

## REGULAR MEETING

Page 1

MALVERN BOROUGH  
1 East First Avenue  
Malvern, PA 19355

April 4, 2023  
7:30 PM

PRESIDING: Acting President Joseph Bones

INVOCATION: Mayor Uzman

PLEDGE OF ALLEGIANCE TO THE FLAG

### ROLL CALL

#### PRESENT

Acting President Bones  
Council Member Laney  
Council Member Frederick  
Council Member Niemiec  
Council Member Riccetti  
Zeyn B. Uzman, Mayor

#### ABSENT:

Council President Finkbiner  
Council Member Phillips

### 1. ANNOUNCEMENTS

Acting President Bones asked in accordance with Resolution No. 840 if any member of the audience was recording the meeting. Mr. Hugo Schmitt and Mr. Danny Fruchter recorded the meeting.

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

Acting President Bones announced that the Parks & Recreation Committee is hosting the Egg Hunt Event located at the Paoli Battlefield on Saturday, April 8, 2023 at 11AM.

Acting President Bones thanked Public Works for all that they do and complimented them on the Burke Park Clock that was painted.

### 2. APPROVAL OF AGENDA

A motion was made by Council Member Laney, seconded by Council Member Niemiec, carried by a vote of 5-0, to approve the agenda for the April 4, 2023 meeting as presented.

### 3. MINUTES & REPORTS

#### a. APPROVAL OF MINUTES

A motion was made by Council Member Laney, seconded by Council Member Frederick, and carried by a vote of 5-0, to approve the minutes from the Tuesday, March 21, 2023 as presented.

#### b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

The Finance & Administration and Public Works Sub-Committees have not met since the last

Borough Council meeting.

The Public Safety Sub-Committee meeting on Monday, March 27, 2023 and discussed the following:  
Year 2023 & 2024 Trash Bid

- Crosswalk Studies on King Street – Status of Quotes
- 2018 Multimodal Study
- Baptist Church Cemetery – Tree Removal of Dying Tree
- 202 W. King Street – Status of building renovation from fire
- Telephone Pole located at Warren Avenue near Monument Avenue
- Body and Dash Camera Quotes for MBPD

4. SPECIAL BUSINESS

a. INTRODUCTION OF PART-TIME POLICE OFFICER PATRICK ROSE

Mayor Uzman and Police Chief Marcelli introduced Part-time Officer Rose. Borough Council and the community thanked him for his service.

b. SURFIN' USA EVENT – MALVERN BUSINESS PROFESSIONAL ASSOCIATION SPONSORED

Acting President Bones explained that the Malvern Business Professional Association is hosting the “SURFIN’ USA” event on Saturday, May 6, 2023 and is requesting approval to have alcoholic drinks available for purchase in the municipal lot adjacent to Wolfe's Brass. The providers will be Dressler Estate Cider, Locust Lane Beer, and PA Distilling Spirits. Additionally, Borough Council discussed if the Malvern Borough Police detail associated with this event will be paid from the American Rescue Act Funds.

The Police Chief explained the history of how details were covered by the entity hosting the event prior to COVID19. Police Details are billed to the entity for \$100 per hour per Officer.

Mr. David Campli attended via ZOOM and spoke on behalf of the MBPA.

Mrs. Gail Newman commented on the Main Street Manager discussion that will take place in the near future.

Mr. Tiffanie Quinn inquired about the ARPA funds and Borough Manager Loomis gave a status update on such. She also commented about police details.

A motion was made by Council Member Laney, seconded by Council Member Riccetti, and carried by a vote of 4-1, to authorize the Malvern Borough Business Association, Dressler Estate Cider, Locust Lane Beer, and PA Distilling Spirits to utilize the municipal lot for a beer/ wine garden, adjacent to Wolfe’s Brass, for the “SURFIN’ USA” event scheduled for Saturday, May 6, 2023, pursuant to the Borough Solicitor’s conditions and approval by the Pennsylvania Liquor Control Board, as well as pay for the Malvern Borough Police detail associated with this event from the American Rescue Act funds.

Council Member Frederick was in favor of the SURFIN’ USA event but not in support of the use of ARPA funding to pay for the Police Detail associated with the event. She voted against the motion.

c. BID AWARD FOR HIGHLAND AVENUE & KING STREET

Acting President Bones explained Jena Asphalt Solutions, Inc. of Spring City, PA, was the low bidder and has submitted the necessary documents including the Bid Bond, Anti-Collusion Affidavit, Workmen's Compensation Act Affidavit and the Public Works Employment Verification Form. The Borough Engineer has reviewed the submitted bid documentation and found it to be adequate. The Borough Engineer recommends the project be awarded to Jena Asphalt Solutions, Inc. in the amount of Forty Thousand dollars and 00/100 cents (\$40,000.00). Please note, the estimated material costs for this project will be approximately \$48,723.95 for a total project cost of \$88,723.95. \$139,059 is currently budgeted to complete these road improvements.

A motion was made by Council Member Laney, seconded by Council Member Riccetti, and carried by a vote of 5-0, to authorize Jena Asphalt Solutions, Inc. of Spring City to complete the Highland Avenue and King Street paving project in the amount of \$88,723.95.

5. UNFINISHED BUSINESS

a. ORDINANCE NO. 2023-01 – PROVIDING FOR AN ALTERNATE MEMBER FOR THE ENVIRONMENTAL ADVISORY COUNCIL

Acting President Bones opened the hearing to consider Ordinance No. 2023 – 01. This ordinance will amend Chapter 25, Section 25-29, of the code of Ordinances of the Borough of Malvern, Pennsylvania, being the administrative code, providing for an alternate member for the Environmental Advisory Council. Notice of Public Hearing was published in the March 25, 2023 edition of the Daily Local News, as required, as well as posted on the Borough website.

Borough Council is in support and agrees with the proposed ordinance amendment.

A motion was made by Council Member Riccetti, seconded by Council Member Niemiec, and carried by a vote of 5-0 to provide for an alternate member for the Environmental Advisory Council.

b. APPOINTMENT OF ALTERNATE MEMBER TO THE ENVIRONMENTAL ADVISORY COUNCIL

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

A motion was made by Council Member Niemiec, seconded by Council Member Riccetti, and carried by a vote of 5-0 to appoint Eric Beauregard to the Environmental Advisory Council for the alternate position, as approved by Ordinance earlier this evening.

c. ZONING HEARING BOARD

Acting President Bones announced that there are no new Zoning Hearing Board applications before the Zoning Hearing Board.

6. NEW BUSINESS

a. PICNIC IN THE PARK LOCATED AT PAOLI MEMORIAL GROUNDS – DONATION REQUEST

Mr. Frank Ortner proposed and requested funding to hold a “Picnic in the Park” event located at the Paoli Memorial Grounds in conjunction with the annual Malvern Memorial Parade. The picnic entails entertainment by the Chester County String Band providing seating for 90 string band members. The total cost for the string band performance is \$1,550 and the chair rental cost totals \$253.10 for a grand total request of \$1,803.10 to be donated by Malvern Borough.

Mrs. Gail Newman also spoke on this matter with Mr. Frank Ortner describing the event as cultural for the community and for all to enjoy.

Mayor Uzman donated \$1,000 and recommended that Mr. Frank Ortner fund raise the remaining funds, from there the Borough will cut a check for the deficit. Mr. Frank Ortner thanked him for his donation.

Borough Council was in agreement with this approach.

A motion was made by Council Member Niemiec, seconded by Council Member Laney, and carried by a vote of 5-0 to authorize \$900 be donated by Malvern Borough to the event as presented.

7. PUBLIC FORUM

Mr. John Buckley commented on utility poles, the vacant lot at Bridge & King Streets, and sidewalks.

Mr. Hugo Schmitt commented and inquired about the trees cut down at the Paoli Battlefield recently. Acting President Bones explained that these trees were dead and removed due to being a hazard.

Mayor Uzman commented on placing signage at the east end of town to highlight Malvern Borough and entering the Borough. Borough Council was receptive to this idea.

Ms. Cynthia Ercole commented on stop signage being located at WaWa. Borough Manager Loomis will reach out to the property owner to request that signage be installed.

8. ADHOURNMENT

All business having been discussed, a motion was made by Council Member Laney, seconded by Council Member Frederick, and carried by a vote of 5-0, to adjourn the meeting at 9:02PM

Respectfully submitted,  
Tiffany M. Loomis  
Borough Manager/Secretary