

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

November 6, 2018
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 this evening's meeting to discuss matters pertaining to personnel and litigation.

2. RECORDING OF MEETING:

Council President Grossman asked in accordance with Resolution No. 714 if any member of the audience was recording the meeting.

No member of the audience identified themselves as recording the meeting.

3. 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, October 16, 2018, as amended.

4. PRESENTATION – PROPOSED 2019 BUDGET

Borough Manager Bashore gave a presentation on the proposed 2019 budget for the Borough of Malvern. Borough Manager Bashore stated that the proposed 2019 budget does not propose a tax increase and seeks to maintain the level of service anticipated from the community. It was noted that the next steps were for the 2019 budget to be authorized for advertisement by Borough Council, a public hearing to be held, adoption of the preliminary budget, and adoption of the final budget. There were no comments from Borough Council or the public on the proposed 2019 budget.

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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 advertisement of the proposed 2019 budget for the Borough of Malvern.

5. UNFINISHED BUSINESS

a. Borough Council Initiatives

- 5-Year Capital Improvement Plan

Borough Manager Bashore stated that at the October 16, 2018 meeting of Borough Council, the proposed 5-year Capital Improvement Plan was presented. At the January 16, 2018 meeting, Borough Council discussed the five (5) year capital improvement plan (CIP) and appointed a committee to complete an update of the plan. The committee consisted of Council President Grossman, Vice-President Uzman, and Councilor Meisel. This was done due to the fact that the last update was completed in 2016. No action was taken on the plan in order to allow Borough Council to further review the plan prior to considering a motion of adoption.

Borough Manager Bashore noted that the plan is divided into five (5) categories: Existing Debt/Projects, Projects Contingent on Grant Funding, Public Works, Public Safety, and Planning, Administration, and Financing. Borough Manager Bashore recommended that this document be reviewed on an annual basis at a minimum.

Council Vice-President Uzman requested that the 5-Year Capital Improvement Plan be posted on the Borough website.

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 5-Year Capital Improvement Plan for the Borough of Malvern.

b. Proposed Zoning Ordinance Amendments

- Conditional Use Application Procedures – Amendment to section 220-2910 (Conditional Uses)

Borough Manager Bashore stated that Before Borough Council this evening is a proposed ordinance to amend section 220-2910 of the Borough's Zoning Ordinance. This section pertains to the procedures related to Conditional Use applications. At the meeting on September 18, 2018, Borough Council authorized the sending of this ordinance to the Chester County Planning Commission for review and comment as required by the Municipalities Planning Code.

Review comments were received from the Chester County Planning Commission on October 15, 2018. The Chester County Planning Commission is recommending adoption of the proposed ordinance. This ordinance has not been authorized for advertisement and would need to be advertised for a public hearing prior to its adoption.

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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 advertisement of the proposed Zoning Ordinance amendment to section 220-2910 pertaining to Conditional Use application procedures.

- Definitions of Building and Lot Coverages – Amendment to section 220-201 (Definitions)

Borough Manager Bashore stated that before Borough Council this evening is a proposed ordinance to amend section 220-201 of the Borough's Zoning Ordinance. The specific amendments pertain to the definitions for building & lot coverage. The proposed ordinance would amend these definitions, as well as provide a uniform method for calculating both in the Zoning Ordinance. At the meeting on September 18, 2018, Borough Council authorized the sending of this ordinance to the Chester County Planning Commission for review and comment as required by the Municipalities Planning Code.

Review comments were received from the Chester County Planning Commission on October 15, 2018. The Chester County Planning Commission recommended changes to the proposed ordinance to address inconsistencies between the Zoning Ordinance and the Subdivision and Land Development Ordinance as it pertains to these definitions. The ordinance has been amended to address this matter. The Borough's Planning Commission reviewed the proposed changes at their meeting on November 1, 2018 and recommend the ordinance with the proposed amendments.

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 advertisement of the proposed Zoning Ordinance amendment to section 220-201 pertaining to the definitions of building and lot coverage.

- c. Issuance of Decision – Conditional Use Application for Cultural Center (First Baptist Church of Malvern) – 146 Channing Avenue

Borough Manager Bashore reviewed the proposed Conditional Use Decision and Order for the Conditional Use Application for a cultural center at the First Baptist Church of Malvern.

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 Conditional Use Application for a cultural center at the First Baptist Church of Malvern subject to conditions.

6. NEW BUSINESS

- a. Escrow Release Request – 323 Old Lincoln Highway (Request #3)

Borough Manager Bashore stated that before Borough Council this evening is escrow release request #3 for the subdivision project currently under development at 323 Old

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Lincoln Highway by Providence One Builders, LLC. This is the final release for the project. The requested amount for release is \$18,178.65.

In a letter dated November 2, 2018, the Borough Engineer is recommending the release of \$18,178.65. This will close the escrow. The Borough Engineer recommends the following conditions being placed on the release:

1. Ensuring that all fees, including professional service reimbursement fees, are paid in full to the Borough.

2. The posting of a cash escrow with the Borough in the amount of \$1,000 to address any stabilization issues that may occur during the winter months. This may be released once it has been reinspected by the Borough Engineer in the spring.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve Escrow Release Request #3 in the amount of \$18,178.65, subject to conditions.

b. Fire Marshal – Resignation and appointment consideration

Borough Manager Bashore stated that Neil Vaughn, the Borough Fire Marshal, submitted his resignation letter effective November 6, 2018. Mr. Vaughn was recently appointed as the Borough Manager for Parkesburg Borough and he will be moving out of the area. Borough Manager Bashore recommended that Bill Wilfong, the Borough's Building & Code Enforcement Official, be appointed as Fire Marshal for the Borough.

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried a vote of 7-0, to appoint Bill Wilfong as Fire Marshal for the Borough of Malvern.

c. Temporary Transitional Duty Policy

Borough Manager Bashore stated that on June 21, 2018, Linda Poole from the Delaware Valley Workers Compensation Trust conducted her annual review of the Borough's facilities. As part of the review, Ms. Poole provided a model transitional duty program for the Borough to consider adopting. This document would establish a policy for injured employees to move from temporary assignments back to their permanent role. The proposed policy was reviewed by the Finance & Administration Committee at their meetings on August 7, 2018 and October 9, 2018, as well as by the Borough Solicitor. The Borough Solicitor had no issues with the proposed policy and the Finance & Administration Committee is recommending its adoption.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0 to adopt the Temporary Transitional Duty Policy for the Borough of Malvern as recommended by the Delaware Valley Workers Compensation Insurance Trust.

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d. "Christmas on King" – Request for a Yard Bar

Borough Manager Bashore stated that before Borough Council this evening is a request from Lisa O'Neill from the Malvern Business and Professional Association to include a Yard Bar as part of the planned Christmas on King festivities. This would be done on Saturday, December 1, 2018. Ms. O'Neill would like to locate the facility in the King St. municipal lot, which is the same location as the beer gardens for the other festivals. While similar to the beer gardens hosted as part of the Malvern Blooms and Oktoberfest festivals, this concept would be more of an outdoor cocktail lounge than a standard beer garden. Christopher's would be the provider/sponsor for this activity.

The following conditions were recommended:

1. The area would be enclosed with appropriate fencing and signage indicating that "No Open Containers" will be allowed outside the designated area.
2. A Certificate of Insurance listing Malvern Borough as an additionally insured will be provided.
3. Hours of operation shall be 12:00 pm (Noon) to 8:00 pm.
4. Any and all debris will be removed at the end of the event to the satisfaction of the Borough.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0, to approve the request for a Yard Bar as part of the Christmas on King event. Council Member Raynor abstained.

e. Zoning Hearing Board

Borough Manager Bashore stated that there are two (2) applications before the Zoning Hearing Board at their meeting on November 26, 2018. They are as follows:

- **11 Griffith Avenue:** Variance request from Section 220-602.A.1. in order to allow for a lot smaller than the minimum lot area for a single-family detached dwelling unit.
- **331 Old Lincoln Highway:** Appeal of a determination of the Zoning Officer for violations of section 220-201, 220-701, and 220-2309 of the Borough's Zoning Ordinance.

Borough Council authorized the Borough Engineer to attend for the application of 11 Griffith Avenue and the Borough Solicitor for the application of 331 Old Lincoln Highway.

7. 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.

There were no items brought before Borough Council during the Public Forum.

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8. 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 8:20 p.m.

Respectfully submitted,

Christopher Bashore
Borough Secretary