

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

October 19, 2021
7:30 P.M.

As Chester County has been defined by the Centers for Disease Control & Prevention (CDC) as a county with substantial 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/84197019623>

When prompted, enter the following meeting ID, followed by the “#” symbol: 836 1838 7731. 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 Niemiec
Council Member Phillips
Council Member Raynor
Mayor Burton

2. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the October 19, 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 October 5, 2021 prior to and after the meeting in order to discuss personnel matters.

c. Borough Council met in Executive Session on October 19, 2021 prior to this evening's meeting in order to discuss the 2022 Budget.

d. The Spooky Storybook Walk is scheduled to take place on Sunday, October 24, 2021 with Malvern Parks & Recreation and Imaginatium.

e. Halloween at the Fire House is scheduled to take place on Saturday, October 30, 2021 from 1PM to 4PM.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the meeting held on Tuesday, October 5, 2021 as presented.

b. APPROVAL OF REPORTS:

MOTION: 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 September 2021, as submitted.

c. BOROUGH COUNCIL COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

5. SPECIAL BUSINESS

a. Borough Council Appointment – Mr. Mark Niemiec

OATH OF OFFICE: Honorable Judge Tartaglio to formally administer Oath of Office to Mr. Mark Niemiec, who was recently appointed by Borough Council as of October 5, 2021 to fill the Borough Council vacancy.

Borough Council appointed Mr. Mark Niemiec at their October 5, 2021 meeting pursuant to the Borough Home Rule Charter. Mr. Niemiec will complete a term that expires on January 1, 2024. The notice of vacancy was published in the September 10, 2021 edition of the Daily Local News, as required, as well as on the Borough Website.

b. ORDINANCE NO. 2021 – 7: AMENDING CHAPTER 200 OF THE MALVERN BOROUGH CODE ENTITLED “VEHICLES AND TRAFFIC” AT ARTICLE III, PARKING REGULATIONS, TO PROHIBIT PARKING AT ALL TIMES ON A SECTION OF SECOND AVENUE

- PUBLIC HEARING: Borough Council will now open a public hearing to consider Ordinance No. 2021 – 7. This ordinance would amend Chapter 200 of the Malvern Borough Code entitled “Vehicles and Traffic” at Article III, Parking Regulations, to prohibit parking at all times on a section of Second Avenue.

The proposed ordinance is to rectify parking issues that keep occurring on Second Avenue and to properly mark the section of the road where “no parking” is permitted and in response to the requirement of the recorded subdivision plan for the Gables Development.

- ADOPTION – ORDINANCE NO. 2021 – 7: AMENDING CHAPTER 200 OF THE MALVERN BOROUGH CODE ENTITLED “VEHICLES AND TRAFFIC” AT ARTICLE III, PARKING REGULATIONS, TO PROHIBIT PARKING AT ALL TIMES ON A SECTION OF SECOND AVENUE

MOTION: To adopt Ordinance No. 2021 – 7. This ordinance would amend Chapter 200 of the Malvern Borough Code entitled “Vehicles and Traffic” at Article III, Parking Regulations, to prohibit parking at all times on a section of Second Avenue.

c. ORDINANCE NO. 2021 – 8: THE PROPOSED ORDINANCE AMENDING THE MALVERN BOROUGH CODE OF ORDINANCES TO PROVIDE A NEW CHAPTER ENTITLED “CHAPTER 120 - SMALL WIRELESS FACILITIES” TO ALLOW FOR, AND REGULATE, SMALL CELL WIRELESS FACILITIES, WITHIN THE PUBLIC RIGHTS-OF-WAY IN THE BOROUGH

- PUBLIC HEARING: Borough Council will now open a public hearing to consider Ordinance No. 2021 – 8. This ordinance would amend the Malvern Borough Code of Ordinances to provide a new chapter entitled “Chapter 120 – Small Wireless Facilities,” within the public rights-of-way in the Borough.

The proposed Ordinance provides for implementation of Pennsylvania’s Small Wireless Facilities Deployment Act and regulates small wireless facilities in the rights-of-way of the Borough. The regulations include but are not limited to: requirements for permits; application requirements including fees, processes and timelines; design, technical safety and other similar requirements for small wireless facilities, including but not limited to height, location, size, color and other requirements and specifications; certain maintenance and repair obligations; granting the Borough power to remove, repair or relocate facilities under certain circumstances; requiring the removal of abandoned facilities; and setting requirements for the abandonment or suspension of permits.

- ADOPTION – ORDINANCE NO. 2021 – 8: THE PROPOSED ORDINANCE AMENDING THE MALVERN BOROUGH CODE OF ORDINANCES TO PROVIDE A NEW CHAPTER ENTITLED “CHAPTER 120 – SMALL WIRELESS FACILITIES” TO ALLOW FOR, AND REGULATE SMALL WIRELESS FACILITIES, WITHIN THE PUBLIC RIGHTS-OF-WAY IN THE BOROUGH
- MOTION: To adopt Ordinance No. 2021 – 8, amending the Malvern Borough Code of Ordinances to provide a new chapter entitled “Chapter 120 – Small Wireless Facilities”, within the public rights-of-way in the Borough.

d. MALVERN FIRE COMPANY – AMERICAN RESCUE PLAN ACT FUNDS REQUEST

MOTION: To authorize \$36,883.00 in American Rescue Act Funds be paid to Malvern Malvern Fire Company to purchase twenty (20) sets of EMS protective gear totaling \$31,111.20 and twenty (20) helmets totaling \$5,771.80 for a grand total request of \$36,883.00.

Malvern Borough Fire Company is requesting \$36,883.00 for the purchase twenty (20) sets of EMS protective gear totaling \$31,111.20 and twenty (20) helmets totaling \$5,771.80 for a grand total request of \$36,883.00 in American Rescue Act Funds. The funds are meant to keep first responders, frontline health workers, teachers, and other providers of vital services safely on the job as states, local governments, Tribes, and territories roll out vaccines and fight to rebuild Main Street economies. This funding is supposed to be used to respond to the pandemic or its negative economic impacts, including assistance to households, small businesses, and nonprofits or aid to impacted industries such as tourism, travel and hospitality. With this in mind the volunteers and staff of the Malvern Fire Company respectfully request funding for the purchase of essential personal protective gear for our EMS personnel through this program.

e. KING STREET PLANTING PROJECT

MOTION: To authorize the King Street Planting Project – Phase I, totaling twenty (20) trees be planted on King Street, initiating planting as of December 1, 2021, totaling \$10,400.00 be paid for Phase I, as per the plan presented this evening.

Install twenty (20) ornamental trees, minimum 1.5” caliper (approximately 10-12 foot height), along King Street per planting plan prepared by EB Walsh and Anthony Dufour. Species to be determined based on availability and approval by the Shade Tree Commission. Weather permitting, the work will begin on approximately December 1, 2020 and will be substantially completed on approximately December 21, 2020 (Actual time on site, 4 days). The total price of price is \$10,400.00 which includes \$3,000.00 due at the signing of the contract and \$7,400.00 due at the completion of the work.

6. UNFINISHED BUSINESS

a. Community Installation Application – Benjamin Lang – Eagle Scout Project

Benjamin Lang, a resident of Raffaella Drive, submitted a Community Installation Application in order to install a display board at Rubino Park as his Eagle Scout project. The proposed project was reviewed by both the Public Works Committee and the Parks & Recreation Committee. Mr. Lang completed the project on October 4, 2021. He will be presenting a presentation this evening of the completed project and handing over the keys to Borough Council.

b. Resolution NO. 826 adopting the transfer of the liquor license Liquor License R-21022 from Uwchlan Township, as presented on October 5, 2021, located at Anthony's Pizza and Italian Restaurant II, Inc. at 127 W. King Street, Malvern, PA 19355.

Malvern Borough held a public hearing on October 5, 2021 at 7:30pm and approved an inter-municipal transfer of a liquor license (Liquor License R-21022 from Uwchlan Township) for Anthony's Pizza and Italian Restaurant II, Inc. regarding the property located at 127 W. King Street, Malvern, PA 19355. The resolution formally authorizes the Pennsylvania Liquor Control Board (PLCB) to process Anthony's Pizza and Italian Restaurant II, Inc. liquor license application.

7. NEW BUSINESS

a. Zoning Hearing Board

There was one (1) application before the Zoning Hearing Board as of recent. The hearing for 128-142 E. King Street, appealing the Zoning Officer's Notice of Violation regarding the junk yard use of the property, was held on Monday, October 18, 2021. The Zoning Officer will give an update on this matter at this time.

8. PUBLIC FORUM

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

9. ADJOURNMENT