

# REGULAR MEETING

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MALVERN BOROUGH  
1 East First Avenue  
Malvern, PA 19355

April 16, 2024  
7:30 PM

PRESIDING: President Phillips

INVOCATION: Mayor Uzman

PLEDGE OF ALLEGIANCE TO THE FLAG

## ROLL CALL

### PRESENT

Council President Phillips  
Council Vice President Bones  
Council Member Finkbiner  
Council Member Frederick  
Council Member Niemiec  
Council Member Warner  
Zeyn B. Uzman, Mayor

### ABSENT:

Council Member Riccetti

## 1. ANNOUNCEMENTS

Council President Phillips asked in accordance with Resolution No. 840 if any member of the audience was recording the meeting. Mr. Hugo Schmitt and Mr. Richard Breuer recorded the meeting.

Council President Phillips announced that Resolution No. 840 sets forth the conduct protocol for Borough Council meetings. Borough Solicitor Yaw explained the clock procedures that the public is to follow.

Council President Phillips requested as a courtesy, if you are participating via ZOOM, please turn on your camera while speaking.

Council President Phillips announced that the History Center is open on Saturday, April 20, 2024, from 2PM to 4PM located at Borough/ McGuigan Hall on the Second Floor.

Council President Phillips announced that Bulk trash pick-up is scheduled for Saturday, April 20, 2024. Please place your items out curbside the night before pick-up (4/19) to be picked up at 6AM the following morning.

Council President Phillips announced that the Community is invited to the Zoning Ordinance and SALDO Task Force Public Workshop scheduled for Thursday, April 25, 2024, at 7PM in the Main Meeting Room of Borough/ McGuigan Hall.

Council President Phillips announced that the Movie Night in Burke Park is scheduled for Friday, April 26, 2024, featuring "The Lorax" film.

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Council President Phillips announced that the Malvern Borough Community Yard sale is scheduled for Saturday, May 4, 2024, from 9AM to 1PM throughout the Community. The rain date is scheduled for Saturday, May 11, 2024.

Council President Phillips announced that the Malvern Business Professional Association is hosting Spring on King on Saturday, May 4, 2024, from 12PM to 6PM on King Street and Burke Park.

Council President Phillips announced that the Borough Council met with its Legal Counsel in Executive Session on Tuesday, April 16, 2024, to discuss litigation matters. Council President Phillips explained that meeting protocol, litigation, and the process of how to record meeting was discussed.

### 2. APPROVAL OF AGENDA

A motion was made by Council Member Niemiec, seconded by Council Vice President Bones, carried by a vote of 6-0, to approve the agenda for the Tuesday, April 16, 2024 meeting as presented.

### 3. MINUTES & REPORTS

#### a. APPROVAL OF MINUTES

A motion was made by Council Member Warner, seconded by Council Vice President Bones, and carried by a vote of 6-0, to approve the regular meeting minutes from Tuesday, April 2, 2024 as presented.

#### b. APPROVAL OF REPORTS

A motion was made by Council Member Frederick, seconded by Council Member Niemiec, and carried by a vote of 6-0, to approve the Treasurer's Report, the Sub-Committee Reports for Finance and Administration, Public Safety, and Public Works, the Chief of Police Report, the Code Enforcement Department Reports, the Superintendent of Public Works Report, the Assistant Manager's Report, and the Manager's Report for the month of March 2024, as submitted.

#### c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

The Public Safety Sub-Committee has not met since the last Borough Council meeting hold on Tuesday, April 2, 2024.

The Finance & Administration Sub-Committee met on Thursday, April 11, 2024, and discussed the following matters:

- Comcast Lease, Antenna, and Parking Issue Discussion
- Randolph Woods/ Ruthland Avenue Easement Discussion
- Composting Program
- Training Opportunities
- Year 2024 Budget Discussion
- Public Dedications for Ira Dutter

The Public Works Sub-Committee met on Tuesday, April 16, 2024 and discussed the following matters:

- Public Works Supervisor - Comments

- Old Lincoln Highway Project
- Borough Paving Projects 2024
- Randolph Woods Nature Preserve Project
- Sanitary Sewer CCTV Evaluation
- Paoli Battlefield Malvern Prep Trail
- Dark Sky's Lighting Evaluation
- Borough Hall Handicap Walk
- Sanitary Sewer Ejector Station - Monument Avenue
- King Street Tree Planting - Phase 1B
- Monarch Butterfly Program / Malvern Parks
- North Warren Avenue Project

4. SPECIAL BUSINESS

a. HONORARY CEREMONY FOR MALVERN LIBRARY DIRECTOR MAGGIE STANTON

Council President Phillips announced that Malvern Library Director, Maggie Stanton has taken an employment opportunity elsewhere and will be departing Malvern Borough at the end of April 2024. Borough Council and the Community are honoring Mrs. Stanton's years of service and dedication to the Community. She will be deeply missed and has been a pleasure to work with over the years.

Borough Council and the Community thanked Maggie for her years of service.

b. NIGHT MARKET BY CRAFT & MERCANTILE

Council President Phillips explained that Christy Campli the owner of Growing Roots Partners, the event organizer for the Farmers Market in Burke Park. Growing Roots has developed a proven successful concept called Craft & Mercantile that held the Night Market event in September 2022 and 2023 at Burke Park for the community with resounding success. The Borough's 2024 budget allocates, \$5,550 pursuant to line item #30.454.001, to host the Night Market event.

Growing Roots Partners requested that Borough Council authorize that the Public Works Department and the Malvern Borough Police Department services be provided in-kind at no additional charge.

Mayor Uzman explained that that providing Police Detail in-kind has not been included in the Year 2024 budget.

Council Member Warner commented that there is typically money in the Police Department budget at the end of the year.

Council Member Finkbiner inquired as to the cost of the detail that would be provided by the Police Department.

Police Chief Marcelli explained that four (4) officer at \$100 an hour for 4.5 hours is approximately \$1,800. He further explained that police details had been provided in-kind previously due to COVID.

Borough Council inquired what the total in-kind cost the Borough provided with both public works and the police detail.

Christy Campli explained the structure.

Council President Phillips suggested public outreach by MBPA to raise the funds for the police detail work being requested.

Council Member Warner explained that close relationship to Town versus other events that are held throughout the year and encouraged the in-kind donation request be granted.

Mayor Uzman further explained that the budget is tight and does not know the numbers for year-end as of April.

Council Member Frederick suggested that next budget this item be discussed as part of the budget and its approval process.

Mayor Uzman commented that the Police Department will make the request work if granted.

Borough Solicitor Yaw explained the public comment procedure.

Council President Phillips explained that members of the public need to be recognized to speak.

Mr. John Buckley inquired as to why are extra Police Officers are needed for this event and commented on previous donations made by Mayor Uzman.

Mrs. Jennifer Chomko inquired if she had done anything that would warrant her removal from a previous Borough Council meeting.

Borough Solicitor Yaw responded yes.

Mrs. Jennifer Chomko commented on the preparation of the budget.

Mrs. Cathy Raymond commented and suggested a uniform practice for all events held in Malvern Borough regarding in-kind donations.

Mrs. Gail Newman is in agreement with Mrs. Cathy Raymond's comment and suggestion.

A motion was made by Council Member Warner, seconded by Council Vice President Bones, and carried by a vote of 5-1, to approve the in-kind donation request as presented. Council Member Finkbiner was in objection.

c. VALLEY FORGE SEWER AUTHORITY (VFSA) ACT 537 PLAN SPECIAL STUDY  
– RESOLUTION NO. 862

Borough Engineer Daley explained that the VFSA conducted an Act 537 Plan Special Study to address the necessity for augmented capacity within the treatment facility to accommodate the needs of member municipalities. The Study recommends the potential sale of excess capacity by Tredyffrin Township and the possibility of a plant rerate. The Borough Engineer has confirmed the information presented in the Act 537 Plan Special Study concerning Malvern Borough is accurate and recommends that the Borough Council approve the same, as submitted.

Borough Council commented on the fee structure and usage of the sewer system.

Mr. John Buckley commented on sewer rates.

A motion was made by Council Vice President Bones, seconded by Council Member Niemiec, and carried by a vote of 6-0, to authorize Resolution No. 862 as presented.

d. MALVERN PREP AND PAOLI BATTLEFIELD TRAIL CONNECTION

Borough Council discussed with the Borough Engineer options regarding the Malvern Prep and Paoli Battlefield Trail connection that is proposed and for which a grant application has been submitted.

The Borough Engineer was available to answer questions accordingly.

Council Member Niemiec inquired what the sidewalk would cost to construct.

Borough Engineer Daley approximated that a sidewalk would cost \$515K, as well as the cost of the maintenance of the trail.

Council Member Niemiec proposed a Task Force be implemented to develop a Master Plan for the Paoli Battle Field similar to the Randolph Woods Nature Preserve. The Task Force would include all the stake holders for the community. He also recommended to withdraw the grant application that has been recently submitted.

Borough Council was in agreement with this approach.

Borough Assistant Manager commented on the letters of support and how it's important to have a discussion with these entities to make sure things are handled professionally upon the grant being withdrawn.

Police Chief Marcelli commented that events are the only time when anyone is at Malvern Prep.

Mrs. Jennifer Chomko made comments regarding Borough Council making responsible choices and the amount of time spent on this matter.

Mrs. Cathy Raymond is in agreement with Mrs. Chomko and requested that Borough Council propose plans well in advance.

Council Vice President Bones suggested installing a trail without ADA accessibility.

Council Members discussed the trail timeline and to discuss this matter at the May 21, 2024 Borough Council meeting.

A motion was made by Council Vice President Bones, seconded by Council Member Warner, and carried by a vote of 6-0, to table the current plan as presented and withdraw the recent grant application submitted.

e. ARSON AWARENESS MONTH – RESOLUTION NO. 863

Council President Phillips explained Malvern Borough is committed to ensuring the safety, welfare, and security of those living in the Borough. Arson is a serious crime that affects everyone, and incidents can be reduced when citizens realize the severity of damage that arson causes. Malvern Borough is declaring the week of May 5<sup>th</sup>, 2024, through May 11<sup>th</sup>, 2024, as Arson Awareness Week.

Mr. John Buckley commented on the previous police blotter that used to be distributed to the Community.

Police Chief Marcelli commented that Mr. Buckley's comment is off topic.

A motion was made by Council Vice President Bones, seconded by Council Member Niemiec, and carried by a vote of 6-0, to authorize Resolution No. 863 as presented.

f. CHESTER VALLEY LITTLE LEAGUE LEASE AGREEMENT

Council President Phillips explained the Chester Valley Little League Addendum addresses the installation of a storage shed and concessional stand as permitted by the Borough, as well as banner signage storage and removal after each game that is held.

Borough Council discussed how this improvement is long overdue.

Mrs. Cathy Raymond inquired as to the timeline.

The Borough Solicitor and Council recently renewed the base lease and this was an addition after the fact.

A motion was made by Council Member Frederick, seconded by Council Vice President Bones, and carried by a vote of 6-0, to authorize the Chester Valley Little League lease agreement addendum as presented.

g. AUTHORIZATION OF CONSULTING SERVICES PROVIDED BY BOROUGH MANAGER

Borough Manager Loomis requested to provide consulting services outside her employment with Malvern Borough, pursuant to Section 503 of the Home Rule Charter.

Council President Phillips explained that Ms. Loomis would be using her personal computer and no Borough resources for this venture.

Council Member Niemiec explained that other salaried employees have outside employment.

Council Vice President Bones explained that Ms. Loomis had one entity previously and this is transferring to another upon her condition of employment.

Council Member Frederick is not in favor of the request.

Council Member Finkbiner read Ms. Loomis's condition of employment regarding her offer letter for the Borough Manager position. The matter came up of taking contracts in Chester County. Ms. Loomis agreed that she would not be offering services in Chester County and would agree to such if Borough Council would approve the request.

Borough Manager Loomis explained her years of business activity, community involvement, and intention and outline of the consulting services business.

Mrs. Cathy Raymond commented on struggling with the request and is not in favor.

Mrs. Jennifer Chomko commented on the Borough Manager's job performance, salary, compensatory time, and job competency.

Mrs. Gail Newman commented on conflicts of interest and is not in support of the request.

Mrs. Barbara Rutz commented on employee relations, the HR professional services group, devotion of the Borough Manager's time, and is not in favor of the request.

Mr. John Buckley thanked Borough Manager Loomis and Assistant Manager Badman for their service.

A motion was made by Council Vice President Bones, seconded by Council Member Warner, and carried by a vote of 5-1, to authorize the Borough Manager to provide consulting services outside her employment with Malvern Borough, pursuant to Section 503 of the Home Rule Charter excluding Chester County. Council Member Frederick was in objection.

h. NATIONAL THERAPY ANIMAL DAY PROCLAMATION

Mayor Uzman recognized National Therapy Animal Day. Pet Partners is a non-profit organization and national leader in demonstrating and promoting the health and wellness benefits of animal assisted therapy, activities, and education. April 30<sup>th</sup>, 2024, has been designated as National Animal Therapy Day.

5. UNFINISHED BUSINESS

a. ORDINANCE NO. 2024-03 AMENDING THE CODE OF ORDINANCES TO REPEAL CERTAIN CHAPTERS OF THE CODE THAT ARE NO LONGER NECESSARY

Council President Phillips opened the public hearing to consider Ordinance No. 2024-03. Borough Council has, since the incorporation of the Borough, enacted various ordinances for the benefit of the health, safety, and general welfare. Due to the passage of time, enactment of new ordinances and/or the enactment of legislation by the Pennsylvania General Assembly, certain chapters of the Code of Ordinances of the Borough are no longer necessary and should be repealed to avoid ambiguity or confusion and/or because they are obsolete.

There being no further questions Council President Phillips closed the hearing.

A motion was made by Council Vice President Bones, seconded by Council Member Warner, and carried by a vote of 6-0, approve and adopt Ordinance No. 2024-03, as presented.

b. GARDEN PROPOSAL FOR MONARCH BUTTERFLIES MONTH

Mayor Uzman and Council Member Warner explained that the Mayor and Environmental Advisory Council would like to expand the Monarch Butterfly gardens, for Monarch Butterflies Month celebrated in May, to potentially include all Malvern Borough Parks. The discussion entailed the following:

- Determine best placement of the garden in each park
- Tilling of the soil
- Seeds and seedling plants- Milkweed

- Mulch, fresh planting dirt as needed
- Watering
- Fencing

Mayor Uzman proposed that new gardens be established in all Borough parks.

Ms. Bobbi Tower, a Master Gardner, explained the process and history of this project. She talked about the necessity to consolidate the garden efforts in just a few places because spreading the effort among many tiny gardens would be logistically very difficult.

Mrs. Sid Baglini commented that it takes years for the gardens to cultivate and to ensure proper placement of the plants. She additionally talked about the necessity to consolidate the garden efforts in just a few places because spreading the effort among many tiny gardens would be logistically very difficult.

Council Member Warner was in agreement with both Bobbi Tower and Sid Baglini's comments.

Mr. John Buckley commented on milk weed and the location of the plants at Borough Hall.

Mrs. Gail Newman suggested planting a field of native plants in the Paoli Battlefield.

Borough Council is in support of expanding the program across the entire Borough. This should be accomplished through a manageable, phased plan that is led by the Environmental Advisory Council.

c. ZONING HEARING BOARD

Council President Phillips announced there are no new applications before the Zoning Hearing Board.

6. NEW BUSINESS

7. PUBLIC FORUM

Mr. John Buckley commented on safety of Warren Avenue, the Bridge on King Street, uneven sidewalks, water run-off, and Randolph Woods Nature Preserve.

Mr. Fred Mannis commented on recording the Borough meetings.

Mrs. Cathy Raymond commented on the letter read at the last Borough Council meeting on behalf of the Concerned Malvern Residents.

Ms. Aubrey Gruwell-Keating commented that Borough Council and the Borough Manager do not support the Borough employees.

Mrs. Jennifer Chomko commented on Ms. Gruwell-Keating's comments, Borough Council members, Mr. Joseph Lorusso, the Mayor, and HR issues.

Borough Solicitor Yaw explained that Mrs. Chomko's time has expired regarding the three (3) minute time limit.



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Mr. John Buckley commented on the Malvern Borough Police Department, the Malvernian, and sexual assault awareness month.

Mr. Danny Fruchter commented on Comcast negotiations and the usage of double poles. Borough Council will look in to this matter.

### 8. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice President Bones, seconded by Council Member Warner, and carried by a vote of 6-0, to adjourn the meeting at 10:08 PM.

Respectfully submitted,  
Tiffany M. Loomis  
Borough Manager/Secretary