

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

September 15, 2020
7:30 P.M.

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: David B. Burton, Mayor

1. ROLL CALL

PRESENT

Council President Finkbiner
Council Vice-President Grossman
Council Member Bones
Council Member Laney
Council Member Meisel
Council Member Phillips
Council Member Raynor
David B. Burton, Mayor

ABSENT

Council President Finkbiner announced that this evening's meeting was being held virtually due to the COVID-19 pandemic and as permitted under Act No. 15 of 2020. Council President Finkbiner announced the following guidelines for the meeting:

- Participants will be asked to identify themselves when being accepted into the meeting.
- The public will be muted during the meeting when the members of Borough Council are speaking.
- For each agenda item, the public will be unmuted and given an opportunity to comment and ask questions.
- Public Comment received via email will be read by the Borough Manager either during the topic on the agenda or the general "Public Forum" period.
- Participants wishing to comment must state their name and must speak one at a time.

2. APPROVAL OF AGENDA

A motion was made by Vice-President Grossman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the agenda for September 15, 2020 as presented.

3. ANNOUNCEMENTS

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a. Recording of the Meeting

Council President Finkbiner asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting. Council President Finkbiner noted that the meeting was being recorded for minute taking purposes, but the recording would not be posted on the Borough website.

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

b. The Malvern Public Library is now open for limited public browsing on Saturdays from 10:00 am to 2:00 pm. Curbside pick-up only will continue on Monday through Friday. Please visit the Malvern Borough website for information.

c. The Parks & Recreation Committee will host Outdoor Partner Yoga on September 19, 2020 at 4:30 pm in Burke Park. Pre-registration is required and space is limited. Please bring your mat and mask.

d. Bulk Trash Collection will occur on Saturday, September 26, 2020. Information on items eligible for collection is available on the Malvern Borough website.

e. Vacancies currently exist on the following volunteer boards and committees: Environmental Advisory Council, Parks & Recreation Committee, and Zoning Hearing Board (alternate member).

f. The Planning Commission will meet on September 17, 2020 at 7:30 pm in the gazebo at Burke Park. In the event of inclement weather, the meeting will be held at the Malvern Borough Public Works facility (116 Ruthland Avenue). Attendees must wear masks.

g. Kel Schmitt, 17 Channing Avenue, announced that the Malvern Historical Commission will be doing a virtual walking tour along King Street via Facebook on Tuesday, September 29, 2020.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Laney, seconded by Vice-President Grossman, and carried by a vote of 7-0, to approve the minutes from the September 1, 2020 meeting of Borough Council as presented.

b. APPROVAL OF REPORTS

A motion was made by Vice-President Grossman, seconded by Council Member Bones, 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

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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 August 2020, as submitted.

c. BOROUGH COUNCIL COMMITTEE REPORTS

- Finance & Administration

Council Member Laney stated that the Finance & Administration Committee met on August 18, 2020. Topics of discussion included a review of the second quarter performance of the Police and Nonuniform Pension Funds, discussion on the finances of the Borough's Sewer Fund, and park/amenity dedications as follow-up to correspondence received at the June 16, 2020 meeting of Borough Council.

Council Member Laney noted that both pension funds have rebounded from the decline witnessed at the start of the COVID-19 pandemic. The pension funds are up about 4.7% year-to-date. INR has recommended maintaining the current course.

Council Member Laney stated that the Committee reviewed information from the Borough Engineer and Borough Manager as it pertains to the finances of the Sewer Fund. This included a review of treatment costs, capital costs, and revenue from 2008 to the present. The Committee also reviewed Sewer Flow information as it relates to the finances of the Sewer Fund.

Council Member Laney stated that Borough Manager Bashore has submitted a first draft of the 2021 budget to the Finance & Administration Committee. A meeting will be scheduled to review the first draft.

- Public Safety

Council Member Meisel stated that the Public Safety Committee has not met since the August 18, 2020 meeting of Borough Council. A meeting has been scheduled for September 17, 2020 and information will be presented at the October 20, 2020 meeting of Borough Council.

- Public Works

Council Member Bones stated that the Public Works Committee met on September 2, 2020. Topics of discussion included a review with the Borough Engineer on the proposed Old Lincoln Highway Drainage Improvement Project, discussion about the 2021 paving program, and the proposed sidewalk and paving project on Crest Avenue.

Council Member Bones stated that the Borough Engineer provided an update on the underground drainage project on Old Lincoln Highway. This included a review of the cost estimate and preliminary concept plans. The current cost estimate is approximately \$650,000. The

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Borough Engineer will appear before Borough Council at the October 6, 2020 to provide an update on this project.

Council Member Bones stated the projects for the 2021 paving program were discussed. Proposed projects include Ruthland Avenue (from First Avenue to King Street), Karen Drive, Green Street (from Second Avenue to First Avenue), Malvern Avenue (from Highland Avenue to King Street), and W. King Street (from Goshorn Drive to Sugartown Road). The Committee requested prioritization of these projects from the Superintendent of Public Works and that was received.

Council Member Bones stated that the Committee discussed the proposed sidewalk and paving project on Crest Avenue. This project will be discussed further at the upcoming meeting of the Public Safety Committee.

5. SPECIAL BUSINESS

a. PRESENTATION – SIMONE-COLLINS LANDSCAPE ARCHITECTURE – RANDOLPH WOODS MASTER PLAN

Borough Manager Bashore stated that Peter Simone and Joseph Wallace of Simone-Collins Landscape Architecture are before Borough Council to review the Randolph Woods Master Plan. Borough Manager Bashore stated that Simone-Collins Landscape Architecture was hired by the Borough to complete this plan in November 2019 and funding was secured through the PECO Green Region grant program.

Peter Simone provided an overview of the planning process, noting the work provided by employees of Simone-Collins Landscape Architecture, members of the Randolph Woods Master Plan Committee, and outside consultants. Mr. Simone stated that the project began in December 2019, but was delayed slightly due to the COVID-19 pandemic. Mr. Simone stated that this document may be used as a tool to secure future grant funding and he believes that this project is a strong candidate for grant funding.

Mr. Simone highlighted elements of the master plan and stated that the most important recommendation is to control the deer population in Randolph Woods. Mr. Simone noted that there may be resistance from the neighboring property owners due to the installation of deer fencing and recommended an educational program.

Mr. Wallace outlined the different management areas on the property and outlined the improvements to the property. Mr. Wallace provided an overview of the proposed improvements to the property outlined in the plan, including the proposed bicycle pump track and trail improvements.

Mr. Simone reviewed the cost estimate provided in the master plan and noted that this may be a ten (10) year plan. Mr. Simone noted that the total estimated cost is \$1.7 million. Mr. Simone reviewed the recommended phasing for the plan. Mr. Simone provided an overview

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of funding sources, noting that the two (2) largest funding sources are through the PA Department of Conservation & Natural Resources (DCNR) and the Department of Community & Economic Development (DCED).

Council President Finkbinder thanked Simone-Collins Landscape Architecture and the members of the Randolph Woods Master Plan Committee for all their work.

Vice-President Grossman commended the plan and asked if the additional enhancements are part of the grant application process. Mr. Simone stated that it is about positioning the plan in the best way to secure funding, noting the political nature of DCED. Council President Finkbinder noted that the Borough is currently pursuing a grant through DCNR for a separate project. Mr. Simone stated that DCNR generally only likes to see one (1) application from a municipality per year. Vice-President Grossman asked if the grant application should be submitted based on a phase or the entire plan. Mr. Simone stated that the applications would typically be submitted by phase.

Mayor Burton asked if the signatures submitted on the petition regarding biking were all Borough residents. Council Member Bones stated that he did not believe that all the signatories were Borough residents. Mayor Burton noted that the proposed location of the pump track appears to be a good use for the land. Vice-President Grossman noted her support for the pump track.

Council President Finkbinder asked if it was appropriate to use grant funding for MS4 requirements. Mr. Simone stated that it was appropriate and it was something that their firm has done in the past.

Council Member Meisel asked if the pump track could transferred to a different use if the trend toward mountain biking were to change. Mr. Simone stated that it could be transferred to a different use in the future.

Council Member Bones thanked Mark Niemiec for leading the Committee in this process and for his efforts.

Lynne Frederick, 227 E. Broad Street, asked if research had been done into the insurance costs for the pump track and noted that the cost to renovate the pump house is significant, but did not see it included in the cost estimate. Ms. Frederick noted her concerns that the pump house may be demolished by neglect. Council Member Bones stated that options for the pump house are outlined in the report and if the report is followed, the pump house will not be neglected. Council Member Raynor noted her interest in obtaining recommendations from the Malvern Historical Commission. Council President Finkbinder stated that it would be appropriate to receive recommendations from the Historical Commission.

Mark Niemiec, 118 Warrington Way, thanked Council Member Bones for bringing the situation at Randolph Woods to his attention. Mr. Niemiec thanked Simone-Collins Landscape

Architecture, the Borough staff, the members of the Committee, and Willistown Conservation Trust for all their work in this process. Mr. Niemiec noted that the interest in funding improvements for the pump house should not be underestimated and recommended establishing a “Friends of Randolph Woods” fund.

Borough Manager Bashore addressed the questions of insurance, noting that insuring the pump track would not necessarily cost more, it’s a question of risk and if the Borough is willing to assume that risk due to the claim potential that exists. Borough Manager Bashore noted that Borough Council would need to establish guidelines to minimize the risk to the greatest extent possible and monitoring procedures.

Sidne Baglini, 203 Channing Avenue, noted that the Borough is currently assuming the risk now since the property is currently being used for biking. Ms. Baglini asked if the level of risk is increased if the Borough formalized the risk by developing a pump track. Borough Manager Bashore stated that it is the same level of risk. Ms. Baglini asked about sidewalks to access the pump track. Mr. Simone stated that the sidewalks are from Ruthland Avenue east. Ms. Baglini asked about the internal sidewalks at the pump track. Mr. Wallace noted that this plan is still conceptual and outlined other potential options. Council Member Phillips noted that the sidewalk proposed also proposed access to Randolph Woods and that the goal is to provide as much access as possible in the most ecologically-friendly way possible. Ms. Baglini asked about using a wood chip trail instead of pavement. Mr. Simone noted issues with maintenance. Council Member Laney noted a need to ensure handicapped accessibility. Council President Finkbinder noted that it would be important to involve the Environmental Advisory Council in the development of the plans going forward.

A motion was made by Council Member Bones to approve the plan as presented. The motion was seconded by Council Member Phillips.

Council Member Meisel stated that the Borough is only committing to the principles outlined in the plan and is not binding itself to any spending or phasing at this time. Vice-President Grossman noted concerns with adopting the entire as it is. Mr. Simone noted that under the Municipalities Planning Code, adopting a master plan does not bind the Borough to anything, noting past experience preparing plans that are never realized. Borough Manager Bashore stated that the next step would be determining how to factor the items in the plan fit into the Borough’s overall plan. Council Member Meisel noted that this document provides a roadmap for future groups.

There was no further discussion and the motion approving the master plan for the Randolph Woods Nature Preserve passed by a vote of 7-0.

b. EXPANDED OUTDOOR DINING FORBEARANCE AGREEMENTS

- Anthony’s Pizza & Italian Restaurant – 60-day extension of agreement

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Council President Finkbiner stated that Anthony's Pizza & Italian Restaurant is requesting a 60-day extension of their existing agreement for outdoor dining during the COVID-19 pandemic. All existing conditions are proposed in place. Council President Finkbiner noted that this would extend the agreement to November 25, 2020.

A motion was made by Council Member Laney, seconded by Vice-President Grossman, and carried by a vote of 7-0, to approve the 60-day extension of time for Anthony's Pizza & Italian Restaurant.

6. UNFINISHED BUSINESS

Council President Finkbiner announced that there were no items of "Unfinished Business" for discussion.

7. NEW BUSINESS

- a. Escrow Release Request – 51 Ruthland Avenue – Release Request #2

Council President Finkbiner stated that this would be the second escrow release for the approved subdivision and land development project at 51 Ruthland Avenue. The amount requested for release is \$20,990.00. A recommendation from the Borough Engineer is before Borough Council this evening.

A motion was made by Council Member Laney, seconded by Council Member Raynor, and carried by a vote of 7-0, to approve escrow release request #2 for the project at 51 Ruthland Avenue in the amount of \$20,990.00 based on the recommendation of the Borough Engineer.

- b. Zoning Hearing Board

Council President Finkbiner stated that there are no new applications before the Zoning Hearing Board.

8. PUBLIC FORUM

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

Vice-President Grossman stated that she has been approached by residents inquiring about Halloween and if Monument Avenue could be closed due to the increase in activity on Halloween that has been witnessed. Chief Marcelli stated that this has come up previously and he is opposed to closing Monument Avenue. Chief Marcelli noted that this could create other issues. Council Member Laney noted that she is opposed to closing Monument Avenue. Vice-President Grossman noted that she values Chief Marcelli's opinion on this matter.

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Council Member Laney asked if any guidance on Halloween has been received. Borough Manager Bashore stated that nothing has been received yet, but the Emergency Management Coordinator is preparing information that will be posted on the Borough website. Council Member Meisel noted that people should be aware of the appropriate steps to take.

Chief Marcelli stated that he does not want to encourage any activity that could result in congregation.

Helise Bichefsky, 32 Raffaella Drive, stated that the Halloween Parade will be cancelled this year due to the COVID-19 pandemic, but the Parks & Recreation Committee is discussing possible alternatives.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Meisel, seconded by Vice-President Grossman, and carried by a vote of 7-0, to adjourn the meeting at 9:05 p.m.

Respectfully submitted,

Christopher Bashore
Borough Manager/Secretary