have the coaches meet the athletes and their families. The School anticipates approximately 50 players to participate in the event. For the football practices, the School is requesting the use of the field lights on our football field from 6:00 pm – 8:00 pm on the evenings of:

- Monday, December 2, 2019
- Tuesday, December 3, 2019
- Thursday, December 5, 2019
- Friday, December 6, 2019

For the football game that is scheduled for Sunday, December 8<sup>th</sup> at 2:30 pm, the field lights will not be needed for an afternoon event.

Mr. Caniglia went to say the School will not need the services of the Malvern Police Department for event security and no public announcement/sound system will be utilized.

A motion was made by Council Vice-President Uzman, second by Council Member Sinquett, and carried by a vote of 7-0, to adopt Resolution No. 794, permitting Malvern Preparatory School to utilize the football field and associated field lights for an all-star event for the purpose of recruiting student athletes on specific days and times pursuant to Resolution No. 496 of 2003.

- b. Randolph Woods Master Plan – Recommendation on Consultant Appointment

Borough Manager Bashore reviewed the recommendation from the Randolph Woods

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Master Plan Ad Hoc Committee on the appointment of a consultant to complete a master plan for the property. Completion of a master plan was recommended by the previous committee in their report issued to Borough Council on December 19, 2017. The Borough received a grant for this project from PECO in the amount of \$10,000.

A request for proposal was prepared seeking proposals from qualified planning firms to complete the document. The Borough received three (3) proposals:

- Simone-Collins Landscape Architecture – \$21,997.00
- Theurkauf Planning & Design – \$22,630.00
- Land Concepts – \$23,950.00

In order to properly evaluate these firms, all three (3) were brought in for interviews on September 11, 2019. Each interview lasted approximately 30 minutes. Based on these interviews, two (2) firms were requested to provide additional information for further evaluation, which were: 1) A work sample for a similar type project, and 2) A response to the following question: Beyond the planning process, how would you engage the community and make them feel like they have an ownership stake?

The Committee met again on October 9, 2019 and October 23, 2019 in order to discuss the proposals and finalize the recommendation to Borough Council. At the October 23, 2019 meeting, the Committee voted to recommend that Borough Council appoint Simone-Collins Landscape Architecture to complete this project. In addition to the vote from the Committee, Bill Hartman of the Willistown Conservation Trust noted that this is a high-quality firm. Borough Manager Bashore spoke to Rick Smith, East Goshen Township Manager, regarding their experience with Simone-Collins Landscape Architecture. Mr. Smith spoke very highly of the firm.

A motion was made by Council Member Siquett, seconded by Council Vice-President Uzman, and carried by a vote of 7-0, to appoint Simone-Collins Landscape Architecture of a consultant to complete a master plan for the Randolph Woods.

### c. Malvern Borough – 2020 Meeting Schedule

Borough Manager Bashore reviewed the proposed 2019 meeting schedule for Borough Council, the Planning Commission, the Zoning Hearing Board, the Parks & Recreation Committee, the Historical Commission, and the Shade Tree Commission. The proposed meeting schedule continues the same pattern for each body as follows, with the noted adjustments:

- Borough Council – 1st and 3rd Tuesday
  - The first January meeting will be held on Monday, January 6, 2020 as the bi-annual Organizational Meeting per the Home Rule Charter. The first meeting of November has been moved to the first Wednesday due to Election Day.

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- Planning Commission – 1st and 3rd Thursday
- Zoning Hearing Board – 4th Monday
  - The scheduled meeting in May will be advertised for the third Monday due to the Memorial Day holiday.
- Parks & Recreation Committee – 1st Wednesday
  - The scheduled January meeting will be moved to January 8, 2020 due to the New Year's Day holiday. The November meeting will be moved to November 2, 2020 due to the adjustment of the first Borough Council meeting in November.
- Historical Commission – 2nd and 4th Tuesday
- Shade Tree Commission – 3rd Monday
  - The January and February meetings will be moved to the fourth Monday of each month due to the Marth Luther King, Jr. Day and President's Day holidays, respectively

Cathy Raymond, 6 Karen Drive, asked when the 2020 Schedule will be posted on the Borough website. Borough Manager Bashore stated the schedule will be uploaded in December of 2019.

A motion was made by Council Vice-President Uzman, seconded by Council Member Finkbiner, and carried by a vote of 7-0, to authorize for advertisement the 2020 Meeting Schedule as submitted.

### d. Volunteer Board & Commission Appointment Consideration – Historical Commission

Borough Manager Bashore stated Ian Duncan, a resident of Church Street has submitted an application to serve on the Malvern Historical Commission. The Historical Commission interviewed Mr. Duncan to fill the existing vacancy on the Commission at their meeting on October 22, 2019. They are recommending that he be appointed to fill this vacancy. If appointed, Mr. Duncan would fill a term that expires on January 1, 2021.

Council Vice-President Uzman said Mr. Duncan has been attending the Historical Commission meetings and has been actively participating as a member of the public.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to appoint Ian Duncan to the Malvern Historical Commission to fill a vacancy, with a term to expire on January 1, 2021.

### e. Escrow Release Request #1 – 51 Ruthland Avenue

Borough Manager Bashore said escrow release request No. 1 is for the approved

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subdivision and land development project at 51 Ruthland Avenue. The amount requested for release is \$56,424.45. In a letter dated October 30, 2019, the Borough Engineer recommends the release of \$50,072.30. The Borough Engineer recommends withholding \$6,352.15 due to the following:

- The applicant requested the release of funds for sidewalk and driveway aprons. These items have not been installed.
- The applicant requested the release of funds for all the required stormwater beds. One (1) has not yet been installed.
- The applicant requested the release of funds for storm inlets. One (1) is not installed and another will need to be relocated.

If Borough Council is in agreement with the recommendation of the Borough Engineer, then the remaining escrow balance will be \$89,008.95.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approval escrow release request No. 1 for the land development project under construction at 51 Ruthland Avenue in the amount of \$50,072.30 based on the Borough Engineer's letter dated October 30, 2019.

### f. Zoning Hearing Board

Borough Manager Bashore stated that there are no new applications before the Zoning Hearing Board.

## 7. PUBLIC FORUM

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

David Campli, 338 East King Street, owner of Campli Photography and President of the Malvern Business and Professional Association, thanked the Malvern Borough Police Department for their presence and courtesy during the Halloween Holiday by handing out candy and interacting with the trick-or-treaters and their parents. In addition, Mr. Campli thanked the Malvern Fire Company for conducting an indoor trick-or-treat event in its firehouse, it was well-attended and appreciated by those who attended.

Brendan Phillips, 228 Church Street, said the 'Camp Out in Randolph Woods' event was a success, there were originally 20 campers signed up but in the end, 17 campers stayed overnight. Fifty participants were present for the campfire portion of the event that included roasting marshmallows for s'mores.

Council President Grossman asked Mr. Phillips if the Parks and Recreation Committee may consider scheduling rain dates for events, such as the Halloween Parade. Mr. Phillips said he could not speak for the Committee, but believes trying to schedule rain dates may be too time

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consuming and would may have unknown or uncontrollable variables. Police Chief Marcelli said any scheduling for rain date contingencies will be hard for him to schedule police officers and would likely lead to paying more full-time officer's overtime then being able to supplement with part-time officers.

Eric Beauregard, 153 Woodland Avenue, discussed a politically-charged letter that was submitted by the 'Concerns Citizens of Malvern,' citing his dislike for it being sent anonymous. Mr. Beauregard asked Borough Council to consider taking steps to prohibit or limit similar letters from being mailed in the next election.

Council Member Finkbiner noted that individuals making election-related expenditures are supposed to register with the County Department of Voter Services, particularly if candidate names are being referenced.

Borough Solicitor McLean cautioned the Borough Council on attempting to regulate speech of residents, citing the First Amendment and PA State Election Regulations.

Council President Grossman assured Mr. Beauregard that the anonymous letter was not sent or endorsed by any current member of the Borough Council, and thanked him for bringing his concerns to them.

Kel Schmitt, 17 Channing Avenue, said there were 1,176 voters that signed in at the polls and that volunteers for the 2020 election are being sought.

Council Member Finkbiner announced that there are two different LED streetlight heads on display for feedback as part of the Streetlight Retrofit and Procurement Program. One streetlight is located in front of Wolfe Brass on East King Street and the other streetlight is located in the municipal lot next to Malvern Pizza.

8. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Meisel, and carried by a vote of 7-0, to adjourn the meeting at 8:28 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Borough Manager/Asst. Secretary