

REGULAR MEETING

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MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

July 18, 2023
7:30 PM

PRESIDING: President Finkbiner

INVOCATION: Mayor Uzman

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

PRESENT

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

ABSENT:

1. ANNOUNCEMENTS

President Finkbiner asked in accordance with Resolution No. 840 if any member of the audience was recording the meeting. Mr. Chris Buckley recorded the meeting.

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

President Finkbiner announced that Borough Council met with its legal counsel in Executive Session on Tuesday, July 18, 2023 to discuss legal matters related to the Borough.

Mr. John Buckley asked what matters were discussed in Executive Session and Borough Solicitor McLean explained that legal matters related to the Borough were discussed.

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

Council Member Riccetti announced that the Malvern Community Choir is meeting on Sunday, July 23, 2023 at 6PM and seeking new members.

Mr. Hugo Schmitt announced that the Historical Commission is opening the History Center to the public on Saturday, July 22, 2023 from 2PM to 4PM.

2. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Niemiec, seconded by Council Member Phillips, and

carried by a vote of 6-0, to approve the minutes from the Tuesday, June 20, 2023 as presented.

b. APPROVAL OF REPORTS

A motion was made by Council Member Riccetti, seconded by Council Member Phillips, and carried by a vote of 6-0, to approve the Treasurer's Report, the Sub-Committee Reports for Finance and Administration, Public Safety, 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 June 2023, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

Borough Manager Loomis reported that the Finance & Administration Sub-Committee met on Wednesday, July 12, 2023 to discuss the following:

- Failing air conditioning unit located on South side of Malvern Public Library
- 2024 Budget Matters – Succession Planning
- Bi-Annual Budget Analysis for Year 2023
- Home Rule Charter Amendment Discussion regarding Mayor's Attendance

Mr. John Buckley commented on the Home Rule Charter Amendment regarding the Mayor's attendance and the Mayor offered further explanation that the amendment is not required.

Mr. Danny Fruchter asked for a further explanation of succession planning. Borough Manager Loomis explained that there may be retirements occurring over the next few years and succession planning is needed to the stability of Malvern Borough's work force.

Council Member Niemiec reported that the Public Works Sub-Committee met on Friday, June 30, 2023 to discuss Randolph Woods Nature Preserve with the Borough Engineer. He explained that a presentation will be forthcoming at a Borough Council meeting to inform the public.

Council Member Phillips reported that the Public Safety Sub-Committee has not met since the last Borough Council meeting and will schedule a meeting in the near future.

3. APPROVAL OF AGENDA

A motion was made by Council Member Niemiec, seconded by Council Member Riccetti, carried by a vote of 6-0, to approve the agenda for the July 18, 2023 meeting as presented.

4. SPECIAL BUSINESS

a. PATRICK McGUIGAN DEDICATION PRESENTION

Council President Finkbiner introduced Mr. Henry Briggs, a former Council Member, and he gave a presentation requesting a formal dedication for Mr. Patrick McGuigan to be installed at Borough Hall (McGuigan Hall).

Borough Council and the Mayor discussed the request and agreed this is an excellent idea. The Borough will fund the cost to create and install the dedication. They thanked Mr. Briggs for his hard work and dedication to the memorial for Mr. McGuigan.

Mr. McGuigan is turning ninety (90) years of age soon and it would be ideal to have the dedication as soon as possible to be present for such.

Mr. Henry Briggs offered a donation in the amount of the cost to produce the dedication materials.

Mr. John Buckley commented that all projects and parks throughout the Borough need to be memorialized.

President Finkbiner asked Mr. Hugo Schmitt from the Historical Commission to have explanations created for each project and/or park created throughout Malvern Borough.

Mr. Hugo Schmitt will discuss this matter with the Historical Commission in the near future.

Ms. Cathy Raymond, Esq. commented on the level of contribution Mr. McGuigan made to Malvern Borough.

A motion was made by Council Member Phillips, seconded by Council Member Frederick, and carried by a vote of 6-0, to authorize the McGuigan dedication as presented.

The presentation will be posted on the Borough website and the Borough Manager will process the ordering of the plaque with Mr. Henry Briggs.

5. UNFINISHED BUSINESS

a. AUTHORIZE TO ADVERTISE PARKING SIGNAGE ORDINANCE AMENDMENT RELATED TO EAST BROAD STREET

Council President Finkbiner explained that the Public Safety Sub-Committee discussed a complaint and suggestion received from a local resident at their June 5, 2023 meeting regarding installing parking signage on Broad Street, near Rubino Park, limiting two (2) parking spots to parking for two (2) hours at a time.

Borough Council directed the Solicitor to prepare an Ordinance Amendment to address accordingly at their June 20, 2023 meeting. The ordinance amendment proposes amending Chapter 200 of the Code of Ordinances of the Borough of Malvern, Pennsylvania, entitled "Vehicles and Traffic" at Article III, Parking Regulations, to limit parking at certain times on a part of East Broad Street.

A motion was made by Council Member Frederick, seconded by Council Member Phillips, and carried by a vote of 6-0, to authorize advertisement of the proposed ordinance amendment amending Chapter 200 of the Code of Ordinances of the Borough of Malvern, Pennsylvania, entitled "Vehicles and Traffic" at Article III, Parking Regulations, to limit parking at certain times on a part of East Broad Street.

The hearing will be held at the August 1, 2023 Borough Council meeting.

b. AUTHORIZE TO ADVERTISE PARK & RECREATION COMMITTEE ALTERNATE MEMBER ORDINANCE AMENDMENT

Council President Finkbiner explained that the Parks & Recreation Commission recommended unanimously at their June 7, 2023 meeting to create an alternate member for appointment to the

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Parks and Recreation Committee. An ordinance amending the Administrative Code pursuant to Section 25-29(J) is required.

Borough Council directed the Solicitor to prepare an Ordinance Amendment to address accordingly at their June 20, 2023 meeting. The ordinance amendment proposes amending 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 Parks and Recreation Committee.

A motion was made by Council Member Frederick, seconded by Council Member Phillips, and carried by a vote of 6-0, to authorize advertisement of the proposed ordinance amendment amending 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 Parks and Recreation Committee, as presented.

The hearing will be held at the August 1, 2023 Borough Council meeting.

c. ZONING HEARING BOARD

There are no new applications before the Zoning Hearing Board.

6. NEW BUSINESS

a. FAILING AIR CONDITIONING UNIT LOCATED AT MALVERN PUBLIC LIBRARY

Council President Finkbiner has Borough Manager explain that the Finance & Administration Sub-Committee discussed the failing air conditioning unit located at the South side of Malvern Public Library. The air conditioning unit has been repaired temporarily, however needs to be replaced with the next three (3) months. The air conditioning system located in the Borough building was installed in Year 2004.

Three (3) quotes are in the process of being obtained, one (1) of which is a COSTARS Vendor quote totaling \$27,289 recommended by the Superintendent of Public Works to move forward with the work accordingly. COSTARS Vendors are exempt from the public bidding process by virtue of being in the Pennsylvania Department of General Services Cooperative Purchasing Program. Borough Council will further discuss and may consider authorizing this work to be completed this evening.

Borough Solicitor McLean explained the library's current lease and how American Rescue Planning Act funding may be spent.

Mr. John Buckley asked for clarification on the replacement regarding the request. Borough Manager Loomis confirmed the a/c unit needs to be replaced.

Dr. Danny Fruchter asked how many a/c units service the library and the BTU's of the of the replacement air conditioning unit. Borough Manager Loomis will look into this information and be in touch the following day.

Council President Finkbiner requested that Public Works create a Borough Hall capital plan for Year 2024 to be presented during budget season. Borough Manager Loomis confirmed she is working with the Public Works Superintendent to create such.

Vice President Bones referenced that the library is holding off on their renovations until the replacement air conditioning unit is installed.

Borough Council and the Mayor discussed various options and agreed the work needs to be completed now for cost saving purposes, inventory shortages, and the library's renovation timeline.

Mr. John Buckley commented on three (3) quotes being obtained.

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 6-0, to authorize the purchase and replacement of the library's air conditioning unit located on the South side of the library.

Council President Finkbiner called a five (5) minute break at 8:27PM.

7. PUBLIC FORUM

Mayor Uzman conveyed a resident's compliment on the paving work that recently occurred on First Avenue.

Mr. Hugo Schmitt commented the Borough's park signage and confirmed only names are located on the signage versus an explanation.

Council Member Niemiec welcomed Borough Solicitor McLean back.

Assistant Borough Manager Badman reported on composting program. 4,638 lbs pounds of compost was collected in the first quarter equating to 2.3 tons. Great news for the Borough.

Mr. John Buckley asked what day is trash pick-up. Council President Finkbiner confirmed Friday is trash pickup day.

Council Member Niemiec commented and complimented the stormwater infrastructure project completed by the Borough for the Malvern Borough Office referencing they renewed their lease for five (5) years.

Mr. Danny Fruchter complimented Borough Manager Loomis and Borough Assistant Manager Badman.

Mr. John Buckley complimented Borough Manager Loomis and Borough Assistant Manager Badman.

Mr. Jason LeBresco requested that the private drive located at the Fire House be named after his grandfather Mr. Lebresco. Borough Council and the Mayor think this is a wonderful idea and directed the Borough Solicitor and Management to move forward with renaming the road after Mr. LeBresco.

Police Chief Marcelli gave an update on the recent break-ins that occurred in Malvern Borough. He asked the Community to keep their vehicles locked.

Mr. Danny Fruchter asked the name of the suspect regarding the robberies. Police Chief Marcelli responded that Willistown Police Department has this information. He indicated that the

Delaware County incident may or may not be related.

Mr. Adam Grimes commented on the bulk trash dates and yard waste. He requested the dates for the bulk trash pickup. Assistant Manager Badman confirmed this information will be provided to the Community in the near future.

Police Chief Marcelli announced that Warren Avenue is closed from 9AM to 4PM daily and this information is posted accordingly.

8. BOROUGH COUNCIL APPOINTMENT

Council President Finkbiner explained that the Borough Council will appoint one of the nominated candidates pursuant to the Borough's Home Rule Charter. The individual appointed to fill the vacancy will be entitled to hold the office until a successor is elected at the November 7, 2023 municipal general election and the certified election results are received. The notice of vacancy was published in the June 9, 2023 edition of the Daily Local News, as required, as well as on the Borough website.

Ms. Cathy Raymond, Esq. reviewed the Home Rule Charter asked for further clarification on this process and Section 204A of the Home Rule Charter.

The Borough Solicitor, Borough Council, and the Mayor discussed the requirements of this appointment as directed in the Home Rule Charter and agreed that Section 204A of the Home Rule Charter needs to be cleaned up.

Mr. Adam Grimes accepted his nomination and introduced himself to Borough Council and the Community via ZOOM presenting his qualifications for the vacancy seat. He stated that he would not run in the election due to be a Federal Employee and his employment restricting such.

A motion was made by Council Member Niemiec, and carried by a vote of 4-2, to appoint Dr. Zoe Warner, Ph.D. with the following vote by each Council Member:

Vice President Bones – Yes
Council Member Niemiec – Yes
Council Member Phillips – Yes
Council President Finkbiner – No
Council Member Riccetti – Yes
Council Member Frederick - No

8. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 6-0, to adjourn the meeting at 9:08PM.

Respectfully submitted,
Tiffany M. Loomis
Borough Manager/Secretary