

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

March 16, 2021
7:30 P.M.

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: David B. Burton, Mayor

1. ROLL CALL

PRESENT

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

ABSENT

Council President Finkbiner announced that this evening's meeting was being held virtually due to the COVID-19 pandemic and as permitted under Act No. 15 of 2020. Council President Finkbiner announced the following guidelines for the meeting:

- 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.

2. APPROVAL OF AGENDA

A motion was made by Council Member Bones, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the agenda for the March 16, 2021 meeting of Borough Council as presented.

3. ANNOUNCEMENTS

REGULAR MEETING

March 16, 2021

Page 2

a. Recording of the Meeting

Council President Finkbiner asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting. Council President Finkbiner noted that the meeting was being recorded for minute taking purposes.

No member of the audience identified themselves as recording the meeting.

b. Council President Finkbiner announced that Borough Council met in Executive Session on Tuesday, March 16, 2021 prior to this evening's meeting in order to discuss personnel matters.

c. Council President Finkbiner announced that the Comprehensive Plan survey is live and a link is available on the Borough website. Please contact the Borough if you would like a physical copy of the survey to complete. The survey will be open until the end of March. A link to the survey was included on the meeting agenda.

d. Council President Finkbiner announced that there are still openings for interested volunteers for the Chester-Ridley-Crum Watershed Association's cleanup event on March 20, 2021. Council President Finkbiner stated that individuals may contact Alicia Marziani, Administrative Assistant/Parks & Recreation Coordinator, at the Borough administrative offices if they are interested in participating.

e. Council President Finkbiner announced that public comment on both general items and items on the agenda was limited to three (3) minutes and that Borough Council was going to be stricter in the enforcement of these provisions.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Vice-President Grossman, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve the minutes from the March 2, 2021 meeting of Borough Council as presented.

b. APPROVAL OF REPORTS

A motion was made by Vice-President Grossman, seconded by Council Member Laney, 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 February 2021, as submitted.

c. BOROUGH COUNCIL COMMITTEE REPORTS

REGULAR MEETING

March 16, 2021

Page 3

- Finance & Administration

Council Member Laney stated that the Finance & Administration Committee met on February 24, 2021. Topics before the Committee included a status update on the Borough's pension funds, discussion on the trash & recycling contract, a review of information from the Malvern Business and Professional Association (MBPA), a review of a proposal for Power DMS, discussion of an editorial & legal analysis of the Borough's Code of Ordinances, and discussion of a potential employee recognition program.

Council Member Laney stated that the Committee reviewed the pension funds with INR Advisors. Both funds performed well in 2020 due to staying the course in terms of the Borough's investment strategy, rebalancing, and utilizing short-term investment opportunities.

Council Member Laney stated that the second option year on the Borough's trash & recycling collection contract is before Borough Council this evening. The Committee is recommending that option year #2 be selected by Borough Council.

Council Member Laney stated that the Committee reviewed information from a recent meeting between the Borough Manager and the MBPA. The Committee directed the Borough Manager to have the Borough Solicitor research the Neighborhood Improvement District & Management Act. The Committee also authorized the purchase of the flower pots along King St. for 2021 at a cost of \$1,800.

Council Member Laney stated that a proposal for Power DMS was reviewed. This will assist in the development, tracking, and updating of the Borough's policies. The Committee is recommending the approval of this purchase.

- Public Safety

Council Member Meisel stated that The Public Safety Committee met on March 8, 2021. Items reviewed by the Committee included a proposed ordinance amendment to chapter 200 of the Borough's Code of Ordinances, discussion on designating certain streets as one-way, and the installation of a painted crosswalk at the intersection of the SEPTA train station parking lot exit and King Street.

The Committee reviewed a proposed ordinance that would amend the Borough's parking regulations on certain sections of Channing Avenue and limit the hours for loading/unloading on Bridge Street. Certain amendments were recommended and the proposed ordinance is being revised by the Borough Solicitor prior to being presented to Borough Council for authorization to advertise.

The Committee is recommending that Second Avenue from Warren Avenue to Channing Avenue be designated as a one-way street traveling eastbound. This is recommended in the 2018 *Malvern Borough-wide Multimodal Transportation Study*. An ordinance amendment

REGULAR MEETING

March 16, 2021

Page 4

establishing the designation is being prepared and will be introduced at a future meeting of Borough Council.

The Committee discussed a request to make Ruthland Avenue a one-way street. Ultimately, the Committee did not believe that modifying the pattern of the road was necessary at this time.

The Committee discussed the installation of a painted crosswalk at the intersection of King Street and the exit to the SEPTA parking lot. This was recommended by the 2018 Malvern Borough-wide Multimodal Transportation Study. The Borough Manager will discuss having this crosswalk installed with the Borough Traffic Engineer.

Danny Fruchter, 234 Channing Avenue, asked if public input will be heard on the proposed ordinance to establish Second Avenue as a one-way street. Council Member Meisel stated that the public will have an opportunity to provide input, but he could not say at what meeting this matter would be discussed.

- Public Works

Council Member Bones stated that the Public Works Committee has not met since the February 16, 2021 meeting of Borough Council. The budgeted paving projects on Ruthland Avenue and Green Street are currently out for bid. Bids are due by April 1, 2021.

5. SPECIAL BUSINESS

- a. Recognition of Corinne Badman – One (1) year of service as the Malvern Borough Emergency Management Coordinator

Council President Finkbiner stated that Corinne Badman joined the Malvern Borough Police Department as the Executive Assistant to the Chief of Police in January 2020 and was appointed as the Malvern Borough Emergency Management Coordinator on March 17, 2020 at the start of the COVID-19 pandemic. Council President Finkbiner stated that Ms. Badman has been working tirelessly to keep the Borough abreast of all matters associated with the COVID-19 pandemic. Council President Finkbiner outlined Ms. Badman's accomplishments as the Borough's Emergency Management Coordinator, including securing personal protective equipment and receiving grants for the Borough. Council President Finkbiner outlined Ms. Badman's accomplishments outside of the COVID-19 pandemic, including her work related to the storms that occurred during the summer of 2020.

Borough Council thanked Ms. Badman for all of her work as the Borough's Emergency Management Coordinator. Ms. Badman thanked Borough Council for their support.

- b. Trash and recycling collection contract – Option Year #2

REGULAR MEETING

March 16, 2021

Page 5

Council President Finkbinder stated that the Finance & Administration Committee is recommending the selection of the second option year in Malvern Borough's trash and recycling collection contract. If approved, this would extend the current contract to June 30, 2022. The Borough would need to bid out the contract if the option year is not selected. Council President Finkbinder stated that costs in the contract are based on the bids from Charles Blosenki Disposal Co., LLC and carried to A.J. Blosesnki, Inc.

A motion was made by Council Member Bones to select option year #2 of Malvern Borough's trash and recycling collection contract with A.J. Blosesnki, Inc. Vice-President Grossman seconded the motion.

Council Member Bones asked Borough Council their thoughts on the changes that have been implemented to bulk trash collection. Council Member Bones noted that there may be some misunderstandings with how it is handled. Vice-President Grossman noted that she has seen bulk items not being collected. Borough Manager Bashore stated that the Borough could do a follow-up article in the upcoming newsletter and an email blast, as well as speak with the hauler about missed collections.

There being no further discussion, Council President Finkbinder called the vote. The motion selecting option year #2 of the Borough's trash and recycling contract passed by a vote of 7-0.

c. Malvern Farmers Market Management Agreement

Council President Finkbinder stated that Good Farms Good Food LLC has assumed the management work for the Malvern Farmers Market. This agreement will memorialize this new entity and waive the license fee for 2021. Council President Finkbinder thanked Lisa O'Neill and Growing Roots Partners for all their efforts establishing and coordinating the Malvern Farmers Market.

Christy Campli, owner of Good Farms Good Food LLC, thanked Borough Council and the Malvern community for welcoming her and she looks forward to continuing the Malvern Farmers Market. Ms. Campli stated that the Malvern Farmers Market will return to weekly operations in May.

A motion was made by Council Member Laney, seconded by Vice-President Grossman, and carried by a vote of 7-0, to approve the management agreement between the Borough of Malvern and Good Farms Good Food LLC d/b/a Growing Roots Partners and to waive the license fee for the use of Burke Park for calendar year 2021.

d. Escrow Release Requests

- 523 Monument Avenue – Providence One Builders – Release Request #1

REGULAR MEETING

March 16, 2021

Page 6

Council President Finkbinder stated that escrow release request #1 for the approved subdivision and land development project at 523 Monument Avenue is before Borough Council. The amount requested for release is \$21,539.25. Council President Finkbinder stated that the Borough Engineer is recommending the release of \$19,280.00, with certain funds being withheld for the construction of the driveway apron and the contingency. The amount remaining in escrow if approved would be \$12,672.75.

A motion was made by Vice-President Grossman, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve escrow release request #1 for the approved subdivision and land development project at 523 Monument Avenue in the amount of \$19,280.00 based on the Borough Engineer's recommendation letter dated March 10, 2021.

- 217 S. Warren Avenue – Greenstone Development II Corp./TAG Builders – Request to close out improvement bond

Council President Finkbinder stated that Greenstone Development II Corp./TAG Builders has submitted a request to close out their improvement bond pursuant to section 510 of the PA Municipalities Planning Code. Council President Finkbinder stated that the Borough Engineer has reviewed this request. Based on the Borough Engineer's letter dated March 12, 2021, it is recommended that this request be denied due to a number of outstanding items that need to be completed.

A motion was made by Vice-President Grossman, seconded by Council Member Phillips, and carried by a vote of 7-0, to deny the request of Greenstone Development II Corp./TAG Builders to close out their improvement bond for the approved subdivision and land development project at 217 S. Warren Avenue based on the Borough Engineer's review letter dated March 12, 2021.

6. UNFINISHED BUSINESS

Council President Finkbinder stated that there are no items of unfinished business before Borough Council this evening.

7. NEW BUSINESS

- a. Power DMS – Consideration of proposal

Council President Finkbinder stated that Corinne Badman, Executive Assistant to the Chief of Police/Emergency Management Coordinator, has obtained a proposal from Power DMS. This is a software program that will assist in the creating, tracking, and updating of a department's policies. This proposal was reviewed by the Finance & Administration Committee and is being recommended for approval. Council President Finkbinder noted information provided by Ms. Badman outlining that she and Chief Marcelli are working to update and modernize the Police Department's policy manual.

REGULAR MEETING

March 16, 2021

Page 7

Council President Finkbinder noted that this expenditure was not included in the 2021 budget. Council President Finkbinder stated that the cost is \$3,643.75 for 15 licenses and \$3,775.00 for 20 licenses and noted that there would be a 5% savings to the Borough's Police Liability Insurance coverage.

Council Member Phillips asked if 15 licenses was sufficient or if there would be an added benefit to purchasing 20 licenses. Borough Manager Bashore stated that he would recommend purchasing 20 licenses as that would allow this software to be utilized across all Borough departments. Borough Manager Bashore stated that, due to the cost difference, he believes purchasing the 20 licenses would save on startup costs in the event the Borough decided to extend this software.

Council Member Bones stated that he reviewed the proposal and it appears fairly restrictive and asked if a license would be required to view the documents. Ms. Badman stated that a license would be required and each user would need a license. Council Member Bones asked if an attorney would need a license if they need to review a document for the Borough. Ms. Badman stated that the documents could be shared as a PDF and the licensing is utilized for tracking policies in-house. Ms. Badman outlined the protections that are in place in terms of storage and security. Council Member Bones asked if it was renewed annually. Ms. Badman stated that it is.

A motion was made by Council Member Laney, seconded by Vice-President Grossman, and carried by a vote of 7-0, to approve the proposal from Power DMS for 20 licenses in the amount of \$3,775.00.

b. Volunteer Board & Committee Appointment Considerations

- Parks & Recreation Committee

Council President Finkbinder stated that the Parks & Recreation Committee currently has two (2) vacancies and is recommending the appointments of Andrew Johnson and Angela Ricetti. The terms being filled expire on January 1, 2022 and January 1, 2023.

A motion was made by Vice-President Grossman, seconded by Council Member Laney, and carried by a vote of 7-0, to appoint Andrew Johnson to the Parks & Recreation Committee to complete a term that expires on January 1, 2022.

A motion was made by Council Member Raynor, seconded by Vice-President Grossman, and carried by a vote of 7-0, to appoint Angela Ricetti to the Parks & Recreation Committee to complete a term that expires on January 1, 2023.

- Environmental Advisory Council

REGULAR MEETING

March 16, 2021

Page 8

Council President Finkbiner stated that The Environmental Advisory Council is recommending the appointment of Daniel Kunze to fill a vacancy on the committee. If appointed, Mr. Kunze would complete a term that expires on January 1, 2022.

A motion was made by Vice-President Grossman, seconded by Council Member Phillips, and carried by a vote of 7-0, to appoint Daniel Kunze to the Environmental Advisory Council to complete a term that expires on January 1, 2022.

c. Zoning Hearing Board

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

8. PUBLIC FORUM

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

John Buckley, 165 Church Street, discussed recent issues with the Malvern Police Department. Mr. Buckley discussed issues with parking on Church Street and stated that a Police Officer informed him that tickets could not be issued because the curb was not painted yellow. Mr. Buckley discussed issues with recent notices from the Code Enforcement Officer. Mr. Buckley discussed water issues with drainage issues and would like to see a curb installed.

Chief Marcelli stated that Mr. Buckley may contact him with concerns related to the Malvern Police Department.

Council Member Raynor thanked all the volunteers in the community.

9. ADJOURNMENT

All business having been discussed, a motion was made by Vice-President Grossman, seconded by Council Member Laney, and carried by a vote of 7-0, to adjourn the meeting at 8:12 p.m.

Respectfully submitted,

Christopher Bashore
Borough Manager/Secretary