

RESOLUTION NO. 816

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE BOROUGH COUNCIL, OF THE BOROUGH OF
MALVERN, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA
ESTABLISHING THE COMPREHENSIVE PLAN TASK FORCE.**

WHEREAS, the Borough Council (“Council” or “Borough Council”) of the Borough of Malvern (“Borough”) is authorized pursuant to §25-11 of the Administrative Code of the Borough as codified at Chapter 25 of the Code of Ordinances of the Borough; and

WHEREAS, Article III of the Pennsylvania Municipalities Planning Code (the “MPC”) authorizes the adoption of a Comprehensive Plan for the Borough; and

WHEREAS, the Borough previously adopted a Comprehensive Plan on June 19, 2012, through Resolution No. 654; and

WHEREAS, the Borough desires to update its Comprehensive Plan in accordance with the MPC in order to reflect the change in conditions in the community since the adoption of the current Comprehensive Plan; and

WHEREAS, the Borough desires to establish an ad hoc committee pursuant to §25-11 of the Administrative Code of the Borough to guide this process.

NOW THEREFORE, it is hereby **RESOLVED** by the Borough Council of the Borough as follows:

1. **Creation & Termination.** An *ad hoc* committee, known as the “Comprehensive Plan Task Force” (the “Task Force”), is hereby established by the Borough Council. Except as may be extended by Borough Council via subsequent resolution, the Task Force shall continue until, and expire automatically upon, thirty (30) days after delivery to Borough Council of the Comprehensive Plan.
2. **Purpose.** The purpose of the Task Force shall be to update the Borough’s Comprehensive Plan in accordance with Article III of the MPC.
3. **Task Force Composition and Presiding Officers.** The Task Force shall be comprised as follows:
 - a. **Professional guidance.** The Brandywine Conservancy has been appointed by the Council to provide professional guidance for the process of updating the Comprehensive Plan.

- b. **Membership.** Each member of the Task Force shall be a resident of the Borough or the designated representative of a taxpaying business entity located within the Borough (with such designation by the taxpaying entity made in writing addressed to the Borough Council President).
- c. **Required Members.** The size of the Task Force shall be at the sole discretion of Council. The Task Force shall include at least one (1) active member of the following bodies (one person may satisfy multiple requirements as may be the case):
- i. the following Committees of Borough Council
 - Finance & Administration Committee
 - Public Safety Committee
 - Public Works Committee
 - ii. the Borough's Planning Commission
 - iii. the Borough's Historic Commission
 - iv. the Borough's Parks and Recreation Committee
 - v. the Borough Shade Tree Commission
 - vi. the Borough Environmental Advisory Council
- **Additional Members.** Council may, at its sole discretion, chose to appoint other members beyond the representatives previously outlined including, but not limited to:
- A representative from the Malvern Business & Professional Association
 - Residents or taxpayers of the Borough currently
- d. **Ex Officio (Non-Voting) Members.** The Borough Council President shall be authorized to appoint additional *ex officio*, non-voting members of the Task Force who shall be entitled to attend any meeting of the Task Force or any subcommittee thereof and comment upon any revision of the Comprehensive Plan. The following individuals shall be *ex officio*, non-voting members of the Task Force unless otherwise appointed by the Borough Council President as a voting member of the Task Force:
- i. the Mayor
 - ii. the Borough Manager (or his or her designee)
 - iii. Representatives from local conservation organizations (e.g., Willistown Conservation Trust; Chester-Ridley-Crum Watersheds Association)
- e. **Removal.** Any member may be removed by the Borough Council prior to the completion of the Comprehensive Plan and in accordance with laws of the Commonwealth of Pennsylvania.

4. **Progress Reports.** The Task Force shall submit periodic, written, interim progress and status reports to the Borough Council, via the Borough Manager, on a bi-monthly basis.

5. **Task Force Meetings & Operations.**

- a. The Task Force shall conduct any in-person deliberations of a quorum of the Task Force at public meetings (as defined by, and pursuant to, applicable law).
- b. The Borough Council President shall designate, from the voting Task Force members, a Chairperson of the Task Force who shall preside at all meetings. The Task Force itself shall, from among its members, appoint at least one of each of the following:
 - i. Vice Chairperson, who shall preside in the absence of the Chairperson; and
 - ii. Secretary, who shall be responsible for the taking of minutes at all meetings.
- c. The Borough Manager shall be authorized to advertise for the Task Force's meetings as required by law.
- d. Requests for access to, or services from, the Borough Engineer, Borough Solicitor, or any other professional or member of Borough Staff shall be made by the presiding officer of the Task Force through the Borough Manager. The Borough Manager, at his or her discretion, in consultation with Borough Council, and subject to reasonable limitations and conditions, may provide for the benefit of the Task Force such resources, professional services, accommodations, or actions as may be required by law, expedient, or advisable for the purposes and requirements described herein.
- e. The Task Force shall be authorized, at the discretion of the Task Force's Chairperson, to conduct business in any reasonable manner, provided that such business is conducted in accordance with applicable law.
- f. The Task Force, on behalf of the Borough Council, shall be authorized to solicit and receive written or verbal comments from any municipality, property owner, or other interested party in relation to the matters which are the subject of the Task Force's work.
- g. Nothing herein shall prohibit the members of the Task Force from circulating proposed drafts, revisions, or comments regarding the same via electronic or other means, with the express intention of the Borough Council that such drafts, revisions, or comments of any voting or *ex officio* member of the Task Force be treated as the pre-decisional deliberations of the Borough, such that they shall not be a public record pursuant to Section 708(b)(10)(i)(A) of the Right-To-Know

Law, 65 PS § 67.708. By accepting their respective appointments to the Task Force, all members of the Task Force agree to maintain the confidentiality of such pre-deliberational material(s) and shall refrain from disclosing such material(s) to anyone other than the members of the Task Force or Borough Council.

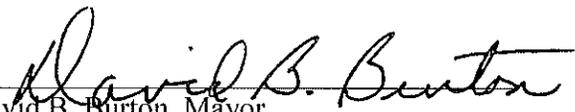
- h. The Task Force shall be authorized to establish one or more subcommittees at the discretion of the Task Force's Chairperson, provided that the membership of such subcommittee(s) shall be limited so as to avoid the presence of a quorum of voting members of the Task Force as a whole at any subcommittee meeting.

Resolved by Borough Council this 6 day of October, 2020.



Amy Finkbiner, Ph.D., President

Approved by the Mayor this 6 day of October, 2020.



David B. Burton, Mayor

Enacted this 6 day of October, 2020.



Christopher C. Bashore, Borough Manager