

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

October 16, 2018
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:

Mayor Burton

Council President Grossman announced that Borough Council met in Executive Session prior to this evening's meeting to discuss matters pertaining to real estate and litigation.

Borough Manager Bashore announced that on Thursday, November 8, 2018 at 7:00 p.m., Michael Panuschka, Forester, with the Pennsylvania Department of Agriculture will provide an informative presentation about the spotted lanternfly. This session will cover the treatment for the spotted lanternfly as well as treatment for its host tree, the tree of heaven. Informative pamphlets will be provided for home.

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 2, 2018, as amended.

4. APPROVAL OF REPORTS:

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 Treasurer's Report, the Committee Reports for Finance & Administration, Public Safety, Public Works and the Chief of Police Report, the Code Enforcement Department Reports (Building Inspector's Report, Housing and Property

Maintenance Report, and Zoning Report), the Superintendent of Public Works Report, and the Manager's Report for the month of September 2018, as submitted.

5. BOROUGH COUNCIL COMMITTEE REPORTS:

a. Financial & Administration

Council Vice-President Uzman stated the Finance & Administration Committee last met on October 9, 2018. Discussion items before the Committee included a review of the 2019 budget, discussion of the lease with Comcast for property owned by the Borough on Ruthland Avenue, a draft Temporary Transitional Duty Policy provided by the Delaware Valley Workers Compensation Trust, and upgrades to the audio/video system in the Borough Council meeting room.

b. Public Safety

Council Member Meisel stated the Public Safety Committee last met on August 21, 2018. The next committee meeting, date to be determined, will likely include discussion on public safety improvements along King Street.

c. Public Works

Council Member Sinquett stated the Public Works Committee has not met since the September 18, 2018 meeting of Borough Council. Dates will be circulated for a Committee meeting in the next month. As an update to Borough Council, work related to the upgrade of the HVAC system in Borough Hall has been completed and the new attic access has been installed (enlargement of the access door is still underway).

6. PUBLIC HEARING – ORDINANCE NO. 2018 – 8 – ZONING ORDINANCE AMENDMENT – SECTION 220-2312: KEEPING OF PETS AND LIVESTOCK:

Council President Grossman announced that Borough Council will now open a Public Hearing to consider an ordinance to amend the Borough's Zoning Ordinance in order to amend section 220-2312, pertaining to the keeping of pets and livestock. The proposed ordinance would amend this section in order to permit the limited keeping of chickens and ducks as an accessory use to single-family residential dwellings.

The Notice of Public Hearing was published in the October 2, 2018 and October 9, 2018 editions of the Daily Local News as required.

Pat Marcozzi, 221 Channing Avenue, asked how the Borough will ensure residents will only have up to four (4) poultry. Borough Solicitor Christakis stated any resident wanting to keep poultry will have to first apply for a permit and obtain Borough approval. Once a permit is issued and the initial inspection is completed to confirm compliance with the Zoning Ordinance, if complaints are received, inspections will be conducted in order to ensure continued compliance.

There being no additional comments by the audience, Council President Grossman closed the public hearing.

7. ORDINANCE NO. 2018 – 8 – AMENDING SECTION 220-2312, KEEPING OF PETS AND LIVESTOCK, OF THE ZONING ORDINANCE OF THE BOROUGH OF MALVERN TO PERMIT THE LIMITED KEEPING OF CHICKENS AND DUCKS AS AN ACCESSORY USE TO SINGLE-FAMILY RESIDENTIAL DWELLINGS:

Council Member Finkbiner suggested a change to the language discussing the ‘Enclosure’ for the keeping of chickens and ducks. Borough Solicitor Christakis said Council Member Finkbiner’s comments are textual in nature and do not impact the context of the ordinance 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 No. 2018 – 8, amending section 220-2312 of the Malvern Borough Zoning Ordinance in order to permit the limited keeping of chickens and ducks as an accessory use to single-family residential dwellings.

8. PUBLIC HEARING – ORDINANCE NO. 2018 – 9 – AMENDING CHAPTER 68, ANIMALS, OF THE CODE OF ORDINANCES FOR THE BOROUGH OF MALVERN IN ORDER TO ESTABLISH REGULATIONS FOR THE LIMITED KEEPING OF CHICKENS AND DUCKS:

Council President Grossman announced that Borough Council will now open a Public Hearing to consider an ordinance to amend the Malvern Borough Code of Ordinances in order to establish regulations for the limited keeping of chickens and ducks.

The Notice of Public Hearing was published in the October 2, 2018 and October 9, 2018 editions of the Daily Local News as required.

There being no comments by the audience, Council President Grossman closed the public hearing.

9. ORDINANCE NO. 2018 – 9 – AMENDING CHAPTER 68, ANIMALS, OF THE CODE OF ORDINANCES FOR THE BOROUGH OF MALVERN IN ORDER TO ESTABLISH REGULATIONS FOR THE LIMITED KEEPING OF CHICKENS AND DUCKS:

A motion was made by Council Member Finkbiner, seconded by Council Member Raynor to amend Ordinance No. 2018 – 9, amending Chapter 68 of the Malvern Borough Code of Ordinances in order to establish regulations for the limited keeping of chickens and ducks, by deleting the phrase, “The keeping of any other specie(s) of fowl or poultry is prohibited. The keeping of male chickens is prohibited.”

Council President Grossman called for a vote:

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YAYS

Council Member Finkbiner

Council Member Raynor

Council Member Sinquett

NAYS

Council Vice-President Uzman

Council President Grossman

Council Member Meisel

Council Member Laney

The motion did not pass by a vote of 3 Yays to 4 Nays.

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 No. 2018 – 9, as advertised, amending Chapter 68 of the Malvern Borough Code of Ordinances in order to establish regulations for the limited keeping of chickens and ducks.

10. UNFINISHED BUSINESS:

a. Update – Borough Council Initiatives

i. 5-Year Capital Improvement Plan

Borough Manager Bashore stated at the January 16, 2018 meeting, Borough Council discussed the 5-Year Capital Improvement Plan 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.

This committee reviewed the Capital Improvement Plan, last updated in 2016, that outlined the following categories: 1) Existing debt/projects, 2) Projects contingent on grant funding, 3) Public Works, 4) Sewer Projects, 5) Facility/Vehicle Upgrades, 6) Paving & Roadway Infrastructure, 7) Pedestrian Enhancements, 8) Public Safety, and 9) Planning, Administration, & Finance.

Borough Manager Bashore stated the Capital Improvement Plan is intended to serve as a tool to be used for budgeting purposes. The Borough has committed itself to the enhancements on N. Warren Avenue due to the grants awarded. Other projects may be reviewed on a case-by-case basis. In addition, due to the long term nature and planning involved in several of these projects, these items may extend into subsequent years. Due to these factors, Borough Manager Bashore would recommend that Borough Council review this plan on an annual basis at a minimum.

b. Continued – Public Hearing – Conditional Use Application for Cultural Center (First Baptist Church of Malvern – 146 Channing Avenue

Council President Grossman announced that Borough Council will now continue a Public Hearing to consider the Conditional Use application for the First Baptist Church of Malvern. The applicant is seeking to have multiple uses within a Tier 1 Historic Resource. The new use would be a Cultural Center to be conducted by the Coatesville Cultural Society d/b/a Malvern Arts.

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Pastor Robert Stradling was present to represent the applicant, First Baptist Church of Malvern. Testimony was presented by Glenn Diehl, Esq. for Malvern Arts.

All items being discussed, Council President Grossman closed the public hearing.

At the conclusion of testimony, Borough Council announced it will conduct an executive session, at the conclusion of tonight's meeting, to deliberate on its decision.

TO OBTAIN A COPY OF THE OFFICIAL TRANSCRIPT AS PREPARED BY THE COUNTY COURT REPORTER, PLEASE CONTACT BOROUGH ADMINISTRATION.

11. NEW BUSINESS:

a. 2019 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 (1st and 3rd Tuesday each month for Borough Council, the 1st and 3rd Thursday for the Planning Commission, 4th Monday for the Zoning Hearing Board, 1st Wednesday for the Parks & Recreation Committee, 2nd and 4th Tuesday for the Historical Commission, and 3rd Monday for the Shade Tree Commission). In accordance with Article II, Section 214 (A), Council shall meet at least once a month.

Councilor Finkbiner recommended changing the November 5, 2019 meeting to November 6, 2019 in order to avoid conflicting with Election Day. Council President Grossman called for a vote on this amendment:

YAYS

Council Member Finkbiner
Council Member Raynor
Council Member Sinquett

NAYS

Council Vice-President Uzman
Council President Grossman
Council Member Meisel
Council Member Laney

The motion did not pass by a vote of 3 Yays to 4 Nays.

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 Borough Manager to advertise the 2019 meeting schedule of the Borough Council, the Planning Commission, the Zoning Hearing Board, the Parks & Recreation Committee, the Historical Commission, and the Shade Tree Commission.

b. Bench Dedication – Adam Swope and Patti Rossiter

Borough Manager Bashore reviewed the proposed bench dedications in Burke Park in memory of Adam Swope and Patti Rossiter, both of whom passed away last year. There is a location near the gazebo in Burke Park with two (2) wooden benches that he believes would be appropriate. These would be replaced with green, metal benches as has been the Borough's

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practice. Borough Council previously adopted resolutions recognizing both individuals for their contributions to the community.

Council President Grossman had two comments: 1) Place the benches side-by-side or as close to each other as possible, and 2) To have bench dedications made on a Sunday.

Council Member Raynor would like the plaque on the benches to be specific to the contributions that both Adam Swope and Patti Rossiter made.

Borough Council agreed to schedule the bench dedications with the family members of Adam Swope and Patti Rossiter. Borough Manager Bashore will reach out to the families and coordinate a mutual date to hold the dedications, likely in early November and preferably on a Sunday. He will also extend invitations to the representatives from both political committees.

c. Zoning Hearing Board

Borough Manager Bashore stated the Borough received one (1) application from Renehan Building Group, LLC, for the property located at 11 Griffith Avenue. The applicant seeks a variance for minimum lot area. The hearing will be scheduled for Monday, November 26, 2018.

12. 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.

Kelly Schmitt, 17 Channing Avenue, announced the Malvern Historical Commission will be hosting the *Malvern Lyceum Night* on Tuesday, October 23, 2018 at 7:30 p.m. with the topic of discussion being the Hires Root Beer Company that has its origins from the Borough.

Kelly Schmitt, 17 Channing Avenue, made a request to have the restrooms on the 2nd floor of Borough Hall, adjacent to the meeting room not be gender specific. Borough Council agreed with Kelly Schmitt's request and directed the Borough Manager to look into the matter.

Sid Baglini, 203 Channing Avenue, hopes the Borough will not regulate individual business activities as she heard during the Conditional Use Hearing for the cultural center. Borough Solicitor Christakis said the Borough regulates use(s) through its Zoning Ordinance. How the business conducts its daily activities is at the discretion of the business owner. Council President Grossman clarified that the Conditional Use for a cultural center enabled residents to voice their concern(s) and that Borough Council was taking the neighborhood concerns into consideration.

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."

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13. 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 8:55 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary