

REGULAR MEETING

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MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

March 19, 2024
7:30 PM

PRESIDING: President Phillips

INVOCATION: Mayor Uzman

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

PRESENT

Council President Phillips
Council Vice President Bones
Council Member Finkbiner
Council Member Frederick
Council Member Niemiec
Council Member Riccetti
Council Member Warner
Zeyn B. Uzman, Mayor

ABSENT:

1. ANNOUNCEMENTS

Council President Phillips asked in accordance with Resolution No. 840 if any member of the audience was recording the meeting. Mr. Hugo Schmitt recorded the meeting.

Council President Phillips announced that Resolution No. 840 sets forth the conduct protocol for Borough Council meetings.

Council President Phillips requested as a courtesy, if you are participating via ZOOM, please turn on your camera while speaking.

Council President Phillips requested for the Community to check out the Borough's website calendar regularly for all up and coming events located throughout the Borough.

Council President Phillips requested for the Community to come join the Egg Hunt hosted by Parks & Recreation on Saturday, March 23, 2024 at 11AM located at the Paoli Battlefield.

Council President Phillips announced that the Great Valley School District is not making any changes to the redistricting lines concerning Malvern Borough regarding elementary school attendance.

Council President Phillips announced that the Borough Office is closed on Friday, March 29, 2024 for the Holiday Weekend.

Council President Phillips announced that Borough Council met with its Legal Counsel in Executive Session on Tuesday, March 19, 2024 to discuss litigation matters.

2. APPROVAL OF AGENDA

A motion was made by Council Member Niemiec, seconded by Council Vice President Bones, carried by a vote of 7-0, to approve the agenda for the Tuesday, March 19, 2024 meeting as presented.

3. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Vice President Bones, seconded by Council Member Riccetti, and carried by a vote of 7-0, to approve the regular meeting minutes from Tuesday, March 5, 2024 as presented.

b. APPROVAL OF REPORTS

A motion was made by Council Member Warner, seconded by Council Vice President Bones, and carried by a vote of 7-0, to approve the Treasurer's Report, the Sub-Committee Reports for Finance and Administration, Public Safety, and Public Works, the Chief of Police Report, the Code Enforcement Department Reports, the Superintendent of Public Works Report, the Assistant Manager's Report, and the Manager's Report for the month of February 2024, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

The Public Safety Sub-Committee met on Monday, March 4, 2024 and discussed the following matters:

- Sub-Committee Meeting Schedule for the Remainder of Year 2024
- Sub-Committee Members for a total to not exceed five (5) per Borough Solicitor's recommendation at the 2/20/2024 Meeting
- Bridge Street Icy Sidewalks Complaint
- Oversize Vehicle Discussion from turning right off of Bridge Street onto King Street
- Crosswalk Traffic Studies
- Public Works Department – Reorganization Discussion

Mr. John Buckley commented on Bridge Street matter and uneven sidewalks located at the Bridge and King Street vacant lot.

The Finance & Administration Sub-Committee met on Friday, March 8, 2024 and discussed the following matters:

- Potential Lease Agreement w/ PMA regarding Tennis Courts, Pavilion, and Playground
- Xpanse HR – Contract and Budget Discussion
- Advertisement of Public Works Labor Position & Permit and Administrative Assistant Position for Years 2024
- Vision Partnership Program (VPP) Grant Application Submission for Zoning & SALDO Task Force for Authorization by Borough Council at the March 19, 2024 Meeting
- Composting Program
- Year 2025 Budget
- Finalize Year 2024 Meeting Schedule for Sub-Committee Meetings

The Public Works Sub-Committee met on Tuesday, March 19, 2024 and discussed the following matters:

- 2024 Paving Program
- Old Lincoln Highway Infrastructure Capital Improvement Project
- North Warren Avenue Project
- Sanitary Sewer Ejector Station
- Everett's Alley
- King Street Planting Project
- Notable Tree Project
- Borough Building Handicap Ramp/ Walkway
- Vehicle Sales scheduled for Public Works and Police Department
- Oversize vehicle turn radius request for various intersections in Malvern Borough (Bridge & King/ Warren & King/ and Sugar town and King)
- Advertisement of Public Works and Administration job openings this week in the Daily Local

4. SPECIAL BUSINESS

- a. MALVERN BOROUGH EMERGENCY OPERATIONS PLAN – RESOLUTION NO. 857

Assistant Manager Badman explained that the Pennsylvania Emergency Management Services Code mandates that municipalities prepare, maintain, and keep current an emergency management operations plan. This plan is required to be reviewed and updated every two (2) years.

A motion was made by Council Member Frederick, seconded by Council Member Niemiec, and carried by a vote of 7-0, to authorize Resolution No. 857 as presented.

- b. UPDATING FINANCIALS FOR THE STATEWIDE LOCAL SHARE ACCOUNT (LSA) FOR MALVERN FIRE COMPANY – RESOLUTION NO. 858

Borough Manager Loomis explained that Borough Council approved authorization of the LSA grant application submission on behalf of the Malvern Fire Company at their November 8, 2023 meeting totaling \$489,000. The cost estimate for the water tanker that the Malvern Fire Company is requesting funding totals \$495,000. Malvern Fire Company shall fund the portion that is not received from grant subsidies. The PA Economic Department of Community & Economic Development reached out to Malvern Borough to request an updated resolution to move forward with the grant application submission. The resolution is required to match the cost estimate to move forward with the grant application submission process.

Mr. John Buckley commented on Malvern Fire Company having functions for the Community.

A motion was made by Council Member Finkbiner, seconded by Council Member Niemiec, and carried by a vote of 7-0, to authorize Resolution No. 858 as presented.

The Malvern Fire Company thanked Malvern Borough for all their continued support.

c. APPLICATION FOR THE VISION PARTNERSHIP PROGRAM GRANT FOR THE ZONING PORTION OF THE ZONING & SALDO ORDINANCE OVERHAUL PROJECT – RESOLUTION NO. 859

Mr. Tom Comitta of TCA, Inc. explained that the Chester County Planning Commission requires a 40% match relative to the Vision Partnership Grant. An estimated cost of \$83,000 has been provided by TCA, Inc. for Phase II of the Zoning & SALDO Amendment process. A total of \$120,000 has been budgeted in Capital Expenditures to complete this amendment project. The Borough's matching funding shall not exceed \$35,000 for this grant application submission.

Mrs. Jennifer Chomko commented on Mr. Comitta's relation to Senator Carolyn Comitta and the grant approval process.

Mr. Tom Comitta explained that the grant application and submission process has nothing to do with his relation to Senator Carolyn Comitta. Her office does not approve the grant submission.

Council Member Warner asked the public to be respectful of everyone.

Borough Council commended Mr. Comitta on his experience and contribution to the project he is working on behalf of the Borough.

Mr. John Buckley commented on the grant process and how grants are awarded.

A motion was made by Council Member Niemiec, seconded by Council Vice President Bones, and carried by a vote of 7-0, to authorize Resolution No. 859 as presented.

d. COMPOSTING PROGRAM

Council Member Warner and Assistant Manager Badman provided data and results on the trial composting program.

Borough Council discussed how best to move forward on this matter.

Assistant Manager Badman explained that by continuing the program grant funding will be available through the Chester County Economic Development and Planning Department.

Borough Council is in favor of opening the program to the public, with drop-off occurring at the Farmer's market, for Borough funding to not exceed \$5,000 spent in Year 2024.

Council Member Warner thanked Tiffany Brouillet, Environmental Council Member, for her contribution and instrumental part in the program's creation and success.

Borough Council further discussed a registration process and how drop-off would be organized. There will be further details to follow from the Environmental Advisory Council on how best to move forward.

A motion was made by Council Member Frederick, seconded by Council Member Riccetti, and carried by a vote of 7-0, to authorize the composting program be opened to the public, with drop-off occurring at the Farmer's market, for Borough funding to not exceed \$5,000 spent in Year 2024.

5. UNFINISHED BUSINESS

a. ZONING HEARING BOARD

Council President Phillips announced there are no new applications before the Zoning Hearing Board and the Zoning Hearing Board application for 679 Monument Avenue has been withdrawn that was recently received.

b. ORDINANCE NO. 2024-01 FOR REALLOCATION OF FUNDS LOCATED IN THE YEAR 2024 GENERAL BUDGET

Council President Phillips announced that Borough Council will now open a public hearing to consider Ordinance No. 2024-01. This ordinance reallocates \$30,000 from Legal Services, Line Item #01-404-000 located in the General Fund Budget, to a line item titled HR Professional Services.

President Council Phillips further explained that The Finance and Administration Sub-Committee met on Friday, March 8, 2024 and recommended that \$30,000 be reallocated from legal services located in the general fund to a line item titled HR Professional Services as outlined in the Home Rule Charter per Section 903(D).

Mrs. Jennifer Chomko commented on the Borough's painting contracts and inquired if this contract will have any affiliation with members of Borough Council.

Council President Phillips answered no.

Mr. Joseph Lorusso thanked management for all their hard work and asked for the contract. He further commented on the labor investigation that occurred.

Council Member Finkbiner directed Mr. Lorusso to submit a Right-to-Know request for this information.

Council President Phillips explained that due to the large number of Right-to-Know requests received contributes as a main factor of large legal bills incurred previously and currently.

Council President Phillips closed the hearing.

A motion was made by Council Vice President Bones, seconded by Council Member Niemiec, and carried by a vote of 7-0, to reallocate \$30,000 from Legal Services, Line Item #01-404-000 located in the General Fund Budget, to a line item titled HR Professional Services as presented.

c. APPOINTMENT OF HUMAN RESOURCE PROFESSIONAL SERVICES FIRM

Council President Phillips explained that this matter was discussed at the Tuesday, March 5, 2024 Borough Council meeting and the Borough Solicitor has since reviewed and forwarded the contract in discussion this evening.

A motion was made by Council Vice President Bones, seconded by Council Member Riccetti, and carried by a vote of 7-0, to authorize Xpanse HR to service Malvern Borough as outlined in the contract as presented.

6. NEW BUSINESS

a. SEWER BILL LATE FEE WAIVER REQUEST

Borough Manager Loomis explained that a waiver request was received from Ms. Susan Cook regarding her sewer bill payment due to there being an issue with receiving the mail timely. She was assessed a late fee

A motion was made by Council Vice President Bones, seconded by Council Member Niemiec, and carried by a vote of 7-0, to approve the waiver as requested and presented.

b. RAFAELLA DRIVE EASEMENT WAIVER REQUEST

Borough Manager Loomis explained that a waiver request has been received from Mr. Michael Neilio regarding building an in-ground pool and retaining wall 5' feet into a 15' feet easement owned by Malvern Borough.

The Borough Solicitor explained that after further research the easement was vacated over 100 years ago. Proper documentation will be provided to the Borough for the property. The resident may proceed with their permit application accordingly.

Mr. Michael Neilio thanked the Borough for their prompt response to this matter.

c. SIGNAGE REQUEST FOR ZONING & SALDO ORDINANCE TASK FORCE PUBLIC FORUM MEETING

Assistant Manager Badman explained that the Zoning and SALDO Task Force have requested yard signs be placed in Borough Parks and one (1) banner style sign outside Borough Hall to help boost attendance to the Public Forum meeting scheduled for Thursday, April 25th, 2024 at 7PM.

The approximate cost will be \$350.00.

The Mayor suggested the banner signage and will work with the Borough on this project.

Mr. John Buckley commented on the additional signage.

A motion was made by Council Vice President Bones, seconded by Council Member Frederick, and carried by a vote of 7-0, to approve the proposed signage as discussed.

7. PUBLIC FORUM

Mr. Joseph Mayotte commented on the proposed walking trail between Malvern Prep and the Paoli Battlefield.

Mrs. Jennifer Chomko commented on the proposed walking trail between Malvern Prep and the Paoli Battlefield and Borough Council's role.

The Mayor suggested to have an "A", "B", and "C" plan for the proposed trail to discuss how best to move forward with this project.

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Borough Council discussed having the Planning Commission review the proposed trail. Mr. John Buckley commented on Warren Avenue's safety pertaining to pedestrians, a tree located on E. First Avenue, and the clock procedures this evening.

The Mayor commented that the clock procedures will be tweaked.

Dr. Dave Knies, Ph.D. commented on the proposed walking trail between Malvern Prep and the Paoli Battlefield. He gave a history of the current resolution and suggested that this item be removed as a condition of the resolution. He further commented that he is in favor of a trail and that installing a sidewalk in this area is not affordable.

Ms. Paula Ruggeri commented on dogs being unleashed in Rubino Park and requested that his matter be addressed.

Police Chief Marcelli instructed Ms. Ruggeri to call the Police as soon as this kind of activity is occurring.

Borough Council directed staff to install better signage and address this matter through the Police and Public Works Departments.

Mr. Joseph Lorusso commented on the Borough's finances regarding the Capital Reserve Fund and Five Year Capital Plan for the Borough.

Council Member Finkbiner and Borough Manager Loomis explained the purpose of the Five Year Capital Plan for the Borough.

8. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice President Bones, seconded by Council Member Warner, and carried by a vote of 7-0, to adjourn the meeting at 8:53 PM.

Respectfully submitted,
Tiffany M. Loomis
Borough Manager/Secretary