

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

May 4, 2021
7:30 P.M.

Borough Council Meeting Dial-In Information: 1-877-853-5247 (toll-free)

Meeting link: <https://us02web.zoom.us/j/86006966997>

When prompted, enter the following meeting ID, followed by the “#” symbol: 860 0696 6997. You will be placed in the waiting room and admitted by the host.

This evening’s Borough Council meeting is being conducted via virtual conferencing methods. The public is invited to participate via telephone or video conferencing. Malvern Borough is not liable for any computer security problems that participants may experience.

To unmute if using audio via telephone, please enter *6.

During this meeting, public comment will be handled as follows:

- **Participants will be asked to identify themselves when being accepted into the meeting.**
- **The public will be muted during the meeting when the members of Borough Council are speaking.**
- **For each agenda item, the public will be unmuted and given an opportunity to comment and ask questions.**
- **Public Comment received via email will be read by the Borough Manager either during the topic on the agenda or the general “Public Forum” period.**
- **Participants wishing to comment must state their name and must speak one at a time.**

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: David B. Burton, Mayor

1. **ROLL CALL:** Council President Finkbiner
Council Vice-President Grossman
Council Member Bones
Council Member Laney
Council Member Meisel
Council Member Phillips
Council Member Raynor
Mayor Burton

2. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the May 4, 2021 meeting of Borough Council as presented.

3. ANNOUNCEMENTS

a. RECORDING OF MEETING

Anyone present who is recording the meeting shall announce so at this time, in accordance with Resolution No. 787.

b. Borough Council met in Executive Session on Tuesday, May 4, 2021, prior to this evening's meeting in order to discuss a matter of litigation.

c. Malvern Borough will host a Community Planning Open House on May 10, 2021 from 5:00 pm to 7:30 pm at the Paoli Battlefield (rain date of May 12, 2021). This is part of the update to the Borough's Comprehensive Plan that is currently underway. Information on this event is available on the Malvern Borough website.

d. Restore Chester County, the initiative focused on reopening and restoring Chester County's quality of place impacted by the COVID-19 pandemic, is asking county residents to indicate their willingness to participate in activities in the community over the summer and fall seasons. A link to the survey is provided below and has been posted on the Malvern Borough website.

www.surveymonkey.com/r/chescocitizensurvey

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the meeting held on Tuesday, April 20, 2021 as presented.

5. SPECIAL BUSINESS

a. ORDINANCE NO. 2021 – 2: AMENDMENTS TO CHAPTER 200 (VEHICLES & TRAFFIC)

- PUBLIC HEARING: Council President Finkbinder announces that Borough Council will now open a public hearing to consider Ordinance No. 2021 – 2. This ordinance would amend chapter 200 of the Malvern Borough Code of Ordinances pertaining to vehicles and traffic. Specifically, the proposed ordinance would amend section 200-12 in order to establish Second Avenue from Warren Avenue to Channing Avenue as a one-way street in the eastbound direction.

The Notice of Public Hearing was published in the April 23, 2021 edition of the Daily Local News, as required, as well as posted on the Borough website.

- ADOPTION – ORDINANCE NO. 2021 – 2: AMENDMENTS TO CHAPTER 200 (VEHICLES & TRAFFIC)

MOTION: To adopt Ordinance No. 2021 – 2, amending chapter 200, section 200-12, of the Malvern Borough Code of Ordinances.

- b. MALVERN PREPARATORY SCHOOL – REQUEST FOR EXTENDED USE OF TEMPORARY CLASSROOMS

Malvern Preparatory School is requesting an extension of the approval previously granted for the use of temporary classrooms currently on-site for an additional year. An extension was previously granted by Borough Council on July 7, 2020. This request is being made in order to continue with their COVID-19 protocols.

- c. Escrow Release Requests

- 13 Lovers Lane – Severn Properties, LLC – Release Request #3 (Final)

MOTION: To approve escrow release request #3 for the approved subdivision and land development project at 9 Lovers Lane in the amount of \$8,930.39 based on the Borough Engineer's recommendation letter dated April 27, 2021.

Escrow release request #3 for the approved subdivision and land development project at 9 Lovers Lane is before Borough Council. The amount requested for release is \$8,930.39. A recommendation from the Borough Engineer is before Borough Council. If approved, this will close out the escrow for this project.

- 523 Monument Avenue – Providence One Builders – Release Request #2

MOTION: To approve escrow release request #2 for the approved subdivision and land development project at 523 Monument Avenue in the amount of \$12,672.75 based on the Borough Engineer's recommendation letter dated April 29, 2021.

Escrow release request #2 for the approved subdivision and land development project at 523 Monument Avenue is before Borough Council. The amount requested for release is \$12,672.75. A recommendation from the Borough Engineer is before Borough Council. If approved, this will close out the escrow for this project.

- d. EXPANDED OUTDOOR DINING FORBEARANCE AGREEMENTS

- Anthony's Pizza & Italian Restaurant

Anthony's Pizza & Italian Restaurant is requesting a 60-day extension of their existing agreement for outdoor dining during the COVID-19 pandemic. All existing conditions are proposed to remain in place. The extension would expire on July 3, 2021.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

- a. Flow Data Industries, Inc. – Proposal for repairs to sewer pump station #1

Ira Dutter, Superintendent of Public Works, is recommending repairs to the platform in sewer pump station #1. A proposal has been received from Flow Data Industries. The proposal is below the threshold for obtaining written/telephonic quotes and public bidding. Due to the fact that this is unbudgeted, approval from Borough Council is required.

- b. Discussion – Recommending that the Pennsylvania General Assembly consider legislation to permit the use of virtual meeting platforms for municipal public meetings

Act No. 15 of 2020 currently permits municipalities in Pennsylvania to conduct meetings remotely due to the emergency declaration issued by Governor Wolf for the COVID-19 pandemic. This legislation authorized the use approved telecommunication devices to conduct public meetings until the expiration or termination of Pennsylvania's COVID-19 emergency declaration and temporarily suspended the requirements for physical in-person attendance requirements of a quorum in order to conduct business. Members of the Chester County Managers Consortium have found that the use of virtual meeting platforms has been helpful in conducting municipal business and have been speaking with state legislators about the possibility of making this a permanent option. A resolution has been prepared in the event Borough Council believes that this is something that should be supported.

- c. Zoning Hearing Board

There are no new applications before the Zoning Hearing Board.

8. PUBLIC FORUM

Citizens/taxpayers are invited to bring before Borough Council any item not on the agenda.

9. ADJOURNMENT