

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

September 7, 2021
7:30 P.M.

As Chester County has been defined by the Centers for Disease Control & Prevention (CDC) as a county with high transmission of COVID-19, masks are required for all in-person attendees.

Virtual Meeting Participation Option

This evening's meeting of Malvern Borough Council allows for a virtual meeting option via Zoom. The information on how to participate virtually via telephone or video conferencing is provided below.

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

Meeting link: <https://us02web.zoom.us/j/87565762534>

When prompted, enter the following meeting ID, followed by the “#” symbol: 875 6576 2534. You will be placed in the waiting room and admitted by the host.

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

Malvern Borough is not liable for any computer security problems that participants may experience.

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

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

2. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the September 7, 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 August 31, 2021 in order to discuss personnel matters.
- c. Borough Council met in Executive Session on September 7, 2021, prior to this evening's meeting, in order to review litigation matters with the Borough Solicitor.
- d. The Malvern Parks & Recreation Committee will be hosting "Movie Night in the Park" on Friday, September 10, 2021. The movie to be shown is "FernGully: The Last Rain Forest" and is scheduled to begin at 8:00 pm in Burke Park.
- e. A special thank you to all the members for Police, Fire/EMS, and Public Works Departments who worked diligently throughout the storm on September 1, 2021. Their work before, during, and after the storm is greatly appreciated.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the meeting held on Tuesday, August 17, 2021 as presented.

5. SPECIAL BUSINESS

a. APPOINTMENT OF FULL-TIME POLICE OFFICER – JOSEPH CAPUANO

MOTION: To appoint Joseph Capuano as a full-time officer with the Malvern Police Department effective September 10, 2021.

Joseph Capuano 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.

b. ACCEPTING THE RESIGNATION OF CHRISTOPHER BASHORE FROM THE POSITION OF BOROUGH MANAGER EFFECTIVE SEPTEMBER 17, 2021

MOTION: To accept Christopher Bashore's resignation from the position of Borough Manager for the Borough of Malvern effective September 17, 2021.

Christopher Bashore, Borough Manager, has submitted his resignation effective September 17, 2021 as he has accepted a position with another municipality. Mr. Bashore has served as Borough Manager since January 2016 and we thank him for his service to the community.

c. APPOINTMENT OF INTERIM BOROUGH MANAGER/SECRETARY

MOTION: To appoint Tiffany Loomis, Assistant Borough Manager/Zoning Officer, as Interim Borough Manager/Secretary for Malvern Borough effective September 20, 2021.

Christopher Bashore, Borough Manager, has submitted his resignation effective September 17, 2021. Tiffany Loomis currently serves as the Assistant Borough Manager and it has been recommended that she be appointed as the Interim Borough Manager until a permanent replacement is selected.

d. APPOINTMENT OF CONSULTANT FOR BOROUGH MANAGER SEARCH

MOTION: To appoint Roseann J. McGrath to conduct the search for a new Borough Manager for Malvern Borough based on her proposal dated August 29, 2021.

Christopher Bashore, Borough Manager, has submitted his resignation effective September 17, 2021. Proposals were received from consultants to perform a search to find the next Borough Manager. The Finance & Administration Committee reviewed the proposals and are recommending that Roseann J. McGrath be retained.

e. RESIGNATION FROM BOROUGH COUNCIL – JOHN MEISEL

MOTION: To accept the resignation of John Meisel from Malvern Borough Council.

John Meisel has submitted his resignation from Malvern Borough Council. Mr. Meisel has served on Borough Council since 2014 and we thank him for his service to the community. Pursuant to the Malvern Borough Home Rule Charter, the vacancy will be advertised and Borough Council will begin accepting nominations on September 21, 2021. The individual appointed will complete a term that expires on January 1, 2024.

f. Jennings Lane – Stormwater Management

MOTION: To authorize the Borough Engineer, Dan Daley, P.E. with Edward B. Walsh & Associates, to complete a field survey, design plans, and coordinate bidding activities for stormwater remediation work on Jennings Lane based on the proposal dated September 1, 2021 as recommended by the Public Works Committee.

The Borough has continued to monitor a stormwater issue on Jennings Lane, which have included reviews by the Borough Engineer and meetings with contractors. The Borough Engineer has noted that it is difficult to determine a cost estimate to complete the remediation without plans and a defined scope of work. The Borough Engineer has recommended that a field survey be performed and design plans be prepared in order to develop a corrective action plan. A proposal has been provided from the Borough Engineer to complete this work and has been reviewed by the Public Works Committee.

g. 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. All existing conditions are proposed to remain in place. The extension would expire on October 31, 2021.

6. UNFINISHED BUSINESS

- a. Ordinance No. 2021 – 3: Repealing Chapter 157, “Real Estate, Borough-Owned” of the Malvern Borough Code of Ordinances

MOTION: To ratify the adoption of Ordinance No. 2021 – 3.

Ordinance No. 2021 – 3 was on the agenda for discussion and enactment on August 3, 2021 after published notice. Notice was published in the July 23, 2021 edition of the Daily Local News and posted on the Borough website. The ordinance being repealed by Ordinance No. 2021 – 3 includes a provision requiring discussion at three (3) consecutive meetings of Borough Council. This is not a normal provision and may be invalid. However, Ordinance #2021 – 3 is on the Agenda again for discussion at tonight’s meeting to fulfill that requirement in case it is ever determined to have been necessary. Discussion was also held at the August 17, 2021 meeting.

- b. Update – Benjamin Lang – Eagle Scout Project

Borough Council approved the Community Installation Application for Benjamin Lang on August 17, 2021. At the advice of Borough Council, Mr. Lang undertook some additional research into costs. An update will be provided.

7. NEW BUSINESS

- a. Malvern Parks & Recreation Committee – Randolph Woods Campout

The Malvern Parks & Recreation is seeking to hold a campout in Randolph Woods. This event was previously held in 2019 and is supported by the Willistown Conservation Trust. Due to provisions in Chapter 139 of the Malvern Borough Code of Ordinances, approval from Borough Council is required.

- b. Police & Nonuniform Pension Plans – Minimum Municipal Obligations

Municipalities are required to certify the Minimum Municipal Obligation (MMO) for pension plans by the end of September each year. State aid is received annually to offset this cost. The Borough Treasurer has prepared the MMO that is before Borough Council this evening.

- c. Volunteer Board & Committee Appointment Considerations

- Zoning Hearing Board

There is currently a vacancy for the second alternate member on the Zoning Hearing Board. Robert Barrett has submitted an application to fill this vacancy and is being recommended for appointment. If appointed, Mr. Barrett would complete a term that expires on January 1, 2022.

- d. Zoning Hearing Board

There are no new applications before the Zoning Hearing Board. The application for 421 Monument Avenue will be heard by the Zoning Hearing Board on September 20, 2021 at 7:00 pm.

8. PUBLIC FORUM

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

9. ADJOURNMENT

August 19, 2021

To: Malvern Borough Council
Mayor David Burton

Re: Letter of Resignation

Dear members of Malvern Borough Council & Mayor Burton,

I am writing this letter in order to resign from the position of Borough Manager for the Borough of Malvern as I have accepted a position with West Goshen Township. My last day with Malvern Borough will be September 17, 2021.

As noted during our recent discussions, this was not a decision that I came to lightly, but I believe that this is the appropriate trajectory for my career. Working for Malvern Borough for the past 5 ½ years has been an honor and truly the high point of my career to date. While there have been frustrations along the way, I am proud of everything that we have accomplished as a team and I believe that the Borough's future is extremely bright. I meant what I said in that I believe that the next individual in this role will be working with the best elected board in Chester County.

Moving forward, I will work to wrap up as much as I can. Additionally, I will be as available as I can be after I depart to assist in any way I can. If Borough Council chooses to perform a search for my replacement, I am more than willing to offer any input or guidance you may feel is necessary.

Thank you for everything.

Sincerely,


Christopher Bashore