

REGULAR MEETING

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MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

January 16, 2024
7:30 PM

PRESIDING: President Phillips

INVOCATION: Mayor Uzman via ZOOM

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

PRESENT

Council President Phillips
Council Vice President Bones
Council Member Finkbiner
Council Member Frederick via ZOOM
Council Member Niemiec via ZOOM
Council Member Riccetti
Zeyn B. Uzman, Mayor via ZOOM

ABSENT:

Council Member Warner

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

Council President Phillips announced to check out the Borough's website calendar regularly for all up and coming events located throughout the Borough.

Council President Phillips announced Borough Council met with its legal counsel in Executive Session on Tuesday, January 16, 2024, to discuss the collective bargaining agreement.

Council President Phillips announced the Public Works Superintendent position is open for application submission(s) due by January 31, 2024.

2. APPROVAL OF AGENDA

A motion was made by Council Vice President Bones, seconded by Council Member Riccetti, carried by a vote of 6-0, to approve the agenda for the Tuesday, January 16, 2024 meeting as amended to relocate the Valley View Road and Miner Street Parking Modification Ordinance Amendment discussion after the Old Lincoln Highway matter.

3. MINUTES & REPORTS

a. APPROVAL OF REPORTS

A motion was made by Council Vice President Bones, seconded by Council Member Finkbiner,

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and carried by a vote of 6-0, to approve the organization and regular meeting minutes from Tuesday, January 2, 2023 as presented.

b. APPROVAL OF REPORTS

A motion was made by Council Vice President Bones, seconded by Council Member Riccetti, 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 December 2023, as submitted.

Mr. Danny Fruchter inquired about the Police budget. Borough Manager Loomis will follow up with him accordingly.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

The Finance & Administration, Public Safety, and Public Works Sub-Committee(s) have not met since the last Borough Council meeting.

4. SPECIAL BUSINESS

a. OLD LINCOLN HIGHWAY CAPITAL IMPROVEMENT INFRASTRUCTURE PROJECT

The Borough Engineer provided a status update regarding the bid results received. The bid prices received are double the projected price for the project.

Mayor Uzman discussed if the road could be closed and detoured.

Borough Council discussed stormwater, reconstruction of the roadway, traffic flow, gathering data for detour, and rebidding the project if there is a change of scope.

Borough Solicitor explained that the bids are required to be rejected within 60 days if the Borough does not move forward with the project.

Borough Assistant Manager Badman will confirm with Chester County how the American Rescue Plan Act grant funding is affected and what parts of the grant may be amended.

Police Chief Marcelli discussed closing the road down for three (3) to four (4) weeks and the overall process to do so.

Mr. Joseph Rubino commented on the road closure discussion and consulting with the Malvern Fire Company and all EMS entities prior to doing so.

The Borough Engineer will review all potential solutions offline to come up with the best possible cost effective solution.

b. VALLEY VIEW ROAD AND MINER STREET – PARKING MODIFICATION ORDINANCE AMENDMENT DISCUSSION

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The Mayor and Police Chief proposed no parking on both sides of Miner Street, from Old Lincoln Highway north to Valley View Road at the January 2, 2024 Borough Council meeting. Additionally, parking restrictions may be considered for up to 50 feet from the intersection of Valley View Road and Miner Street because cars parked within that area create potential visual obstructions.

Finally, consideration of restrictions to traffic flow may be considered and specifically to create one-way restrictions for Valley View Road and Miner Street such that all vehicles must enter going right when entering the circle and follow it around north on Miner Street and back south on Valley View Road as a one way only.

The Public Safety Sub-Committee is in support of the potential ordinance amendment proposed.

Borough Council directed that temporary no-parking signage be posted to better understand the residents' feedback on this matter at their January 2, 2024 meeting. Borough staff has kept a log of all responses received to date.

The Borough Engineer explained turning movements of emergency service vehicles including fire trucks. The proposed solution confirms the studies findings by the Borough Engineer.

Mr. John Buckley commented on parking on the circle and fire trucks navigating this neighborhood.

Mr. Mike Dudas lives in this area and commented that many driveways do not allow for two (2) vehicles.

Borough Council discussed removing parking near the intersection and creating a diagram/ cartoon of the proposed ordinance amendment.

Mr. Mike Dudas requested that two (2) parking spots remain near the intersection.

Police Chief Marcelli confirmed two (2) spots could be marked if needed.

Borough Solicitor Yaw advised that parking needs to be decided upon prior to the Ordinance Amendment being advertised.

Mr. Danny Fruchter is in agreement that the diagram/ cartoon first be distributed prior to the advertisement of the ordinance.

The Borough staff will coordinate the diagram distribution and Borough Council will hand deliver such to this area prior to the February 6, 2024 Borough Council meeting

Mayor Uzman confirmed that the Public Safety Sub-Committee will be discussing this matter in further detail at the Monday, January 29, 2024 meeting.

c. DARK SKIES PRESENTATION

Malvern Borough Planning Commission Vice-Chair Mongeau presented the Dark Skies presentation on behalf of the Planning Commission.

Borough Council discussed that the goal of the program is to reduce light pollution and to create a Task Force to address such.

Planning Commission Vice-Chair suggested having a study completed regarding this matter.

Borough Council is in agreement with this approach and thanked Planning Commission Vice-Chair for all his hard work and effort regarding the Dark Skies proposal and initiative.

Assistant Manager Badman will look into cost estimates with the Borough's Traffic Engineer regarding study costs.

Mr. John Buckley commented on all lights located in Malvern Borough.

d. MALVERN BOROUGH POLICE DEPARTMENT COLLECTIVE BARGAINING AGREEMENT

Council President Phillips presented and summarized the Police Department collective bargaining agreement to Borough Council and the Community. The contract proposes a three (3) year renewal with standard cost of living raises of 4% for Year 2024, 3.25% for Year 2025, and 3.25% for Year 2026.

Mr. Danny Fruchter inquired who is responsible for setting the salaries.

Police Chief Marcelli explained that salaries are set by management.

Mr. Danny Fruchter inquired who is considered management.

Borough Solicitor Yaw explained that Council approves salaries as Police Officers are hired per the Home Rule Charter.

A motion was made by Council Member Riccetti, seconded by Council Member Finkbiner, and carried by a vote of 6-0, to authorize and accept the proposed Malvern Borough Police Department collective bargaining agreement as presented.

e. ENGAGEMENT OF THE COHEN LAW GROUP TO PERFORM CABLE FRANCHISE RENEWAL SERVICES THROUGH VERIZON

The Cohen Law Group is proposing to assist in a franchise fee audit and cable franchise renewal negotiations with Verizon. This engagement is made pursuant to the Proposal to Perform Cable Franchise Renewal Services ("Proposal") submitted to the Chester County Consortium (the "Consortium") on November 30, 2023. The Proposal includes the scope of services for this project as well as the cost of services on a flat fee basis. The flat fee includes all expenses.

Ms. Cathy Raymond inquired why is Cohen Law Group being selected to provide this service versus the Borough Solicitor.

Borough Solicitor Yaw explained the Cohen Law Group has been recommended and provided services to the Chester County Municipal Consortium.

Mr. John Buckley commented that this is a positive financial opportunity for the Borough.

A motion was made by Council Vice President Bones, seconded by Council Member Finkbiner, and carried by a vote of 5-0, Council Member Niemiec abstained, to authorize the Cohen Law Group to perform the cable franchise renewal service through Verizon as presented

f. APPOINTMENT OF FULL-TIME POLICE OFFICER – ERIK DRESDEN

Mayor Uzman explained that Erik Dresden is currently a sworn part-time police officer with Malvern Police Department. He is the recommended candidate to fill the full-time police officer position open with the Malvern Police Department.

Police Chief Marcelli gave a background on Officer Erik Dresden. He has worked five (5) years as an Officer, has numerous certifications, and lots of work experience to support the Malvern Borough Police Department's hire.

Borough Council inquired when the salary for the officer is decided upon.

Mayor Uzman explained the salary is set this evening.

A motion was made by Council Member Riccetti, seconded by Council Vice President Bones, and carried by a vote of 6-0, appoint Erik Dresden as a full-time officer with the Malvern Police Department effective February 9, 2024 with an annual starting salary of \$75,000.

The oath of office will be completed at the February 6, 2024 Borough Council meeting.

5. UNFINISHED BUSINESS

a. ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCES TASK FORCE APPOINTMENTS

Borough Council discussed appointing members to the Zoning and Subdivision & Land Development Ordinances Task Force. A constant contact invite was sent to the Community on Tuesday, January 9, 2024 inviting the Community to apply, as well as this information being posted on the Borough website.

Borough Council discussed that it would be best to extend the application period to find potential candidates for the Task Force.

Mr. Danny Fruchter expressed interest in becoming a Task Force member and agreed with the extension. He offered ideas of how to obtain qualified applicants.

Mr. Dan Kunze expressed interest in becoming a Task Force member.

Mr. John Buckley commented on that new blood is needed versus the same volunteers being appointed.

Borough Council directed TCA, Inc to move forward with Phase I of the process and Phase II will include the Task Force.

It is expected that the Task Force will be appointed at the February 6, 2024 Borough Council meeting.

b. 2023 YEAR END REPORT

The Borough Manager summarized 2023's year-end financials and accomplishments.

Ms. Cathy Raymond inquired if the Borough uses cash basis or accrual accounting.

Borough Manager Loomis will discuss this matter with Ms. Raymond offline accordingly.

c. COMPOSTING PROGRAM REPORT

Assistant Manager Badman reported on the current status of the Borough's composting program.

Mr. Danny Fruchter requested the report from Assistant Manager Badman.

Ms. Lynn Hepp commented on composting and shared tips.

Mr. John Buckley stated that composting costs \$5 to go through the Farm Market program.

Assistant Manager Badman will post the report to the Borough website under the Trash and Recycling section.

d. ZONING HEARING BOARD

There are no new applications before the Zoning Hearing Board.

6. NEW BUSINESS

7. PUBLIC FORUM

Mr. John Buckley thanked Borough Management for all their hard work and commitment to the Borough.

8. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice President Bones, seconded by Council Member Riccetti, and carried by a vote of 6-0, to adjourn the meeting at 9:50 PM.

Respectfully submitted,
Tiffany M. Loomis
Borough Manager/Secretary