

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

November 7, 2017
7:30 P.M.

PRESIDING: Council Vice-President Uzman

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Bramwell (Absent)
Council Vice-President Uzman
Council Member Finkbiner
Council Member Grossman (Absent)
Council Member Lexer (Absent)
Council Member Meisel
Council Member Sinquett
Mayor Burton

Council Vice-President Uzman informed all present that copies of the agenda were available at the front entrance.

Council Vice-President Uzman informed all present that prior to tonight's Borough Council Meeting, an executive session was held to discuss litigation matters.

2. RECORDING OF MEETING:

Council Vice-President Uzman 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. PRESENTATION – DAN DALEY, P.E. – MS4 POLLUTANT REDUCTION PLAN:

Dan Daley, Borough Engineer, stated that updates are required as part of the Borough's PAG-13 National Pollutant Discharge Elimination System (NPDES) Individual Permit for stormwater discharges from Small Municipal Separate Storm Sewer Systems (MS4). The Pollutant Reduction Plan's objective is to plan for short-term reduction of pollutant loads that will be achieved within the subsequent NPDES permit term. The Borough's MS4 permit will have to be renewed every five (5) years. There are two (2) watersheds that are affected by the Borough's stormwater runoff that include: 1) Chester Creek Watershed; and 2) Chester Valley Creek Watershed. The Chester Creek Watershed is impaired due to nutrients and siltation. Chester Valley Creek Watershed is impaired due to siltation. Dan Daley stated that the proposed projects for the Borough to address nutrient and siltation is for both watersheds includes streambank stabilization.

4. RESOLUTION NO. 748 – OPERATING HOURS OF THE PARKS AND REC. AREAS:

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Borough Manager Bashore stated before Borough Council this evening is proposed Resolution No. 748. This resolution will amend the operating hours for the Borough's parks and recreation areas to dawn to dusk. Currently, the posted hours are sunrise until 11:00 pm.

A motion was made by Council Member Sinquett, seconded by Council Member Meisel, and carried by a vote of 4-0 to adopt Resolution No. 748, to amend the operating hours for the Borough's parks and recreation areas to dawn to dusk.

5. OLD BUSINESS:

a. Discussion – 2018 Budget

Borough Manager Bashore stated that before Borough Council this evening is the first draft of the proposed 2018 budget for Malvern Borough. The Finance & Administration Committee reviewed the draft budget at their meetings on September 19, 2017 and October 5, 2017.

Council Member Finkbiner recommended and Council Member Sinquett agreed, that they would like to see how a 0.25 mill increase would affect the budget, as well as, to lower 2018 contributions by \$15,500 to the Paoli Memorial Association. Council Member Finkbiner stated that she would like to see a master plan for the Paoli Memorial Association's proposed visitor's center prior to committing Borough funds.

A motion was made by Council Member Finkbiner, seconded by Council Member Sinquett, and carried by a vote of 4-0 to authorize advertisement of the 2018 Budget.

6. NEW BUSINESS:

a. 190 Pennsylvania Avenue – Request for Extension

Borough Solicitor Christakis stated the property owners for 190 Pennsylvania Avenue have hired a new engineer to complete design plans. Therefore, the property owners are requesting an extension of time to record their approved land development plan. The request was submitted through their attorney, Lou Colagreco. The current extension expires on November 16, 2017. At this time, they are requesting a 120 day extension. If granted, the extension would expire on March 16, 2018.

A motion was made by Council Member Sinquett, seconded by Council Member Meisel, and carried by a vote of 4-0 to grant a 120 day extension to expire on March 16, 2018 as requested through their attorney, Lou Colagreco.

b. Malvern Business & Professional Association

i. Request for use – Church Street Parking Lot – December 14, 2017

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Borough Manager Bashore stated the Malvern Business & Professional Association (MBPA) has requested the use of the Church Street parking lot as part of their December 14, 2017 Malvern Stroll. The MBPA would like to host reindeer in the Church St. parking lot for a holiday event from 4:00 pm to 8:00 pm on December 14, 2017. This would be sponsored by Renehan Building Group. The Pennsylvania Department of Agriculture has approved the location for the reindeer. Police Chief Marcelli recommends the MBPA close and post the parking lot during the event.

A motion was made by Council Member Meisel, seconded by Council Member Finkbiner, and carried by a vote of 4-0 to approve the Malvern Business & Professional Association to use the Church Street parking lot as part of their December 14, 2017 Malvern Stroll from 4:00 pm to 8:00 pm on December 14, 2017 with the condition that the MBPA close and post the parking lot during the event.

ii. 2018 Festival Schedule

Borough Manager Bashore stated the Malvern Business & Professional Association (MBPA) has requested approval for the following events: 1) Malvern Blooms on May 6, 2018; and 2) Malvern Oktoberfest on September 9, 2018.

c. Announcement – Resignation from the Parks & Recreation Committee

Borough Manager Bashore stated Sally Donohue has submitted her resignation from the Parks & Recreation Committee.

d. Escrow Release Request

i. 183 Pennsylvania Avenue, LLC – Release Request No. 4

Borough Manager Bashore stated before Borough Council this evening is Escrow Release No. 4 for 183 Pennsylvania Avenue, LLC. This is related to the approved land development project at 183 Pennsylvania Avenue. The amount requested for release is \$4,426.35. This represents the balance of the remaining financial security for the project.

A motion was made by Council Member Sinquett, seconded by Council Member Finkbiner, and carried by a vote of 4-0 to release \$4,426.35 to 183 PA Ave., LLC for 183 Pennsylvania Avenue, as recommended by the Borough Engineer's letter dated, October 20, 2017, conditioned on any and all outstanding fees being paid to the Borough.

e. PECO Green Region Grant

Before Borough Council this evening is information related to the PECO Green Region grant program. This program is a partnership between PECO and Natural Lands Trust to provide grants for open space preservation. Specifically, this funding covers such expenses as consulting fees, trail construction, land acquisition, habitat improvement, and the cost of creating and implementing an open space plan. The cap on grant amounts is \$10,000.

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As part of their program, the Randolph Woods Ad Hoc is recommending the development of a master plan for Randolph Woods. This would assist in planning for the future of the property. The Committee met with representatives from Land Concepts to discuss the development of a master plan for Randolph Woods and provide a budget estimate. The estimate provided is \$15,000 – \$22,000. There is a 50% match requirement for the grant, meaning that the Borough would be required to fund \$12,000 for the project.

A motion was made by Council Member Siquett, seconded by Council Member Meisel, and carried by a vote of 4-0 to authorize the Borough Manager to apply for grant funds from the PECO Green Region in the amount of \$10,000.00 with a match of \$12,000.00 with borough funds for the development of a master plan for Randolph Woods.

f. Proposed Contract for Electrical Service

Borough Manager Bashore stated before Council the consideration for a new electrical contract as the current contract with Constellation Energy Group will expire on November 30, 2017. In order to research new electricity suppliers for the next contract, Borough administration has contacted APPI Energy, the endorsed energy procurement consultant for the PA State Borough's Association (PSAB). APPI Energy works with PSAB members through their Energy Procurement Program to bid out electrical suppliers. APPI Energy has issued a bid for rates that will be completed on Monday, November 6, 2017. Based on a review of recent rates, they are estimating a 10% – 12% cost reduction for the Borough based on a 3 to 5 year contract.

A motion was made by Council Member Siquett, seconded by Council Member Meisel, and carried by a vote of 4-0 to authorize the Borough Manager to enter into an agreement with NextEra Energy for a new electrical service provider contract.

g. Proposed Zoning Ordinance Amendment

i. Add/Remove species from approved shade trees (Chapter 220, Appendix A)

Borough Manager Bashore stated before Borough Council a proposed amendment to the Borough's Zoning Ordinance. Specifically, the proposed ordinance would amend Appendix A: *Plant Materials List* found in the Borough's Zoning Ordinance. These amendments were recommended by the Shade Tree Commission and reviewed by the Planning Commission at their October 19, 2017 meeting. In a letter dated October 28, 2017, the Planning Commission stated that they do not have any issues regarding the proposed amendments and recommend adoption of the proposed changes. Prior to Borough Council adopting the amendments, the draft amendments will be reviewed by the Chester County Planning Commission.

h. INCommunity Magazine

Borough Manager Bashore stated before Borough Council is the INCommunity Magazine, the company that produces the quarterly INGreat Valley magazine, contacted the participating municipalities (Willistown Township, East Whiteland Township, and Malvern Borough) and Great Valley School District regarding their production costs related to INGreat Valley magazine. Wayne Dollard, Publisher for INCommunity Magazines, informed us that they

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are losing \$7,000 per issue (\$28,000 per year) and have presented two (2) options for consideration:

1. Each participant would commit to a set number of pages and be billed a fee. Mr. Dollard is requesting that Malvern Borough commit to 6 pages per issue (our current allotment) and would be billed \$1,500 per quarter (\$6,000 per year).

2. They reduce the circulation size. The magazine is currently mailed to the 13,311 households in the Great Valley School District.

This expense has not been factored into the proposed 2018 budget. To date, the Borough Manager has not received any feedback from the other municipalities or Great Valley School District on their plans.

i. Micro Grant – PA Walk Works

Council Member Meisel stated the Transportation Management Association of Chester County (TMACC) is coordinating a micro grant of up to \$1,500.00 per award, through PA Walk Works, as a competitive grant program. More information will be available in 2018.

A motion was made by Council Member Siquett, seconded by Council Member Finkbinder, and carried by a vote of 4-0 to authorize the Borough Manager to research the grant, identify possible project(s) to apply for and to bring those projects before Borough Council for review.

j. Zoning Hearing Board

Borough Manager Bashore stated the Zoning Hearing Board met on October 23, 2017 in order to issue their decision on the application of St. Patrick's Church for a Special Exception. At their meeting on October 23, 2017, the Zoning Hearing Board voted to grant the request for Special Exception subject to conditions. There are no new applications before the Zoning Hearing Board. As such, their November meeting has been canceled. The next scheduled meeting is Monday, December 18, 2017 if an application is submitted.

7. PUBLIC FORUM:

Council Vice-President advised citizens/taxpayers that Public Forum is the time to offer comments and to bring any issues/concerns before Council that were not on the agenda.

Dave Knies, 114 Warrington Way, asked if any safety preparations have been made by churches. Police Chief Marcelli stated the Police Department has worked with the churches to prepare for a possible active shooter incident.

Stacey McShane, 139 Church Street, asked if vans transporting children with special needs are treated similarly to school buses. Police Chief Marcelli stated the vans are not considered school buses, however, he will reach out to the school district for discussion.

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Kelly Schmitt, 17 Channing Avenue, announced that Tuesday, November 14, 2017 at 7:30 p.m. at Borough Hall will be the first Lyceum meeting.

John Buckley, 165 Church Street, stated the LaGrie properties, located at the rear of the private drive along Old Lincoln Highway may need additional erosion and sedimentation controls as there is a considerable amount of mud washing onto the roadway. Borough Engineer Daley will conduct a site visit and take any necessary actions to remedy the situation.

8. ADJOURNMENT:

At 9:34 p.m. Council Vice-President Uzman stated that Council will adjourn to executive session to discuss litigation and personnel matters.

Council Vice-President Uzman reconvened the public meeting at 9:52 p.m.

All business having been discussed, a motion was made by Council Member Sinquett, seconded by Council Vice-President Uzman, and carried by a vote of 4-0 to adjourn the meeting at 9:54 p.m.

Respectfully submitted,

Christopher Bashore
Secretary