

REGULAR MEETING

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MALVERN BOROUGH

1 East First Avenue

Malvern, PA 19355

March 5, 2024

7:30 PM

PRESIDING: President Phillips

INVOCATION: Angela Riccetti

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

PRESENT

Council President Phillips

Council Vice President Bones

Council Member Finkbiner, Ph.D.

Council Member Frederick

Council Member Niemiec

Council Member Riccetti

Council Member Warner, Ph.D.

ABSENT:

Zeyn B. Uzman, Mayor

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 and Mr. Richard Breuer recorded the meeting.

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

2. APPROVAL OF AGENDA

A motion was made by Council Vice President Bones, seconded by Council Member Niemiec, carried by a vote of 7-0, to approve the agenda for the March 5, 2024 are presented.

3. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Niemiec, seconded by Council Vice President Bones, and carried by a vote of 7-0, to approve the minutes from the Tuesday, February 20, 2024, as amended. Council Member Finkbiner explained that the liquor license matter for the MBPA needs to include Burke Park in the motion.

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### b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

The Finance & Administration met on Monday, February 26, 2024 and discussed the following matters:

- Annual Pension Performance Review
- Sub-Committee Meeting(s) Open to the Public - Discussion of Additional Members for a Total to not Exceed five (5) Members & Start Date of when Sub-Committee meeting(s) will be Open to the Public
- Remote Work from Home Policy
- Potential Lease Agreement w/ PMA regarding Tennis Courts, Pavilion, and Playground was **tabled**
- Human Resource Consulting Firms to service Malvern Borough
- Appointment of Public Works Superintendent Position @ March 5, 2024 Borough Council Meeting

The Public Works Sub-Committee met on Friday, March 1, 2024 and discussed the following matters:

- Sub-Committee Meeting Schedule for the Remainder of Year 2024
- Sub-Committee Meeting(s) Open to the Public - Discussion of Additional Members for a Total to not Exceed five (5) Members & Start Date of when Sub-Committee meeting(s) will be Open to the Public
- Public Works Department – Reorganization Discussion
- Paoli Battlefield Mowing Schedule
- Pump House Roof Deterioration
- Old Lincoln Highway Repairs
- Park Beautification Projects

The Public Safety Sub-Committee is scheduled to meet on Monday, March 4, 2024 to discuss the following matters:

- Sub-Committee Meeting Schedule for the Remainder of Year 2024
- Sub-Committee Meeting(s) Open to the Public - Discussion of Additional Members for a Total to not Exceed five (5) Members & Start Date of when Sub-Committee meeting(s) will be Open to the Public
- Bridge Street Icy Sidewalks Complaint & Request  
Oversize Vehicle Discussion from turning right off of Bridge Street onto King Street
- Crosswalk Traffic Studies
- Public Works Department – Reorganization Discussion

### 4. SPECIAL BUSINESS

#### a. APPOINTMENT OF PUBLIC WORKS SUPERINTENDENT

Walt Davis accepted the full-time public works superintendent position open with the Malvern Borough Public Works Department and has worked for the Borough for 40 years as the Assistant Public Works Superintendent.

Mr. John Buckley inquired about the hiring process.

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Borough Manager Loomis explained the hiring process.

Borough Council congratulated Mr. Davis on his promotion and thanked the Public Works Department.

b. OLD LINCOLN HIGHWAY INFRASTRUCTURE IMPROVEMENT PROJECT

The Borough Engineer has recommended that in order to optimize the design and minimize the costs for construction / field changes, the professional service provider Ingram, is recommending that the Borough spend a day onsite to complete test holes of roadway conditions to get accurate data for the onsite material.

Additional patching is also proposed when this work is completed to maintain the roadway until the final project is completed. The work proposed is considered a professional service and will cost approximately \$10,000 to \$15,000 to complete.

Public Works Superintendent Davis confirmed the Public Works Department is able to complete the patch work required.

Mrs. Jennifer Chomko inquired why the bids were rejected.

Council President Phillips explained that it is more cost effective to re-build the road versus accepting one of the bids which proposed to repair the roadway.

Mrs. Jennifer Chomko inquired how much the Borough Engineer's consulting costs were for this project.

Borough Engineer Daley responded that he did not have those costs in front of him.

Council President Phillips directed the public to send all questions to Borough Manager Loomis to respond accordingly to.

Mr. John Buckley inquired why the professional services provider Ingram was selected to complete the work.

Borough Engineer Daley explained that Ingram has performed services previously for this project and is educated on the conditions of the roadway and sewer issues.

Council Vice President Bones stated that there is ARPA funding to offset the cost of this project.

Council President Phillips explained there has been a decade of discussion to fix this issue. It is important for the health, safety, and welfare of the Community this project be completed in a timely manner.

A motion was made by Council Member Riccetti, seconded by Council Vice President Bones, and carried by a vote of 7-0, to authorize the proposed professional services work as presented.

c. 551 SUGARTOWN ROAD/ 679 MONUMENT ROAD ESCROW RELEASE

The Borough Engineer has reviewed the project status and site conditions for 551 Sugartown

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Road/ 679 Monument Avenue and prepared a recommendation for a partial release of escrow funds totaling \$79,116.86.

The release encompasses all improvements detailed on the construction cost breakdown including but not limited to demolition, erosion control, roadway construction, storm drainage, sanitary sewer, water service, landscaping, and miscellaneous items. Construction of these improvements were inspected by EB Walsh and found to be acceptable.

A motion was made by Council Vice President Bones, seconded by Council Member Niemiec, and carried by a vote of 7-0, to authorize a partial escrow release in the amount of \$79,116.86 as presented.

d. HUMAN RESOURCE PROFESSIONAL SERVICE CONSULTANT TO SERVICE  
MALVERN BOROUGH

Borough Council discussed XPanse HR and The O'Connor Group providing human resource services to the Borough.

Borough Council Phillips explained the interview process.

Council Member Niemiec explained that most organizations offer these services to their organizations(s).

Mr. John Buckley inquired as to the cost of the consultant.

Council President Phillips explained that the XPanse HR firm started at \$150 per hour.

Mr. Fred Mannis inquired if there will be a contract.

Council President Phillips explained that there will be a professional services contract and the human resource firm will mitigate the cost that has been incurred by the Borough Labor Attorney to handle human resource matters.

Mrs. Cathy Raymond inquired what is the intention of the human resource firm and what services will they be providing to the Borough.

Mr. Joe Lorusso inquired why is this service being hired and the Borough not relying on the Borough's Labor attorney.

Council Member Finkbiner and Council Member Niemiec explained that this service will save money for the Borough in the long run.

Mr. Joe Lorusso inquired where the Borough Manager's training expenses are being paid from.

Borough Manager Loomis confirmed the training expenses are being paid from the professional development line item of the general fund.

Mrs. Jennifer Chomko inquired what the difference between professional development and professional services is.

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Borough Solicitor Yaw explained that Mrs. Chomko's three (3) minutes of comment period have concluded.

Borough Council directed the Borough Solicitor to finalize the terms of the contract with XPanse HR.

### 5. UNFINISHED BUSINESS

#### a. VALLEY VIEW ROAD AND MINER STREET – AUTHORIZE ADVERTISEMENT OF PARKING MODIFICATION ORDINANCE AND AMENDMENT

The Mayor and Police Chief proposed no parking on both sides of Miner Street, from Old Lincoln Highway north to Valley View Road at the January 2 and January 16, 2024 Borough Council meetings. Additionally, parking restrictions may be considered for up to 50 feet from the intersection of Valley View Road and Miner Street because cars parked within that area create potential visual obstructions. Finally, consideration of restrictions to traffic flow may be considered and specifically to create one-way restrictions for Valley View Road and Miner Street such that all vehicles must enter going right when entering the circle and follow it around north on Miner Street and back south on Valley View Road as a one way only. Three street parking spaces are proposed to remain to assist with limited parking in the area.

Borough Council directed that temporary no-parking signage be posted to better understand the residents' feedback on this matter at their January 2, 2024 meeting. Borough staff has kept a log of all responses received to date, as well as distributed a diagram to the Valley View Road and Miner Street residents, sent a Constant Contact notification, and posted the Borough website.

The Borough Engineer explained that the ordinance has been written to provide for three (3) parking spaces.

Mr. Michael Dudas thanked Borough Council, the Borough Engineer, and the Police Chief for including these spaces.

Mr. John Buckley commented on parking on the circle portion of the road.

A motion was made by Council Vice President Bones, seconded by Council Member Riccetti, and carried by a vote of 7-0, to authorize advertisement of parking modification Ordinance Amendment for Valley View Road and Miner Street as presented.

#### b. AMENDMENT TO THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM

Borough Council directed staff to update the Five Year Capital Improvement Program for Malvern Borough to include the corresponding section(s) of the revised Comprehensive Plan for each line item. Additionally, the Composting Program has been added and the King Street Planting project wording has been revised for clarification purposes.

A motion was made by Council Vice President Bones, seconded by Council Member Warner, and carried by a vote of 7-0, to authorize the amended five (5) year capital improvement program as presented

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### c. ZONING HEARING BOARD

There are no new Zoning Hearing Board applications before the Zoning Hearing Board.

### 6. NEW BUSINESS

### 7. PUBLIC FORUM

Mr. John Buckley commented Old Lincoln Highway, the trail connection, sidewalks for First Avenue, and the bridge.

Mrs. Cathy Raymond read a statement from the Concerned Malvern Residents (CMR) that commented on the Borough's trash collection services, the proposed trail connection, the Borough's spending on lawyers, the and payment of bills by the Borough.

Mr. Joe Millett inquired if there was a planning study conducted for the trail connection and why Malvern Prep was not reached out to on this matter.

Council Member Finkbiner explained that the trail is part of a requirement designated in a resolution from Year 2017.

Council Vice President Bones and Council Member Niemiec explained the history of the Paoli Battlefield and the importance of the trail connection.

Ms. Gail Newman commented that the trail is not needed and Malvern Prep is not in support of the trail.

Borough Manager Daley confirmed that Malvern Prep issued a support letter for the trail connect and grant funding request.

Mrs. Jennifer Chomko referenced the 2017 resolution and made comments on not being in favor of the proposed trail connection.

Mr. Fred Mannis is not in support of the trail connection due to the cost of the project.

Council Vice President Bones and Council Member Niemiec offered to walk the area with Mr. Mannis. Mr. Mannis will schedule a time to walk the area with them and thanked both Council Members for their offer.

### 8. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice President Bones, seconded by Council Member Niemiec, and carried by a vote of 7-0, to adjourn the meeting at 9:08 PM.

Respectfully submitted,  
Tiffany M. Loomis  
Borough Manager/Secretary