

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

FEBRUARY 4, 2014  
7:30 P.M.

PRESIDING: David G. Bramwell, President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Bramwell  
Council Vice-President Raymond  
Council Member Lexer  
Council Member Meisel  
Council Member Radano  
Council Member Van Sciver  
Mayor Burton

2. PUBLIC FORUM:

Council President Bramwell informed all present that copies of the agenda are available at the front desk. This is a Public Session of Council. Should any citizen/taxpayer wish to offer comments on any item on the agenda, now is the time to bring those comments before Council. Are there any citizens/taxpayers who wish to bring before Council any item not on the agenda?

There was no public comment.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Radano, seconded by Council Vice President Raymond and unanimously carried by a vote of 6-0 to approve the minutes of the Regular Meeting held on Tuesday, December 17, 2013, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice President Raymond, seconded by Council Member Lexer and unanimously carried to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works and the Chief of Police Report, the Code Enforcement 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 December 2013, as submitted.

5. ANNUAL REPORTS FROM MALVERN BOROUGH'S BOARDS & COMMISSIONS:

- a. Historical Commission (Lynne Hockenbury, Chair) – Report attached to Minutes
- b. Parks & Recreation Committee (Patti Rossiter) – Ms. Rossiter reported that the Parks & Recreation Committee held their 3rd annual Easter Egg Hunt and it was very cold. Fortunately, this year the event will be held in mid-April. The Committee held two yard sales in

May and September and this was the 3rd year for the yard sales, as well. The response gets better every year and as it is held in Burke Park at the same time as the Farmers Market, they believe that the two events complement each other. The May date has not yet been set, but people are already calling to ask the date of the yard sale. That date will be set by April 1<sup>st</sup>. They only had one movie night as the second one was cancelled due to a rain event. Their 2nd annual family fun night with a magic show, face painting, balloonist and Rita's Water Ice was successful. They held their 10<sup>th</sup> annual Fall Fest with pizza, snacks and a band and, with all their events, they came in under budget. Ms. Rossiter stated that their Committee is always looking for people to help with their activities.

The possible need for a new movie screen was discussed and Ms. Rossiter reported that the Manager had asked that they get estimates for what they wanted, but they have not yet gotten those estimates. Ms. Rossiter also reported that she has been discussing with Lynne Hockenbury a historical scavenger hunt for the 125<sup>th</sup> Anniversary.

Council President Bramwell asked when the Committee looks at other areas around the Borough, does the Committee have a wish list of ideas they might want to accomplish?

Ms. Rossiter responded that they are always looking for input of what people would like them to do regarding events.

Some ideas presented were to talk to the Willistown Conservation Trust regarding land preservation, basketball games at our two courts and summer camp for 4/5-8 year olds.

Mrs. McDonnell suggested that if the Borough is considering a survey, that would be a good time to communicate with the residents to get their feedback. She suggested using Survey Monkey.

c. Shade Tree Commission (Linda Burton) – Mrs. Burton reported that the Borough is very lucky to have Joe Bones on the Shade Tree Committee for many years tending trees in the Borough. Mrs. Burton reported that in the coming year, they are hoping to purchase and plant a Heritage Tree for the 125<sup>th</sup> Anniversary. They also hope to get the residents involved by getting out information to determine who may have a Witness Tree on their property and instructions to the property owner on how to measure that tree and if they provide the documentation, they will receive a Certificate.

A copy of Mrs. Burton's report is attached to the Minutes.

#### 6. CITIZEN COMMITTEE APPOINTMENTS:

A motion was made by Council Member Lexer, seconded by Council Member Radano and unanimously carried by a vote of 6-0 to make the following reappoints:

To reappoint Louis Thomas as a member of the Zoning Hearing Board for a 3 year term to expire January 1, 2017.

To reappoint William Huffman as a member of the Civil Service Commission for a 6 year term to expire January 1, 2020.

To reappoint Christopher Mongeau as a member of the Planning Commission for a 4 year term to expire January 1, 2018.

To reappoint Amy Finkbiner as a member of the Planning Commission for a 4 year term to expire January 1, 2018.

To reappoint Linda Burton as a member of the Shade Tree Commission for a 5 year term to expire January 1, 2019.

To appoint Zeyn Uzman as a member of the Historical Commission for 5-year term to expire January 1, 2019.

To appoint Autumn Marisa Lexer as a member of the Parks and Recreation Committee for a 5-year term to expire January 1, 2019.

7. PUBLIC HEARING – PERMIT PARKING:

Council President Bramwell announced that Borough Council would now open a public hearing to consider an Ordinance to regulate permit parking in municipal parking lots and to establish penalties for violations.

The proposed Ordinance was advertised in the Daily Local News on January 24, 2014, as required.

There being no public comment, the hearing was closed.

ORDINANCE NO. 2014-2 – PERMIT PARKING:

A motion was made by Council Member Van Sciver, seconded by Council Member Radano and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2014-2, an Ordinance amending Chapter 200 of the Malvern Borough Code of Ordinances entitled “Vehicles and Traffic” to regulate permit parking in municipal parking lots and to establish penalties for violations.

8. ESCROW RELEASE – 237 KING PARTNERS, LLC:

A motion was made by Council Member Lexer, seconded by Council Member Van Sciver and unanimously carried by a vote of 6-0 to authorize the request for Escrow Release #5 to 237 King Partners, LLC, in the amount of \$330,799.76, as recommended by the Borough Engineer.

9. OTHER BUSINESS:

a. Outdoor Cafes – Several questions regarding outdoor cafes were asked at the prior meeting. Responses to those questions are as follows: Retail businesses at Eastside Flats are not required to apply for a conditional use as that requirement was waived during the conditional use hearing for the site at the time of approval. A conditional use hearing would only be required if the entire retail space in one building was to be used for one business rather than several businesses. The businesses with outdoor cafes are required to apply for a zoning permit from the Codes Enforcement Officer and he has oversight to make sure the applications meet the conditions of an outdoor café. The Borough can regulate the hours of operation as they are defined in the Zoning Ordinance and we must treat all outdoor cafes the same whether they have a liquor license or not. The Liquor Control Board regulates hours of licensed establishments.

The number of licenses the Liquor Control Board can hand out is based on population. Should someone purchase a license from another business, Council would have to approve that license being transferred into the Borough. The Liquor Control Board could issue an Economic Development license but that license, also, would have to be approved by Council.

The businesses would have to comply with both the noise ordinance and nuisance ordinance or be cited by the Codes Enforcement Officer.

We will review the West Chester Outdoor Café Ordinance to determine if additional information should be added to our proposed ordinance.

b. Alleys and Driveways – Following discussion, Council requested the definition of an “alley”. This item will be tabled until the February 18<sup>th</sup> meeting.

c. Ad Hoc Committees

i. Communications – Council will be reviewing all forms of communication between the residents and Borough and the accessibility of the Council Members to the community. The Committee will review the Newsletters and publication to the website in an easily accessible location, publishing draft ordinances to the website, reaching out to the community for their ideas on communication efforts, reach out to the Historical Commission and have this Committee determine what the HC objectives are and how we can blend their ideas into the over-all communication effort. There has been an on-going question about how quickly we put the minutes out in Draft form. We want to consider how to get the minutes posted faster. Members of the Committee will be using electronic communications and soliciting feedback over the summer to establish short-term, intermediate and long-term goals.

ii. Herzak Property – Discussions are still on-going. There are going to be confidential discussions by Council because of the fact that we might make an offer on the property.

**COUNCIL PRESIDENT BRAMWELL ANNOUNCED THAT COUNCIL WILL MEET IN EXECUTIVE SESSION TO DISCUSS A LITIGATION MATTER.**

10. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice President Raymond, seconded by Council Member Meisel and unanimously carried by a vote of 6-0 to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager

## 2013 HISTORICAL COMMISSION ANNUAL REPORT

2013 was a year full of planning and organization for the Historical Commission. One of the main charges of the Commission is to record and preserve the history of the Borough, and to that end, the Commission has felt it important to find a way to digitally save the numerous papers and items that it has collected over the years. Our donated desktop (the third we have had) was having trouble saving to jump drives, and there was concern that anything saved to it would be difficult if not impossible to back-up. The purchase of a laptop late in 2012 allowed the Commission to purchase museum quality software in 2013, which we plan to use for this purpose. Getting the software up and running is one of the Commission's jobs for 2014!

A small group from the Commission has continued to work on developing an Historic Ordinance. This group has been working to incorporate the suggestions that came from public meetings held late in 2012, the Planning Commission, and the Borough Council. Currently the group is focusing on determining that the properties which have been identified as being "historic" fit more criteria than just being at least 50 years old. The Commission is hoping to present a draft ordinance to the Planning Commission early this year.

Much of 2013 was spent planning for and organizing of the Borough's 125<sup>th</sup> Anniversary. The Historical Commission held 2 meetings inviting specific community groups as well as any interested parties to help plan the celebration. A number of ideas for events – big and small – were generated at these meetings, with the hope of having at least 9 or 10 over the course of the year. Currently, 4 events have been scheduled with dates, and the Commission is working to get others on the calendar as well. The events include a 5K Run, Spaghetti Dinner and the Chester County Band on May 31<sup>st</sup>, the Saturday preceding the Memorial Parade on June 1<sup>st</sup>, the Town Tour on August 7<sup>th</sup>, a PBPF and PMA Dinner Event at the Desmond on September 18<sup>th</sup> and the Malvern Bible Chapel Picnic on August 18<sup>th</sup>.

Some smaller, but still important accomplishments for the Historical Commission in 2013 were: We launched a Facebook page, which currently has 134 "likes." We invite anyone who has not already done so to "like" the page, as the Commission will be using this as one of the places to advertise events during the anniversary year.

We attended Malvern Blooms, Malvern Fall Festival, and Victorian Christmas. For Victorian Christmas, the Historical Commission was asked to provide items for a display at the National Bank of Malvern, which was available for viewing for about 6 weeks.

We manned a booth at the Farmers Market on 4 Saturdays over the summer to sell books and generate interest in the Historical Commission.

We helped a gentleman from Willistown with locating a book about a Nike missile site that he thought was located in the Borough.

We interviewed 5 long-time Malvern residents on tape to preserve their memories.

We asked Nancy Schmitt to represent us by helping with the design of the mural painted on the side of Malvern Pizza's building.

We began discussions on the development of Preservation Awards, which we hope to finalize and begin awarding in 2014.

We hosted a tour of the History Center and a talk about Malvern's history, featuring Nancy Schmitt, for a group of women from the Paoli Methodist Church in October.

Annual Report to Malvern Borough Council  
Shade Tree Commission

January 2014

- Shade Tree Commission followed up on several requests by residents for approval of tree removal on their properties. This involved on site visits to assess if trees were on Borough easements.

- TAG landscape plans for 217 S. Warren Avenue were reviewed and STC visited this property area to inventory existing trees and made recommendations to preserve a White Pine and Hinoki tree. We requested a consult for a landscape architect, Tony Dufour, and this was approved by Borough Council. Tony recommended other species of trees for the plan, noting the trees listed on the landscape plan were outdated, based on current, best horticultural practice. The consulting fee was \$100.00

- Sandy Kelly asked STC to evaluate a Sugar Maple on Roberts Lane. There was an inquiry pertaining to a permit for two paved parking spaces in front of property. The tree was inspected and is healthy. Joe Bones suggested preserving the tree at the expense of a parking space.

- Fall Bare Root Tree Planting - STC tried a new approach to planting trees in the Borough. An informational booth was set up at the Malvern Farmer's Market in August. Borough residents interested in planting a tree signed up and were given instructions for the fall planting. Four species of trees were available and twelve trees were ordered from Pennsylvania Horticultural Society at a cost of \$50.00 per tree as part of -Plant One Million- initiative in Pennsylvania. The trees arrived in November and were delivered to the residents with instructions to care for and plant. Joe, Bobbi, Linda and Dave delivered the trees to the residents. (Cost \$1200) Our plan is to organize bare root tree plantings for the residents in the Borough this spring or fall.

- At the request of a concerned citizen on Remington Lane in fall, we looked a large dead tree near the buffer at Paoli Battlefield. On this inspection several trees were surveyed along this buffer area.

Susan Cook, representing PBPF met with us and we looked at a number of tree concerns that could be hazardous to the public.

Along the Remington Lane path we found two large dead oak trees. One tree looked like it could be felled into the woods the second large tree was much more challenging to remove. On this tree we decided as a group to recommend that only the large dead branches over the path be removed with the remainder to stay serving as wildlife habitat. These limbs would be removed without damaging the large beech tree growing adjacent to the oak.

At the top of this trail near where it meets the Memorial Grounds we also found two very dead cherry trees that could be safely felled. The Battlefield commission had asked that we consider removing a small Mulberry tree leaning over the battlefield fence (along the First Avenue side) and a large low limb on an elm tree that interferes with mowing and walkers (this is located on the Warren Ave. side of the field).

We held back from our scheduled fall pruning in the Borough to help with the tree removal at Paoli Battlefield at a cost of \$1300. (significantly under what we thought the cost would be).

Respectfully Submitted,  
Linda Burton