

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

December 17, 2019
7:30 P.M.

PRESIDING: Jamie S. Grossman, President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL

PRESENT

Council President Grossman
Council Vice-President Uzman
Council Member Finkbiner
Council Member Laney
Council Member Meisel
Council Member Raynor
Council Member Sinquett
David B. Burton, Mayor

ABSENT

2. RECORDING OF MEETING

Council President Grossman asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting.

No member of the public was audio recording the meeting.

3. APPROVAL OF AGENDA

A motion was made by Council Vice-President Uzman, second by Council Member Laney, and carried by a vote of 7-0 to approve the agenda for December 17, 2019 as presented.

4. APPROVAL OF MINUTES

A motion was made by Council Vice-President Uzman, second by Council Member Laney, and carried by a vote of 7-0 to approve the minutes of the meeting held on Wednesday, December 3, 2019 as amended.

5. APPROVAL OF REPORTS

A motion was made by Council Vice-President Uzman, second by Council Member Sinquett, and carried by a vote of 7-0 to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works, the Chief of Police Report, the Code Enforcement Department Reports (Building Inspector's Report, Housing and Property Maintenance Report, and Zoning Report), the Superintendent of Public Works Report and the Manager's Report for the month of November 2019 as submitted.

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6. BOROUGH COUNCIL COMMITTEE REPORTS

a. Finance & Administration

Council Vice-President Uzman stated the Finance & Administration Committee has not met since the November 19, 2019 meeting of Borough Council. The proposed 2020 budget for the Borough of Malvern is before Borough Council this evening for adoption.

b. Public Safety

Council Member Meisel stated the Public Safety Committee has not met since the November 19, 2019 meeting of Borough Council. The pedestrian signal project on E. King Street has been completed and the signals are operational. A final inspection was conducted on December 6, 2019 with the Borough Traffic Engineer, Charles A. Higgins (contractor), and the PA Department of Transportation (PennDOT). Paul Lutz from PennDOT was satisfied with the work performed and operation. Recommendations on removing some of the additional signs were made and will be implemented.

c. Public Works

Council Member Sinquett stated the Public Works Committee has not met since the November 19, 2019 meeting of Borough Council. The Ruthland Avenue Force Main Upgrade project has been completed and a punchlist meeting was held on December 10, 2019. The Borough Engineer is working to ensure closeout and final payment of this project before the end of 2019.

7. ADOPTION OF THE PROPOSED BUDGET FOR 2020

Borough Manager Bashore stated before Borough Council is the 2020 annual budget for consideration of adoption. The Finance & Administration Committee reviewed the budget at their meetings on September 17, 2019 and October 9, 2019. An initial public presentation was held at the October 15, 2019 meeting of Borough Council. A public hearing was held on December 3, 2019, where Borough Council adopted the preliminary budget. The budget contained in this document is based on the discussion at the aforementioned meetings. The proposed budget does not include a tax increase and strives to maintain the level of service expected by the residents of the Borough. Preparation of the budget was a collaborative effort among all Borough departments (Administration, Police, and Public Works). The staff worked diligently to prepare the budget and I commend them for their work.

Borough Manager Bashore stated the proposed budget was advertised in the November 21, 2019 edition of the Daily Local News and posted on the Borough website for public review as required. A public hearing was conducted on December 3, 2019.

Council President Grossman opened up discussion among the Borough Councilors. There was no discussion among Borough Council.

Council President Grossman opened up comments from the public. No public comment was made.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to adopt the Proposed Budget for 2020 as presented.

8. PUBLIC HEARING – ORDINANCE NO. 2019-11 – FIXING THE TAX RATE FOR 2020

Council President Grossman announced that Borough Council will now open a public hearing to consider Ordinance No. 2019 – 11, fixing the tax rate for 2020. The Notice of Public Hearing was published in the December 5, 2019 edition of the Daily Local News, as required, as well as posted on the Borough website.

There being no public comment, Council President Grossman closed the public hearing.

9. ORDINANCE NO. 2019 – 11 – FIXING THE TAX RATE FOR 2020

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to adopt Ordinance No. 2019 – 11, an Ordinance of the Borough of Malvern, Chester County, Commonwealth of Pennsylvania, fixing the tax rate for the year 2020 as follows:

Tax Rate for General Purposes:	4.6700 Mills, 46.700 Cents
Total:	4.6700 Mills, 46.700 Cents

10. RESOLUTION NO. 797 – APPOINTMENT OF CPA FOR THE YEAR 2020 – GEORGE FIEO (PETERSON, FIEO, & CO. LLP)

A motion was made by Council Member Sinquett, seconded by Council Vice-president Uzman, and carried by a vote of 7-0, to adopt Resolution No. 797, a resolution appointing George Fieo, Certified Public Account, of Peterson, Fieo, & Co. LLP, as the independent auditor to audit the financial records of the Borough of Malvern for the year ending December 31, 2019 at a cost of \$12,460 plus expenses.

11. BOROUGH FINANCIAL OVERSIGHT – RESPONSE TO KENNETT TOWNSHIP FRAUD

Council President Grossman stated that in light on what happened in Kennett Township, she wants to assure the taxpayers in Malvern Borough that policies and procedures are in-place to prevent a similar incident in the Borough. Borough Manager Bashore and Borough Solicitor McLean reviewed the controls that are currently in place.

Borough Solicitor McLean stated that Malvern Borough has many controls in place that were not in place in the situation in Kennett Township, including separation of duties for the processing of invoices, preparation of checks, and reconciliation of bank accounts. Borough Manager Bashore noted that three (3) administrative officials are bonded per the requirements of

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the Borough's Administrative Code and that the Borough carries a Crime Policy that acts as a blanket bond. This blanket bond covers all non-bonded employees, elected officials, and appointed volunteers. Borough Solicitor McLean noted that the Borough Auditor presents the audit findings each year in person to all of Borough Council at a public meeting.

12. UNFINISHED BUSINESS

- a. Delaware Valley Regional Planning Commission Regional Streetlight Procurement Program – Selection of color temperature

Borough Manager Bashore stated before Borough Council is the a determination regarding the proposed color temperature for the streetlight upgrade project being overseen by the Delaware Valley Regional Planning Commission (DVRPC). Borough Council authorized proceeding to phases 3 and 4 of this program through the adoption of Resolution No. 796 on November 19, 2019. This project has been allocated in the 2020 Budget in the Capital Reserve Fund.

Joe Bones, 25 High Street, prefers yellow-colored lighting over white-colored lighting as it is too bright and tends to create glare. Mr. Bones asked if there is a cost difference between the two colors. Borough Manager Bashore stated the costs for the LED lights are the same.

Catherine Raymond, 6 Karen Drive, prefers the light fixtures have the white-colored fixtures as they will provide greater visibility.

Brendan Phillips, 228 Church Street, would prefer to see yellow-colored lights for the Decorative fixtures on King Street and in Burke Park, and white-colored lights for the Cobrahead fixtures.

A motion was made by Council Vice-President Uzman, seconded by Council Member Raynor, and carried by a vote of 5-2, with Council Member Finkbiner and Council Member Laney voting in opposition, to approve the color temperature for the Borough's streetlight upgrade project as follows:

- Decorative fixtures on King Street – 2,000 K (more yellow)
- Cobrahead fixtures – 3,000 K (more white)
- Decorative fixtures in Burke Park – 2,000 K (more yellow)

13. NEW BUSINESS

- a. Five Year Capital Improvement Plan for the Borough of Malvern

Borough Manager Bashore stated before Borough Council is an update to the Borough's 5-Year Capital Improvement Plan (CIP). In 2018, Borough Council formed an ad hoc committee consisting of Council President Grossman, Vice-President Uzman, and Councilor Meisel to review the and update the CIP. Borough Council previously reviewed and adopted a

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five (5) year CIP at the November 6, 2018 meeting. Pursuant to section 25-16.A. of the Borough's Administrative Code, a five-year capital improvement program is to be submitted with the annual operating budget. As part of the 2020 budgeting process, it is recommended that this document be updated in order to reflect the following:

- i) Projects that have been completed in the last year.
- ii) Projects that have been moved to other years and have been adjusted in the budget.
- iii) New projects that have been discussed by Borough Council and/or other committees.

The projected final cost for capital projects in the 2019 budget is \$1,391,867, while the proposed 2020 budget allocates \$3,310,769 towards capital projects across various funds.

A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0, to adopt the updated Borough's 5-Year Capital Improvement Plan for the 2020 Budget.

b. Escrow Release Request – St. Patrick's Church – Release Request #2

Borough Manager Bashore stated escrow release request No. 2 is for the approved land development project at Saint Patrick's Church. The amount requested for release is \$22,950.00. In a letter dated December 13, 2019, the Borough Engineer is recommending release of \$17,925.00. The Borough Engineer is recommending withholding funds for landscaping as not all the required landscaping has been installed, as well as withholding the requested 10% contingency. If approved, the remaining escrow balance will be \$50,785.88.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approval escrow release request No. 2 for the land development project under construction by St. Patrick's Church in the amount of \$17,925.00 based on the Borough Engineer's letter dated December 19, 2019.

c. Zoning Hearing Board

Borough Manager Bashore stated that there are no new applications before the Zoning Hearing Board. The application for a Special Exception for a Major Home Occupation at 33 Daisey Lane will be heard on December 23, 2019. As discussed on December 3, 2019, the Borough Solicitor will not be attending the hearing.

14. PUBLIC FORUM

Council President Grossman stated that Borough Council will now take comment from the public on any item not on the agenda.

Council President Grossman thanked outgoing councilors Zeyn Uzman and Carroll Sinquett for their time and dedication to the Borough's affairs.

Council Vice-President Uzman was honored to have served on the Borough Council for two (2) separate terms with no regrets in his decisions.

Council Member Sinquett is proud to be leaving his seat, believing the Borough is in a better position in its affairs than it was when he first took office.

Council Member Sinquett announced that Christopher Bashore, Borough Manager, has earned the ICMA-CM (Credential Manager) designation as part of the Voluntary Credentialing Program, offered through the International City/County Management Association (ICMA), which is expected to be official in January.

15. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary