

REGULAR MEETING

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MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

March 7, 2023
7:30 PM

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: Council Member Laney

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

PRESENT

Council President Finkbiner
Council Vice-President Bones
Council Member Laney
Council Member Niemiec
Council Member Phillips
Council Member Riccetti
Zeyn B. Uzman, Mayor

ABSENT:

1. ANNOUNCEMENTS

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

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

Council President Finkbiner announced that Borough Council met in executive session on March 7, 2023 prior to this evening's meeting, with the Borough Solicitor, to discuss pending litigation and legal matters of the Borough.

Council President Finkbiner announced that the Parks & Recreation Committee is hosting the Cabin Fever Event located at Borough Hall on the Second Floor on Saturday, March 11, 2023 from 12PM to 3PM.

Council President Finkbiner announced that Borough fencing was installed last week located off Channing Avenue to secure the Malvern Borough Police Department's driveway and provide the Malvern Public Library safety for the seating area created for children's programing.

Mr. John Buckley and Mrs. Jennifer Chomko commented on fencing.

2. APPROVAL OF AGENDA

A motion was made by Council Member Laney, seconded by Council Member Phillips, carried by a vote of 7-0, to approve the agenda for the March 7, 2023 meeting as presented.

3. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve the minutes from the Tuesday, February 21, 2023 as presented.

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

The Finance & Administration, Public Works, and Public Safety Sub-Committees have not met since the last Borough Council meeting.

4. SPECIAL BUSINESS

a. ROCKWELL & ASSOCIATES PRESENTATION FOR PARCEL 2-4-361

There is a referendum filed with the Chester County Board of Elections to compel the Borough to offer a conservation easement to the Willistown Conservation Trust regarding parcel 2-4-361, also known as the First Avenue Bike Trail Park. Manager Loomis explained that this parcel is owned by the Borough and needed to be evaluated to move forward regardless of the outcome of the referendum.

Mr. John Rockwell Hosbach of Rockwell & Associates and Mr. Rich Dexter gave a presentation on their summary report and tree inventory, which is located on the Borough website for review.

President Finkbiner reviewed the health of the trees. There are no trees in good condition, 18 trees in fair condition, 92 trees in poor condition, and 21 trees that are already dead.

Manager Loomis read Mr. Chris Buckley's statement regarding this matter.

Questions and discussion ensued among Borough Council.

Mr. Dan Daley, P.E., the Borough's Engineer, asked for further direction from Borough Council regarding how to move forward.

Borough Council directed staff and the Borough Engineer to pursue design of the sidewalk that will provide access to the Randolph Woods Nature Preserve regardless of the referendum outcome, have a meeting with the Malvern Fire Company to address safety concerns, and determine the specific locations of the fair-condition trees.

Mrs. Jennifer Chomko commented on Borough Council's comments and inquired about the longevity of the trees.

Mr. John Rockwell Hosbach explained that the dead, dying, and/or failing trees have been such for 20+ years.

Mr. John Buckley commented on the condition of the parcel in question.

b. BID AWARD FOR FIRST AVENUE & MINER STREET

The Borough Engineer explained that Long's Asphalt of Quarryville, PA was the low bid received and have submitted all required documentation. The Borough Engineer has reviewed all bids submitted and is recommending the project be awarded to Long's Asphalt in the amount of \$61,988. The estimated material costs for this project will be approximately \$51,597 for a total project cost of \$113,585. \$133,839 was budgeted for this project in the capital reserve fund.

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize Long's Asphalt. of Quarryville, PA to complete the First Avenue and Miner Street paving project in the amount of \$61,988.

5. UNFINISHED BUSINESS

a. 209 OLD LINCOLN HIGHWAY – AUTHORIZE ADVERTISEMENT FOR BID

Council President Finkbiner explained Malvern Borough is considering selling 209 Old Lincoln Highway, located across from Herzak Park, totaling 0.38 acres. An appraisal has been obtained and Borough Council will discuss this evening authorizing the property to be advertised and placed for bid.

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 7-0 to approve the advertisement to solicit sealed bids from interested parties for the purchase of 209 Old Lincoln Highway in accordance with 8 Pa.C.S. 1201.1, the Borough's Home Rule Charter, and a bid package, as approved by the Borough Solicitor

b. ZONING HEARING BOARD

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

6. NEW BUSINESS

a. ENVIRONMENTAL COUNCIL MEMBER APPOINTMENT & CREATION OF AN ALTERNATE POSITION

President Finkbiner explained that the Environmental Advisory Council (EAC) recommended unanimously at their February 23, 2023 the following actions be considered by Borough Council:

- A motion to recommend Cecelia Oswald to the Council for the vacant seat on the EAC. This motion was made by Helise Bichefsky-Reilly, seconded by Tiffany Brouillet, and carried by a vote of 5-0.
- A motion to recommend to Council for the EAC to have an alternate member. This motion was made by Joanne Zhou, seconded by Christine Hafer, and carried by a vote of 5-0.
- A motion to recommend Eric Beauregard to the Council for the alternate position, if approved by Borough Council. This motion was made by Joanne Zhou, seconded by Christine Hafer, and carried by a vote of 5-0.

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A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 7-0 to appoint Mrs. Cecelia Oswald to the Environmental Advisory Council (EAC) as a member with a term ending 1/1/2026.

Borough Council discussed amending Ordinance 2019-10, the Ordinance that created the Environmental Advisory Council in Year 2019, to include an alternate position and may authorize a motion to advertise accordingly. They were agreement that an alternate member would be beneficial to the Environmental Advisory Council.

A motion was made by Council Member Niemiec, seconded by Council Member Phillips, and carried by a vote of 7-0 to have the Borough Solicitor prepare the Ordinance to create an alternate member for the Environmental Advisory Council and advertise accordingly.

7. PUBLIC FORUM

Manager Loomis read Mr. Chris Buckley's comments regarding Agenda item 4a's description for this evening's meeting.

Mrs. Jennifer Chomko inquired regarding the policy for Borough Oaths, commented on the bible, and expressed concerns regarding children being safely dismissed from St. Patrick's School that are walking along Woodland Avenue.

Manager Loomis explained the process for administering oaths and will reach out to St. Patrick's school.

Mr. John Buckley commented on uneven sidewalk areas, sidewalks in general, First Avenue, curbing, and his property.

Ms. Cathy Raymond commented on the St. Patrick's School dismissal methods.

Borough Council discussed that long term solutions need to be identified and addressed for First Avenue.

8. ADHOURNMENT

All business having been discussed, a motion was made by Council Member Laney, seconded by Council Member Philips, and carried by a vote of 7-0, to adjourn the meeting at 9:36PM

Respectfully submitted,
Tiffany M. Loomis
Borough Manager/Secretary