

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

December 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  
Council Member Sinquett  
Mayor Burton

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 Member Lexer, seconded by Council Vice-President Uzman, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, December 5, 2017 as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice-President Uzman, seconded by Council Member Lexer 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 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 November 2017 as submitted.

5. BOROUGH COUNCIL COMMITTEE REPORTS:

a. Finance & Administration

Borough Manager Bashore stated the Finance and Administration Committee last met on November 28, 2017. The purpose of this meeting was to discuss the resignation of an employee of the Borough as it related to the 2018 budget. Based on this discussion, the Committee

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recommended leaving the 2018 budget as advertised.

### b. Public Safety

Borough Manager Bashore stated the Public Safety Committee last met on December 18, 2017. The topic of discussion was a list of preliminary recommendations based on the data collected for the traffic study currently being completed by McMahon Associates. The preliminary list is based on the field evaluation and public feedback that has been received. McMahon Associates will fine tune the list of recommendations that will then be reviewed with the Committee and the Chester County Planning Commission in January 2018.

### c. Public Works

Borough Manager Bashore stated that the Public Works Committee met on December 19, 2017 prior to the Borough Council meeting. The purpose of this meeting was to conduct a site evaluation of the proposed ladder access modifications as part of the HVAC project. Please note that this is the final design element necessary before bidding out the project.

## 6. PRESENTATION – RANDOLPH WOODS AD HOC COMMITTEE – REPORT TO BOROUGH COUNCIL:

Mark Niemiec, chair of the Randolph Woods Ad Hoc Committee stated the committee held its final meeting on Wednesday, November 15, 2017 to finalize its status report. Mr. Niemiec stated the committee identified the following recommendations: 1) Maintenance may be managed in annual operating budget; 2) Development of a Master Plan, at an estimated cost of \$15,000 – \$22,000; 3) Installation of a border fence along the Willistown border, at an estimated cost of \$70,000; 4) Upgrade the pump house at the drive entrance, at an estimated cost of \$250,000 – \$300,000 with an additional 8 – 10% for architectural costs.

Brain Hamilton, member of the Encroachment Subcommittee, provided details focused on recommendations to address the continuing encroachment issues occurring on the property. Mr. Hamilton stated encroachment is occurring on approximately 3% of the property, most notably by residents in Willistown Township, who border the property to the east. According to the survey there are nine (9) properties that have some type of permanent structure on Randolph Woods. These structures are mostly fencing, gardens and sheds, but in one (1) case there is a pool that intersects with the Woods boundary and a chicken coop (non-active). The remaining properties have un-structured encroachments, which range from debris piles, planted grass and mowing, bird feeders, gardens, burn barrels and wood piles.

Brendan Phillips, member of the Communication/Uses Subcommittee, provided details related to recommendations from the Communication/Uses Sub-Committee focus on four (4) discussion areas, with short- and long-term goals identified. These four (4) areas are: 1) Raising awareness of Randolph Woods; 2) Reduction of existing negative uses; 3) Improvements; and 4) Future Uses.

John Kohler, member of the Environmental Subcommittee, provided details related to the environmentally-sensitive elements of the property. Specifically, this sub-committee evaluated the issues related to invasive species, stream quality, erosion control, and addressed issues that could potential degrade the environmental condition of the property.

Council Vice-President Uzman asked what the Ad Hoc Committee would recommend doing with the pump house. Mark Neimeic stated the Final Report recommends turning the pump house into an education center.

Council Member Lexer asked Borough Solicitor Christakis if adverse possession could be claimed by the Willistown residents that have encroached onto Randolph Woods. Borough Solicitor Christakis stated the Willistown residents do not meet the definition and terms necessary to claim adverse possession.

Bill Hartman, Director of Stewardship, Willistown Conservation Trust, stated the encroachment was present prior to the conservation easement being enacted. In Mr. Hartman's professional opinion, the best tool to enforce and alleviate encroachment is to create a physical barriers, such as a fence.

Council Member Grossman requested an approximate timeline for how long a Park Master Plan will take. Mark Niemiec stated five (5) months is the estimated timeframe to complete a Park Master Plan.

Council Member Grossman asked what the desired order is for implementing the recommendations. Mark Niemiec stated the Park Master Plan would be the preferred first activity, however, the recommendations may be addressed concurrently. Borough Solicitor Christakis said a phased process has already begun to address property owners' encroachment. Willistown residents have received mailed notices of their encroachment, the Borough conducted a property survey, and surveyor markers have been placed.

#### 7. ADOPTION OF THE PROPOSED BUDGET FOR 2018:

Council President Bramwell asked if any member of the public had comments regarding the Proposed Budget for 2018.

Frank Ortner, 144 Griffith Avenue, asked for clarification regarding: 1) Sale of borough property; 2) Increase in police officers' salaries; 3) Increase in borough employee healthcare; 4) Status of debt service. Borough Manager Bashore addressed Mr. Ortner's questions to his satisfaction.

A motion was made by Council Vice-President Uzman, seconded by Council Member Lexer and carried by a vote of 7-0 to adopt the Proposed Budget for 2018 as presented. The adoption of the Proposed 2018 Budget was advertised in the Daily Local News on November 17, 2017 and the Philadelphia Inquirer November 22, 2017 as required. The budget was posted on the Borough website on November 17, 2017 and a public hearing was conducted on December 5, 2017.

#### 8. PUBLIC HEARING – ORDINANCE NO. 2017 – 4 – FIXING THE TAX RATE FOR 2018:

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Council President Bramwell announced that Borough Council will now open a public hearing to consider Ordinance No. 2017 – 4, fixing the tax levy for 2018. The Notice of Public Hearing was published in the Daily Local News on December 8, 2017.

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

9. ORDINANCE NO. 2017 – 4 FIXING THE TAX RATE FOR THE YEAR 2018:

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett and carried by a vote of 7-0 to adopt Ordinance No. 2017 – 4, an Ordinance of the Borough of Malvern, Chester County, Commonwealth of Pennsylvania, fixing the tax rate for the year 2018 as follows:

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

10. RESOLUTION NO. 753 – APPOINTMENT OF CPA FOR THE YEAR 2017 – GEORGE FIEO (PETERSON, FIEO, & CO. LLP):

A motion was made by Council President Bramwell, seconded by Council Vice-President Uzman and carried by a vote of 7-0 to adopt Resolution No. 753, 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, 2017 at a cost of \$11,500 plus expenses.

11. RESOLUTION NO. 754 – AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE PECO GREEN REGION OPEN SPACE PROGRAM FOR THE DEVELOPMENT OF A MASTER PLAN FOR RANDOLPH WOODS:

A motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and carried by a vote of 7-0 to adopt Resolution No. 754, authorizing the submission of an application in the amount of \$10,000 to the PECO Green Region Open Space Program for the development of a master plan for Randolph Woods with community input provided by the schools within borough boundaries.

12. OLD BUSINESS:

- a. Council President Bramwell stated there are no agenda items to discuss.

13. NEW BUSINESS:

- a. Zoning Hearing Board

Borough Manager Bashore stated the Zoning Hearing Board met on December 18, 2017

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to hear the application for 326 Old Lincoln Highway (Dominic and Teresa Hughes). The applicants are seeking a variance from section 220-602.B.6. regarding the maximum allowable impervious coverage on a lot in the R3b zoning district. The maximum allowable coverage in this zoning district is 35%. The applicant is seeking this variance in order to allow the existing shed to remain on the property. The lot is an existing non-conforming lot (6,177 sq. ft. where a minimum of 12,000 sq. ft. is required). The Planning Commission discussed this application at their meeting on December 7, 2017.

Borough Manager Bashore stated there has been one (1) additional application that has been submitted to the Zoning Hearing Board. The application is for 324/328 E. King St. (Renehan Realty, LLC). The applicant is seeking a variance from section 220-2501.D.9.e. requiring 24 ft. wide aisles within parking lots separating parking rows. The applicant is seeking relief in order to have an aisle less than 24 ft. This application will be heard on February 26, 2017. The Planning Commission has not reviewed this application.

14. PUBLIC FORUM:

Council President Bramwell informed all present that Public Forum is the time to offer comments on any item on the agenda and to bring any issues/concerns before Council.

a. Frank Ortner, 144 Griffith Avenue, thanked Council President Bramwell and Council Member Lexer for their service on Borough Council.

b. Council President Bramwell reflected on his four-year term as Council President and reflected on the accomplishments Borough Council achieved during his tenure.

c. Council Member Lexer thanked past and current Council Members he had the privilege to work alongside and he hopes the public recognized the effort he and the rest of council have made while respecting the public's interests.

15. ADJOURMENT:

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 7-0 to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Secretary