

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

September 19, 2017  
7:30 P.M.

PRESIDING: Council President Bramwell

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

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

Council President Bramwell requested a moment of silence for the passing of Patti Rossiter.

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

2. RECORDING OF MEETING:

Council President Bramwell 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 Siquett, and carried by a vote of 6-0, to approve the minutes of the meetings held on Tuesday, September 5, 2017 as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice-President Uzman, seconded by Council Member Siquett and carried by a vote of 6-0 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 and Zoning Officer's 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 2017 as submitted.

5. BOROUGH COUNCIL COMMITTEE REPORTS:

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### a. Finance & Administration

Borough Manager Bashore stated the Finance and Administration Committee met prior to this evening's meeting of Borough Council. Discussion included a first draft of the 2018 budget for the Borough.

### b. Public Safety

Borough Manager Bashore stated the Public Safety Committee last met on July 18, 2017. At the last meeting, the Public Safety Committee reviewed information pertaining to the traffic study being completed by McMahon Associates. This study is being funded by the Vision Partnership Program grant the Borough received from Chester County. McMahon Associates is scheduled to complete the traffic data collection during the weeks of September 18th and September 25th. Once the data is collected, it will take a few weeks to process the data and run the various analyses necessary to complete the existing conditions evaluation.

### c. Public Works

Borough Manager Bashore stated the Public Works Committee met on September 5, 2017. Topics of discussion included the recommendation from the Parks & Recreation Committee on the proposed Community Arts Project, potential capital projects, additional paving projects for 2017, and the 35% concept submission from Summer Consultants, Inc. on the upgrade to the Borough Hall HVAC system.

## 6. PRESENTATION – RANDOLPH WOODS AD HOC COMMITTEE – STATUS REPORT NO. 2:

Mark Niemiec provided an update on the actions that have occurred within the Randolph Woods Ad Hoc Committee. The Committee: 1) Met with Lauren McGrath, Field Study Site Coordinator for the Willistown Conservation Trust; 2) Reviewed information related to the development of a master plan and the first draft of the survey prepared by the Borough Engineer; and 3) Conducted sub-committee meetings for Communication/Uses, Encroachment, and Environmental.

Borough Manager Bashore reviewed the documented encroachments made by property owners that was prepared by the Borough Engineer. He noted twelve (12) trees were removed, which were either dead or in poor health.

Council Member Grossman asked what the projected costs will be installing a proposed fence along the property boundary, where property owners are encroaching. Mark Niemiec stated that projected cost has not been calculated, however, it would be the Committee's recommendation to have a post and rail fence installed with concrete footers to deter property owners from attempting to move them. Rusticraft Fencing Company was consulted to provide a cost estimate, awaiting a response.

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Council Member Finkbinder asked how long the fence would be. Mark Niemiec stated the Borough Engineer has estimated 2,500 linear feet, from the property line by the Malvern Fire Company, around the perimeter to the Malvern Retreat house property line.

Council President Bramwell asked what action items the Randolph Woods Ad Hoc Committee would like Borough Council to undertake. Mark Niemiec stated a Master Plan, Which would focus on: 1) Site evaluation and assessment; 2) Program of uses/facilities and options; 3) Concept plan options; and 4) Implementation strategy. The master plan process would involve public participation and user input throughout the process. This would include meetings and workshops where community members respond to components of the plan. During a meeting with Land Concepts, LLC, it was recommended that this be a joint master/management plan, with surrounding municipalities, if the Borough decides to pursue this course of action. Mr. Niemiec noted that Randolph Woods was an element of the Borough's "Park, Recreation, and Open Space Plan" completed in 1992.

Council Member Finkbinder asked if Randolph Woods Ad Hoc Committee has drafted a vision statement for Randolph Woods. Mark Niemiec stated the Master Plan would involve the creation of a vision statement.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 6-0, to authorize the Randolph Woods Ad Hoc Committee to extend their research and findings until the end of the 2017 Calendar Year, as outlined in Resolution No. 726.

### 7. PRESENTATION – HISTORICAL PRESERVATION AWARDS:

Catherine Raymond provided an overview of the Historical Commission's nomination process. The Historical Commission honors properties in four (4) categories: 1) Adaptive Reuse, in which the preserved building is now used for a different purpose than its historical purpose; 2) Commercial; 3) Residential; and 4) Institutional. This year, the Commission has made awards to six (6) properties, two (2) for adaptive re-use, one (1) to a commercial property, one (1) to an institutional property, and two (2) to residential properties.

Lynne Hockenbury presented the 2017 Historic Preservation Awards to:

Residential Category: Mary Ann Severance, 1-3 North Warren Avenue: Built in 1731 is the oldest building still standing and still in use. Unlike the modern custom, it is the rear of the building that is visible from Warren Avenue; the front door faces the rear side of 1 East King Street, and is shielded from view by a tall wooden fence and shrubbery. Although the building has been a residence for a long time, it is known to have housed Malvern's first store and first post office. It was also used for an early town meeting, at which plans for the layout of Malvern were drafted.

Adaptive Reuse Category: Jim Fooskas on behalf of the National Bank of Malvern and Laura Iezzi, owner/operator of Julie Anne's Place, 22 South Warren Avenue: Built in 1900, this

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twin dwelling was on land that had been sold by Josiah Roberts to the National Bank of Malvern. The building was sold back to the National Bank of Malvern by its last residential owners in 1996. It is now the site of Malvern's breakfast and lunch cafe, Julie-Anne's Place. The six-sided window in the front door and the bay windows in the downstairs dining area are uncommon in today's buildings.

**Institutional Category:** Jim Hall, Director of Hospitality for Malvern Retreat House, 313 South Warren Avenue: Built around 1896 in the Colonial Revival style has a pleasing arrangement of brick walls, white columns by the entrance, and windows with rounded tops. Originally a mansion that was part of the Rosengarten-Coxe estate, the idea of the Malvern Retreat House arose after a local investment banker, John Ferrick, was so moved by a retreat he had experienced on Staten Island that he wanted to make the same experience available in the Malvern area. The result was the formation of the Laymen's Weekend Retreat League, which acquired the building in 1922 and has run retreats on the Warren Avenue site, now called St. Joseph's in the Hills, ever since. The building is shorter by one story than it was when first built, due to severe fire damage suffered during the 1950s.

**Residential Category:** Gerald & Madeline Madden, 337 East Broad Street: Built around 1930 in the Four Square architectural style. Four Square buildings are squared with pyramid roofs and symmetrical facades. Homes of this style commonly have a front porch that extends the entire width of the building and a shield dormer directly above the front door. Family-owned and lived in since it was constructed by Agostino Colona, a Master Stone Mason from Italy and the father of Madeline, who was known for building homes throughout the Malvern area.

**Commercial Category:** Thomas Fillippo, 202 East King Street, Pete's Auto Service: A frame building once stood at this location, and was the site of the John Entriken Platinum Works. That building was moved to the rear of the property when the present brick building was erected between 1911 and 1915, to serve as a garage. F.A. Hale operated a used car shop in that building in 1924. In 1932, it became Hughes' Garage, performing automobile repair and selling gasoline, refrigerators, and radios, and it houses an automotive repair shop today. Repairs necessitated by a fire in 2014 have appropriately preserved the appearance of the building.

**Adaptive Reuse Category:** Council President Bramwell for 1 East First Avenue (Borough Hall): It was built in 1899 to house the growing Malvern Public School, which could no longer fit in its existing home on Broad Street. After the Public School closed in 1981, the Borough purchased the property and renovated it to serve as quarters for borough government, the police department, and the Malvern Public Library. A second renovation, completed in 2003, expanded the space available for these borough institutions and eliminated the long ramp to the front door installed as part of the 1980s renovations. The building retains its original facade on the Channing Avenue side, and its facade on the Warren Avenue side pays homage to the pyramidal roof-shapes and tri-sectioned structure from the building's schoolhouse days.

**8. RESOLUTION NO. 747 – ELIMINATE CONTRIBUTIONS TO THE POLICE PENSION PLAN FOR THE CALENDAR YEAR 2018:**

A motion was made by Council Member Lexer, seconded by Council Vice-President Uzman, and carried by a vote of 6-0, to adopt Resolution No. 747, a Resolution to eliminate member contributions to the Police Pension Plan for Calendar Year 2018.

9. OLD BUSINESS:

a. Ordinance NO. 2016 – 2: Issuance of Non – Electoral Debt

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 6-0, to withdraw the application with the Delaware Valley Regional Financing Authority (“DeVal”) for a debt incurrence of \$1 million and authorize sending notice to DeVal and Calhoun Baker, Inc. (Financial Advisor) indicating the intent to withdraw.

b. Community Arts Project (Borough Hall) – Status Update

At the direction of Borough Council, the Parks & Recreation Committee conducted two (2) meetings to discuss the Community Arts Project proposed for the rear-yard of Borough Hall. Borough Council requested that three (3) criteria be considered during their review: 1) Connection to the community; 2) Safety; and 3) Community and business support. These meetings were held on July 13, 2017 and August 2, 2017.

Based on the Parks & Recreation Committee’s recommendation, Borough Council directed Borough Administration to draft a policy and procedure to address future community project proposals and for the Public Safety Committee to review safety concerns at the side entrance of the Police Department.

Borough Manager Bashore stated the Parks & Recreation Committee did an admirable job undertaking a task that is outside their normal scope of work and they should be commended for their effort they put into evaluating this proposal. He thanked them for their work.

A motion was made by Council President Bramwell, seconded by Council Member Sinquett and carried by a vote of 6-0, to rescind the authorization of the Malvern Borough Public Works Department to perform site prep and installation of the dog statues and outdoor furniture as proposed by the Malvern Community Arts Project, as was granted at the April 18, 2017 meeting of Borough Council.

10. NEW BUSINESS:

a. Additional Paving Projects for 2017

Borough Manager Bashore stated the Public Works Committee reviewed information from the Borough Engineer related to additional paving projects for 2017. The Borough Engineer prepared cost estimates for three (3) potential projects: 1) Bridge & King Streets – Approximately 129 linear feet (LF) to include base repair and overlay; 2) King Street (in front of

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the Exxon gas station) – Approximately 150 LF to include base repair and overlay; and 3) Quaker Lane (from the curve to Warren Ave.) – Approximately 200 LF. The Committee requested that the Borough Engineer prepare bid specifications for all three (3) projects and outline material costs based on the Borough purchasing the material directly from a COSTARS vendor. No action was taken by Borough Council.

b. Board & Committee Appointment Considerations

i. Parks & Recreation Committee

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 7-0, to appoint Francis Givnish, Jr. to the Malvern Borough Parks & Recreation Committee, with a term to expire on January 1, 2019. This appointment is to fill the unexpired term of Autumn Lexer.

ii. Historical Commission

A motion was made by Council Member Sinquett, seconded by Council Vice-President Uzman and carried by a vote of 6-0, to appoint Barbara Stergiades to the Malvern Borough Historical Commission, with a term to expire on January 1, 2022. This appointment is to fill the vacancy created by Joan Zimnoch when she decided to not seek reappointment when her term expired on January 1, 2017.

c. Zoning Hearing Board

i. Renehan Building Group, Inc. – 328 East King Street

Borough Manager Bashore stated an application was received from Renehan Building Group for their property located at 328 East King Street. This property is located in the C3 – Town Center Commercial district. The applicant is seeking a variance from section 220-2401 of the Borough's Zoning Ordinance. This section limits the maximum height of an accessory structure to 15 ft. The request is related to the renovation project Renehan Building Group is currently under taking to the five (5) existing garages on the property. At their September 7, 2017 meeting, the Malvern Planning Commission reviewed the application and identified no planning issues.

Council President Bramwell polled the Council, no member of Council was inclined to send the Borough Solicitor to the Zoning Hearing.

ii. Saint Patrick's Church – Channing and Woodland Avenues

Borough Manager Bashore stated an application was received from Saint Patrick's Church seeking a Special Exception from Section 220-1903.B of the Borough's Zoning Ordinance. The site will comply with standards for a Special Exception outlined in section

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220-2809, A through J, for 131-133 Channing Avenue and 130 Woodland Avenue. At their September 7, 2017 meeting, the Malvern Planning Commission reviewed the application and identified no planning issues.

Borough Solicitor McLean advised Borough Council that in 2000, a Conditional Use was granted that placed certain conditions on a land development application. It is the Borough Solicitor's recommendation that she attend the Zoning Hearing to insure the conditions are followed.

Council President Bramwell polled the Council, members of Council were inclined to send the Borough Solicitor to the Zoning Hearing. Council Member Finkbiner abstained from deliberations due to her home's close proximity to Saint Patrick's Church.

### 11. PUBLIC FORUM:

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

a. Joe Benson, 218 Roberts Lane, stated he would like Roberts Lane added to the Borough's Traffic Study. Council Member Lexer thinks Roberts Lane is included in the traffic study, but if it is not the Public Safety Committee will evaluate Mr. Benson's request.

b. Kurt Leininger, 211 Channing Avenue, asked if the speed limit on Robert Lane could be posted as a 15 mph speed limit since it is predominately a school access road for Saint Patrick's. Police Chief Marcelli stated 25 mph is the slowest legal limit allowed in Pennsylvania to be posted and enforced. Council President Bramwell requested Police Chief Marcelli verify that Roberts Lane cannot be legally reduced to a 15 mph speed limit zone.

c. Lynne Hockenbury, 227 East Broad Street, spoke on behalf of Kristin Thomas, organizer for the Malvern Community Arts Project, asking what her next steps are for proposing future projects. Council President Bramwell stated that Borough Administration will draft a policy and procedure for future community projects and to hold-off until such time as one is enacted by Borough Council.

d. Joan Yeager, 1404 Raintree Lane, asked if the commercial trucks driving in the vicinity of the Raintree Condominiums could be tracked to determine if they are doing business in the borough or if they are passing through the borough and if weight limits are being followed. Police Chief Marcelli stated he will direct his officer who is dedicated to truck enforcement to follow-up.

### 12. ADJOURMENT:

At 9:02 p.m. Council President Bramwell stated Council will adjourn to executive session to discuss litigation matters.

Council President Bramwell reconvened the public meeting at 9:30 p.m.

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All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Grossman, and carried by a vote of 6-0 to adjourn the meeting at 9:32 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Secretary