

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

December 18, 2018
7:30 P.M.

PRESIDING: Council President Grossman

INVOCATION: David B. Burton, Mayor

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
Mayor Burton

ABSENT:

Council President Grossman stated Borough Council met in executive session prior to tonight's regular meeting to discuss litigation matters.

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. 190 PENNSYLVANIA AVENUE – FINANCIAL SECURITY

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 release of Aras's financial security in the form of a check and to accept security in the form of a bond.

4. APPROVAL OF MINUTES:

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 6-0-1, to approve the minutes of the meeting held on Tuesday, December 2, 2018, as submitted. Council President Grossman abstained as she was not in attendance for the meeting.

5. APPROVAL OF REPORTS

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

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Finkbiner, 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 November 2018, as submitted.

6. BOROUGH COUNCIL COMMITTEE REPORTS

a. Finance & Administration

Council Vice-President Uzman stated the Finance & Administration Committee has not met since the November 20, 2018 meeting of Borough Council. A public hearing for the proposed 2019 Budget was held on December 4, 2018. The preliminary budget was adopted by Borough Council at the December 4, 2018 meeting. The final budget is before Borough Council this evening.

The Committee reviewed information pertaining to CD interest rates for the proceeds from the sale of the Valley Creek Trunk Sewer (VCTS) line. Once the proceeds from the sale are received, the Borough Treasurer will contact financial institutions for interest rates.

b. Public Safety

Council Member Meisel stated the Public Safety Committee last met on November 20, 2018. During the meeting, the Committee met with Dean Kaiser, P.E., from McMahon Associates in order to review the pedestrian signal plans for the intersections of Church St. and King St. and Ruthland Ave. and King St. The plan proposes the installation of pedestrian crossing signals and associated lighting. In addition, the Committee reviewed guidance information from the PA Department of Transportation (PennDOT) for pedestrian signals and budgetary information. Funds for this project have been allocated in the 2019 Budget before Borough Council this evening. Mr. Kaiser will present the plans to Borough Council at the January 15, 2019 meeting.

c. Public Works

Council Member Sinquett stated the Public Works Committee last met on December 4, 2018. Items before the Committee included a review of the mold inspection report for Borough Hall, pricing information from Oliver Mechanical for the remainder of the HVAC work, and the report on Old Lincoln Highway from Ingram Engineering. The Committee also discussed the status of various projects, including the Ruthland Avenue Pump Station/Force Main Project and the sidewalk connection project for the handicapped ramp installed at Quann Park.

Council Member Sinquett announced that Christmas tree recycling has been scheduled for Saturday, January 12th and 19th.

7. RESOLUTION NO. 774 – PRELIMINARY/FINAL SUBDIVISION PLAN FOR 13 LOVERS LANE – SEVERN PROPERTIES LLC:

Dave Hopkins, Owner/President, of Providence One Development, LLC. was present on

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behalf of the project located at 13 Lovers Lane.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0, to approve, subject to conditions, the plan entitled "Preliminary/Final Plan of Property for 13 Lovers Lane" prepared by JMR Engineering, LLC, dated July 13, 2018, last revised October 17, 2018, signed and sealed by John M. Robinson, P.E., Registered Professional Engineer, proposing the subdivision of an existing 1.03 acre lot at tax parcels 2-4-43.1 and 2-4-44 into three (3) lots, with two (2) new single family dwelling units to be constructed, pursuant to the Malvern Borough Land Development Ordinance of 2006, as amended for the development of certain property in the Borough of Malvern, Chester County, Pennsylvania, in the R-3b Residential District.

8. ADOPTION OF THE PROPOSED BUDGET FOR 2019:

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to adopt the Proposed Budget for 2019 as presented. The adoption of the proposed 2019 Budget was advertised in the Daily Local News on November 20, 2018 and the Philadelphia Inquirer on November 21, 2018, as required. The budget was posted on the Borough on November 20, 2018 and a public hearing was conducted on December 4, 2018.

8. PUBLIC HEARING – ORDINANCE NO. 2018-12 – FIXING THE TAX RATE FOR 2019:

Council President Grossman announced that Borough Council will now open a public hearing to consider Ordinance No. 2018 – 12, fixing the tax rate for 2019.

The Notice of Public Hearing was published in the December 6, 2018 edition of the Daily Local News, as required, as well as posted on the Borough website.

There being no public comment, Council President Grossman closed the public hearing.

9. ORDINANCE NO. 2018 – 12 – FIXING THE TAX RATE FOR 2019:

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 – 12, an Ordinance of the Borough of Malvern, Chester County, Commonwealth of Pennsylvania, fixing the tax rate for the year 2019 as follows:

| | |
|--------------------------------|----------------------------|
| Tax Rate for General Purposes: | 4.6700 Mills, 46.700 Cents |
| Total: | 4.6700 Mills, 46.700 Cents |

10. RESOLUTION NO. 775 – APPOINTMENT OF CPA FOR THE YEAR 2018 – GEORGE FIEO (PETERSON, FIEO, & CO. LLP):

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

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Finkbiner, and carried by a vote of 7-0, to adopt Resolution No. 775, a resolution appointing George Fieo, Certified Public Account, of Peterson, Fieo, & Co. LLP, as the independent auditor to audit the financial records of the Borough of Malvern for the year ending December 31, 2018 at a cost of \$11,850 plus expenses.

11. PUBLIC HEARING – ORDINANCE NO. 2018 – 13 – AMENDMENT TO CHAPTER 173 (SOLID WASTE), SECTION 173-4, OF THE MALVERN BOROUGH CODE OF ORDINANCES:

Council President Grossman announced that Borough Council will now open a public hearing to consider Ordinance No. 2018 – 13, amending chapter 173 (Solid Waste), section 173-4 of the Borough's Code of Ordinances.

The Notice of Public Hearing was published in the December 6, 2018 edition of the Daily Local News, as required, as well as posted on the Borough website.

There being no public comment, Council President Grossman closed the public hearing.

12. ORDINANCE NO. 2018 – 13 – AMENDMENT TO CHAPTER 173 (SOLID WASTE), SECTION 173-4, OF THE MALVERN BOROUGH CODE OF ORDINANCES:

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 2018 – 13, amending Chapter 173, Section 173-4 of the Malvern Borough Code of Ordinances pertaining to the collection day for solid waste.

13. RESOLUTION NO. 776 – SETTING AND DETERMINING THE DAYS OF THE WEEK FOR CURBSIDE PICKUP OF REFUSE AND RECYCLABLES:

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to adopt Resolution No. 776, establishing the collection days for curbside pickup of refuse and recyclables as follows: Refuse (“trash”) – Tuesdays and Fridays; Recycling – Fridays.

14. CITIZEN COMMITTEE APPOINTMENTS:

A motion was made by Council Member Finkbiner, seconded by Council Member Siquett, and carried by a vote of 7-0, to reappoint Linda Burton as a member of the Shade Tree Commission for a 5 year term to expire on January 1, 2024; to reappoint David Knies, Ph.D., as a member of the Planning Commission for a 4 year term to expire on January 1, 2023; to reappoint Geoff Rubino as a member of the Planning Commission for a 4 year term to expire on January 1, 2023; to reappoint Zeyn Uzman as a member of the Historical Commission for a 5 year term to expire on January 1, 2024; and to reappoint Francis Givnish, Jr. as a member of the Parks & Recreation Committee for a 5 year term to expire on January 1, 2024.

A motion was made by Council Member Finkbiner, seconded by Council Member Siquett,

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and carried by a vote of 7-0, to appoint John Kohler as a member of the Zoning Hearing Board for a 3 year term to expire on January 1, 2022.

Borough Manager Bashore stated there are vacancies on the Zoning Hearing Board for an alternate member, Historical Commission, and the Parks & Recreation Committee. Residents interested in serving on either of the citizen committees should send their resume to his attention.

15. UNFINISHED BUSINESS

Council President Grossman stated there were no items for discussion.

16. NEW BUSINESS

a. Escrow Release Request – 156 West King Street (Request #1)

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approval of escrow release request #1 for the land development project at 156 West King Street in the amount of \$22,250.50 based on the Borough Engineer's letter dated December 12, 2018.

b. Zoning Hearing Board

Borough Manager Bashore stated that there are no new applications before the Zoning Hearing Board. The Zoning Hearing Board will meet on January 9, 2019 in order to hear the appeal of the owners of 331 Old Lincoln Highway. The applicant is appealing a Notice of Violation issued by the Zoning Officer for violations pertaining to the use of the property as a junk yard. The Borough Solicitor will attend on behalf of the Borough as requested by Borough Council.

c. Farewell to Ari Christakis, Borough Solicitor

Council President Grossman led Borough Council in wishing Ari Christakis, Esq. a fond farewell as he leaves Lentz, Cantor & Massey, Ltd. to pursue a career in the private sector.

Mr. Christakis expressed his gratitude and professional working relationships that he has built within the Borough. He stated Wendy McLean, Esq. and Scott Yaw, Esq. will be representing the Borough upon his departure from the law firm.

17. 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.

Joan Yeager, 1404 Raintree Lane, recommended that Borough Council consider raising the amount for the employee gift cards to better reflect the time and dedication she sees the employees putting into the Borough.

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After a brief discussion, Borough Council agreed to the raise the amount given for the gift cards.

A motion was made by Council Vice-President Uzman, seconded by Council Member Raynor, and carried by a vote of 7-0, to authorize Borough Manager Bashore to provide full-time employees with \$100 gift cards and part-time employees with \$50 gift cards from a local business.

Kel Schmitt, 17 Channing Avenue, thanked the Public Works crew for installing the directional signs in the Burke Park parking lot. In addition, he announced the Wreaths Across America will be at The Paoli Battlefield on Saturday, December 15th at 11:00 a.m. to remember and honor veterans through the laying of remembrance wreaths on the graves of our country's fallen heroes.

Police Chief Marcelli said the Malvern Police Department is in first place among the participating police departments growing beards to raise money for "Unite for Her" and "Beards for Buc." This is in part due to a generous private donation that was received.

18. 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 8:09 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary