

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

October 15, 2019
7:30 P.M.

PRESIDING: Jamie S. Grossman, President

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 Siquett

ABSENT

David B. Burton, Mayor

Council President Grossman announced that Borough Council met in Executive Session prior to the public meeting to discuss matters pertaining to the collective bargaining agreement, a potential litigation matter, and personnel.

2. RECORDING OF MEETING

Council President Grossman 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 Vice-President Uzman, second by Council Member Laney, and carried by a vote of 7-0 to approve the agenda for October 15, 2019 as presented.

4. APPROVAL OF MINUTES

A motion was made by Council Vice-President Uzman, second by Council Member Laney, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, October 1, 2019 as presented.

5. APPROVAL OF REPORTS

A motion was made by Council Vice-President Uzman, second by Council Member Laney, and carried by a vote of 7-0 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 September 2019 as submitted.

6. BOROUGH COUNCIL COMMITTEE REPORTS

a. Finance & Administration

Council Vice-President Uzman stated the Finance & Administration Committee met on October 9, 2019. Items before the Committee included a continuation of reviewing the proposed 2020 budget. A presentation on the 2020 budget is before Borough Council this evening. The Borough Manager has spoken with the PA Department of Transportation regarding the use of Liquid Fuels Funds for the project to convert the Borough's streetlights to LED. This information was previously provided to Borough Council and will be discussed as part of the budget review.

b. Public Safety

Council Member Meisel stated that the Public Safety Committee has not met since the September 17, 2019 meeting of Borough Council. The Committee will meet on October 24, 2019 and provide a report at the November 19, 2019 meeting of Borough Council.

c. Public Works

Council Member Sinquett stated that the Public Works Committee last met on the September 17, 2019 meeting of Borough Council. The Borough Manager spoke with Michael Fuller of Keystone Lighting Solutions regarding setting up a sample of the retrofit for the decorative fixtures on King Street. Two (2) samples are going to be set up at different kelvin levels with one in front of the Wolfe's Brass and other in front of the Malvern Pizza. The Ruthland Avenue Force Main Project is on schedule. Completion is anticipated in the late October/early November timeframe. On October 7, 2019, the Borough Engineer and the Chief of Police met with the contractor to discuss traffic controls in anticipation of the replacement of the manhole in front of St. Patrick's Church. A notification will be issued on the Borough website once the plan is finalized. In addition, notification will be issued to St. Patrick's Church and Great Valley School District. The Borough Engineer has informed Borough administration that there was no rock hit during the drilling process. There was \$30,000 allocated in the bid for rock removal. While the project has not been completed, there is a good chance that this line-item will be under budget by \$30,000. Cost estimates for proposed projects in the Borough's 2020 paving program have been provided by the Borough Engineer. These are being included in the Finance & Administration Committee's review of the proposed 2020 budget. The paving of the 200 block of Church Street was delayed until the week of October 21, 2019.

7. ORDINANCE NO. 2019 – 9: AMENDMENT TO CHAPTER 177 (STORMWATER MANAGEMENT) OF THE MALVERN BOROUGH CODE OF ORDINANCES

Council President Grossman announced that Borough Council will now open a public hearing to consider Ordinance No. 2019 – 9. Borough Manager Bashore stated the proposed

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ordinance would amend Chapter 177 of the Borough's Code of Ordinance. This chapter governs the Borough's stormwater management requirements. In April 2018, the Pennsylvania General Assembly passed Act 15 of 2018, which amended Act 167 to require all municipalities which have adopted an Act 167 ordinance to amend their ordinances to exempt "high tunnels" used in agricultural applications from ordinance regulations.

The proposed ordinance was advertised in the October 3, 2019 edition of the Daily Local News, as required, and posted on the Borough website.

Council President Grossman opened the hearing up for discussion among Borough Council.

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

Cathy Raymond, 6 Karen Drive, asked for clarification on what 'High Tunnels' are. Borough Solicitor McLean stated 'High Tunnels' are used in agricultural activities and look like greenhouses made out of metal poles and fabric coverings.

Hearing no further comments from the public, Council President Grossman closed the Public Hearing.

8. ADOPTION – ORDINANCE NO. 2019 – 9: AMENDMENT TO CHAPTER 177 (STORMWATER MANAGEMENT) OF THE MALVERN BOROUGH CODE OF ORDINANCES

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0, to adopt Ordinance No. 2019 – 9, amending Chapter 177 of the Borough's Code of Ordinances in order to exempt "high tunnels" used in agricultural applications from the Borough's stormwater management requirements. This amendment is required due to the passage of Act 15 of 2018 by the PA General Assembly. The proposed ordinance was advertised in the October 3, 2019 edition of the Daily Local News, as required, and posted on the Borough website.

9. RESOLUTION NO. 793: ESTABLISHING AS A STATEMENT OF POLICY EDUCATIONAL REQUIREMENTS FOR MEMBERS OF MALVERN BOROUGH COUNCIL

Borough Manager Bashore stated proposed Resolution No. 793 would establish as a statement of policy that members of Borough Council are encouraged to complete the course entitled "Newly Elected Officials Boot Camp" offered by the PA State Association of Boroughs (PSAB). By way of background information, PSAB offers these courses throughout Pennsylvania after each municipal election. This is a two (2) day course offering an overview in local governing, including meeting procedures, the Sunshine Law, municipal budgeting, taxation, and planning and zoning. Council President Grossman, Councilor Finkbiner, Councilor Laney, Councilor Raynor, and Mayor Burton all attended this course in 2018 and found it to be

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beneficial. For 2020, the course will be held on February 14, 2020 and February 15, 2020 in Exton, PA.

Borough Manager Bashore stated this resolution would not be enforceable. The resolution is intended to set a policy and publically show that this type of education is seen as important in executing the duties of serving on Borough Council. It may be beneficial for Borough Council to consider other policy initiatives in the future to outline educational components that are believed to effective in performing the duties of elected office.

Lynne Frederick, 227 East Broad Street, stated the Malvern Planning Commissioners are expected to complete the 'Master Planner Program,' offered by the PA Municipal Planning Education Institute that consists of 3 courses, each taking 3 evening classes to complete for a total of 27 hours of classroom time.

Borough Council discussed the merits of the training, classroom formats, fees paid for by the Borough, and the need to set a professional level of knowledge amongst the elected officials. Vice-President Uzman recommended that the proposed resolution be amended to state that members of Borough Council are encouraged to complete this training. Borough Council was in agreement with this amendment.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to adopt Ordinance Resolution No. 793, establishing as a statement of policy that all members of Malvern Borough Council are encouraged to complete the course entitled "Newly Elected Officials Boot Camp" offered by the PA State Association of Boroughs, as amended.

10. PRESENTATION – 2020 BUDGET (FIRST PRESENTATION)

Borough Manager Bashore presented the first presentation of the proposed 2020 budget for the Borough of Malvern. The 2020 budget was reviewed by the Finance & Administration Committee at their meetings on September 17, 2019 and October 9, 2019. As in past years, the budget is comprised of five (5) funds: two (2) operating funds and three (3) capital funds. The operating funds serve to allocate costs for standard Borough operations, whereas the capital funds act as a savings account for larger projects. These funds are the General, Sewer, Sewer Capital Reserve, Capital Reserve, and Highway Aid Funds. The 2020 Budget does not propose a real estate tax increase or an increase in sewer rates.

Borough Manager Bashore provided an overview of the budgeting process. Malvern Borough's fiscal year operates as a calendar year (i.e. January to December). The Borough Manager is charged with preparing and submitting the budget to Borough Council for consideration each year. Once a first draft of the budget is completed, the Finance & Administration Committee of Borough Council begins their review. When the Committee believes that the budget is in a place that it may be presented to Borough Council for an initial presentation, which is what is before Borough Council this evening. Borough Council authorizes the advertisement of the budget once it is in a format where it may be considered for adoption. The Borough's Home Rule Charter requires that a public hearing on the proposed budget be held and

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that the preliminary budget be adopted prior to final adoption. Borough Council must adopt the final budget by December 31st of each year.

The 2020 Budget is allocated as follows:

	<u>Revenue</u>	<u>Expenditures</u>
General Fund	\$4,515,402	\$4,515,402
Sewer Fund	\$857,717	\$1,005,828
Sewer Capital Reserve Fund	\$1,318,648	\$135,000
Capital Reserve Fund	\$4,508,684	\$2,904,769
Highway Fund	\$318,308	\$206,000
Total	\$11,518,759	\$8,766,999

Joe Bones, 25 High Street, inquired as to why the sewage disposal fees seem to be rising at a much faster rate than other scheduled fees. Borough Solicitor McLean stated the rates are based on old projected population rates from the mid 1970's. The municipalities that have sewage flows to the Valley Forge Sewer Authority (VFSA) are trying to figure out how to legally rewrite the projections for a more accurate fee. Council Vice-President Uzman stated that the Borough Council should focus on infiltration and inflow within the Borough's sewer lines to reduce flow to the VFSA.

Council Member Finkbinder clarified that while a new, full-time Public Works employee is being budgeted for 2020, it is not meant to increase department staffing, and rather it is to anticipate any one of the four (4) eligible employees who may retire in the near future. The Department will return to staffing five (5) employees after retirement. Succession planning is expected to continue while the other retirement-aged employees.

Woody Van Sciver, 243 Monument Avenue, asked if the draft 2020 budget will be available for viewing on the Borough's website. Borough Council was in agreement to have the Borough Manager upload the draft 2020 budget presentation to the Borough's website and to provide a statement that clarifies the approval process and schedule.

Borough Manager Bashore will post tonight's budget presentation on the Borough website, on the webpage titled, "Budgets & Audits" under the header titled, "Forms & Documents."

11. UNFINISHED BUSINESS

Council President Grossman announced that there were no items for discussion under "Unfinished Business."

12. NEW BUSINESS

- a. Discussion – "Christmas on King" Road Closures

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Borough Manager Bashore stated that on October 14, 2019, he and Police Chief Marcelli met with Lisa O'Neill of Growing Roots, coordinator for the festivals in the Borough. For the "Christmas on King" event, Ms. O'Neill is requesting to close sections of Ruthland Avenue and Powelton Avenue, as well as block off certain parking spaces on King Street in front of Gallagher Automotive Services. New for 2019, Ms. O'Neill would like to have a beer garden on Ruthland Avenue in front of Brick & Brew Gastropub, who has agreed to sponsor it. Ms. O'Neill said that business owners on East King Street are requesting more involvement in the festivals to increase customer traffic.

Borough Solicitor McLean said Ms. O'Neill must file an application for a zoning permit for the temporary use for the beer garden, as well as notify the residents on Ruthland Avenue of her intent to block-off the road for the beer garden.

Police Chief Marcelli stated that he or Ms. O'Neill will have to notify SEPTA of the Ruthland Avenue road closure since it is on a daily bus route.

Borough Council highlighted concerns with the proposal to close a section of Ruthland Avenue, specifically the need for proper notification to the property owners in the area and the potential for continuing activities after the event on the street. At the conclusion of the discussion, Borough Council was in agreement to table further discussion until the November 6, 2019 meeting of the Borough Council.

Borough Manager Bashore will notify Lisa O'Neill to attend the Wednesday, November 6, 2019 meeting of Borough Council. The purpose of her attendance is to provide details of the beer garden, and to answer any questions from the Borough Council and the public. In addition, he will instruct her to notify the residents on Ruthland Avenue of the proposed beer garden and any expected impacts it may lead to.

b. Zoning Hearing Board

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

c. Sidewalks on Crest and Malvern Avenues – Letter From Chester Darlington

Borough Council President Grossman said that Borough Council is in receipt of Mr. Darlington's letter regarding his concerns, such as stormwater management, with the proposed installation of sidewalks on Crest and Malvern Avenues.

Borough Council thanked Mr. Darlington for his letter outlining his issues and the Public Works Committee will review them with the Borough Engineer and made recommendations accordingly to Borough Council. Borough Manager Bashore will prepare a response.

13. PUBLIC FORUM

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

Jennifer Benson, 218 Roberts Lane and Vice-Chair of the Parks & Recreation Committee, said the “Pizzas and Pumpkins in the Park” event, held on Sunday, October 13th that was sponsored by the Malvern Parks and Recreation Board was a huge success. In less than one hour, residents and surrounding neighbors consumed 70 pizzas and decorated the 200 pumpkins purchased for the event.

Brendan Phillips, 228 Church Street and member of the Parks & Recreation Committee, said 4 pallets of pumpkins were purchased for the event that occurred in Burke Park. He announced that the Malvern Parks and Recreation Board is still looking for volunteers to assist with the Halloween Parade.

Council Member Finkbiner recognized Kurt Leininger, 211 Channing Avenue, for being awarded the Stewardship Award by the Chester Ridley Crum Watersheds Association for his dedicated service to the association and its cause.

14. 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 8:45 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary