

RESOLUTION NO. 726

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

A RESOLUTION ESTABLISHING THE AD HOC RANDOLPH WOODS COMMITTEE TO EVALUATE POTENTIAL USES OF THE LANDS OWNED BY THE BOROUGH AND COMMONLY REFERRED TO AS RANDOLPH WOODS

WHEREAS, the Borough Council ("Council") of the Borough of Malvern ("Borough") is authorized pursuant to §25-11 of the Administrative Code of the Borough as codified at Chapter 25 of the Code of Ordinances of the Borough; and

WHEREAS, the Council, at their Public Meeting on November 15, 2016, received a report from the Planning Commission of the Borough regarding various potential uses, improvements, and encroachments upon that certain area of land owned by the Borough and commonly known as "Randolph Woods"; and

WHEREAS, upon receipt of such information, the Council determined that additional inquiry and investigation from various committees of the Borough and other interested persons was required in order to formulate a plan of action with respect to Randolph Woods;

NOW THEREFORE, it is hereby **RESOLVED** by the Borough Council of the Borough of Malvern as follows:

1. **Creation & Termination.** An *ad hoc* committee known as the "Randolph Woods Committee" (the "Committee") is hereby established by the Borough Council. Except as may be extended by Borough Council via subsequent Resolution, the Committee shall continue until, and expire automatically upon, the earliest of:
 - a. December 31, 2017; or
 - b. Thirty days after delivery of the Committee's Report as described below.
2. **Purpose.** The purpose of the Committee shall be to investigate and report to Borough Council, in writing (the "Committee Report"), upon the following matters:
 - a. The historical use(s) of Randolph Woods
 - b. The current use(s) of Randolph Woods
 - c. Legal or practical constraints upon the use of Randolph Woods.
 - d. A professional survey of the lands owned by the Borough and encroachments by others together with photographic documentation of the same.
 - e. A comprehensive analysis of potential future use(s) of Randolph Woods and the respective benefits and challenges associated with each such use.
 - f. A comprehensive statement of capital costs and operating expenses associated with any potential future use(s).
 - g. A comprehensive series of recommendations for the future use(s) of Randolph Woods and any specific capital improvements to be made in relation thereto, together with a rationale for such recommendations.
3. **Committee Composition and Presiding Officers.** The Committee shall be comprised of not more than seven (7) individuals appointed by the Borough Council President, in writing, subject to the following terms:

- a. Each member of the Committee shall be a resident of the Borough or the designated representative, of a taxpaying business entity located within the Borough (with such designation by the taxpaying entity made in writing addressed to the Borough Council President).
- b. **Required Members.** The Committee shall include at least one (1) active member of the following bodies (one person may satisfy multiple requirements as may be the case):
 - i. the Borough Council.
 - ii. the Borough's Planning Commission.
 - iii. the Borough's Historic Commission.
 - iv. the Borough's Parks and Recreation Committee.
 - v. the Borough Council's Public Safety Committee.
- c. **Ex Officio (Non-Voting) Members.** The Borough Council President shall be authorized to appoint additional *ex officio*, non-voting, members of the Committee who shall be entitled to attend any meeting of the Committee or any subcommittee thereof and comment upon any revision of the Committee Report. The following individuals shall be *ex officio*, non-voting members of the Committee unless otherwise appointed by the Borough Council President as a voting member of the Committee:
 - i. the Mayor
 - ii. the Borough Manager (or his or her designee)
 - iii. the Chief of Police

4. **Committee Milestones & Deliverables.**

- a. The Committee shall submit the Committee Report regarding the aforesaid matters to the Borough Council, via the Borough Manager, on or before October 1, 2017.
- b. Additionally, the Committee shall submit periodic, written, interim progress and status reports to the Borough Council, via the Borough Manager, on or before the following dates:
 - i. February 1, 2017
 - ii. April 1, 2017
 - iii. June 1, 2017
 - iv. September 1, 2017, which shall include a "Final Draft" of the Committee Report, which shall be posted to the Borough's website by the Borough Manager prior to final approval as the Committee Report by the Committee.

5. **Committee Meetings & Operations.**

- a. The Committee shall conduct any in-person deliberations of a quorum of the Committee at public meetings (as defined by, and pursuant to, applicable law).
- b. The Borough Council President shall designate, from the voting Committee Members, a Chairperson of the Committee who shall preside at all meetings. The Committee itself shall, from among its number, appoint at least one of each of the following:
 - i. Vice Chairperson, who shall preside in the absence of the Chairperson; and
 - ii. Secretary, who shall be responsible for the taking of minutes at all meetings and for the drafting and revision of the Committee Report as described below.
- c. The Borough manager shall be authorized to advertise for the Committee's meetings as required by law.

- d. Requests for access to, or services from, the Borough Engineer, Borough Solicitor, or any other professional or member of Borough Staff, shall be made by the presiding officer of the Committee through the Borough Manager. The Borough Manager, at his or her discretion, in consultation with Borough Council, and subject to reasonable limitations and conditions, may provide for the benefit of the Committee such resources, professional services, accommodations, or actions as may be required by law, expedient, or advisable for the purposes and requirements described herein.
- e. The Committee shall be authorized, at the discretion of the Committee's Chairperson, to conduct business in any reasonable manner, provided that such business is conducted in accordance with applicable law.
- f. The Committee, on behalf of the Borough Council, shall be authorized to solicit and receive written or verbal comments from any municipality, property owner, or other interested party in relation to the matters which are the subject of the Committee's work.
- g. Nothing herein shall prohibit the members of the Committee from circulating proposed drafts, revisions, or comments regarding the same via electronic means, with the express intention of the Borough Council that such drafts, revisions, or comments of any voting or *ex officio* member of the Committee be treated as the pre-decisional deliberations of the Borough, such that they shall not be a public record pursuant to Section 708(b)(10)(i)(A) of the Right-To-Know Law, 65 PS § 67.708.
- h. The Committee shall be authorized to establish one or more subcommittees at the discretion of the Committee's Chairperson, provided that the membership of such subcommittee(s) shall be limited so as to avoid the presence of a quorum of voting members of the Committee as a whole at any subcommittee meeting.

RESOLVED, this 3rd day of January, 2017.

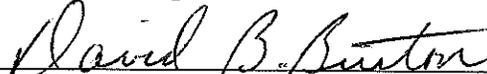
Passed by Borough Council,
this 3 day of January, 2017.

Approved by the Mayor,
this 3 day of January, 2017.

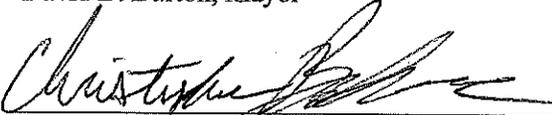
Enacted,
this 3 day of January, 2017.



David G. Bramwell, President



David B. Burton, Mayor



Christopher Bashore, Secretary

