

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

October 4, 2022
7:30 PM

Virtual Meeting Participation Option

This evening's meeting of Malvern Borough Council allows for a virtual meeting option via Zoom. The information on how to participate virtually via telephone or video conferencing is provided below.

Borough Council Meeting Dial-In Information: 1-877-853-5247 (toll-free)

Meeting link: <https://us02web.zoom.us/j/84197019623>

When prompted, enter the following meeting ID, followed by the “#” symbol: 841 9701 9623. You will be placed in the waiting room and admitted by the host.

To unmute if using audio via telephone, please enter *6.

Malvern Borough is not liable for any computer security problems that participants may experience.

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: Zeyn B. Uzman, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:
Council President Finkbiner
Council Vice-President Bones
Council Member Frederick
Council Member Laney
Council Member Niemiec
Council Member Phillips
Council Member Riccetti
Mayor Uzman

1. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the October 4, 2022 meeting of Borough Council as presented.

2. ANNOUNCEMENTS

a. RECORDING OF MEETING

Anyone present who is recording the meeting is asked to announce so at this time, in accordance with Resolution No. 787.

- b. As a courtesy, if you are participating via Zoom, please turn your camera on while speaking.
- c. The first budget presentation will be given at the next Borough Council meeting scheduled on October 18, 2022.

3. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the regular meeting held on Tuesday, September 20, 2022 as presented.

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

4. SPECIAL BUSINESS

a. MALVERN BOROUGH POLICE DEPARTMENT PROMOTIONS

Mayor Uzman and Police Chief Marcelli will formally recognize and present two (2) promotions in the Malvern Borough Police Department for Corporal Patrick Dougherty and Corporal Stephen Walker.

b. RESOLUTION NO. 834 – PRELIMINARY/ FINAL SUBDIVISION & LAND DEVELOPMENT PLAN FOR 551 SUGARTOWN ROAD

MOTION: To approve, subject to conditions, the plan entitled Preliminary/Final Subdivision & Land Development Plan for 551 Sugartown Road, prepared for Renehan Building Group, LLC., prepared by JMR Engineering LLC., dated March 7, 2022, last revised September 19, 2022, eight (8) plan sheets, proposing to consolidate and subdivide parcel 2-6-29 (owned by Paoli Memorial Grounds) and parcel 2-6-30 (owned by Renehan Building Group) into two lots and construct two (2) single-family dwellings, pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006 (“Land Development Ordinance”) for the development of certain property (“Property”) in the Borough of Malvern (“Borough”), Chester County, Pennsylvania, in the R-2 Residential Zoning District.

The applicant has revised the plan set to adjust the lot line for parcel 2-6-31 (owned by P. Markowski) as part of this subdivision. The parcels are located at the corner of Sugartown Road and Monument Avenue. Access for Lot 1 is proposed to be off of Sugartown Road (PennDOT road) and access for Lot 2 is proposed to be off of Monument Avenue. No new improvements are proposed for Lot 3 (parcel 2-6-31). A brief presentation will be provided by the Developer this evening.

5. UNFINISHED BUSINESS

a. ZONING HEARING BOARD

The hearing for Zoning Hearing Board Application #22-03 occurred on September 26, 2022 at 7PM to address the notice of violation located at 210 Second Avenue regarding flood lighting compliance. The Zoning Hearing Board upheld the Zoning Officer’s determination and the property owner is required to rectify the lighting violation.

b. RESOLUTION NO. 835 – ADOPTION OF MALVERN BOROUGH COMPREHENSIVE PLAN

MOTION: To authorize adoption of Resolution No. 835 as presented this evening formalizing the adoption of the Malvern Borough Comprehensive Plan approved on September 20, 2022 by Borough Council.

A resolution is required to be adopted pursuant to the Pennsylvania Municipalities Code upon adoption of the Comprehensive Plan. Borough Council adopted the revised Malvern Borough Comprehensive Plan at their September 20, 2022 meeting.

6. NEW BUSINESS

a. COMPOSTING PRESENTATION BY THE MALVERN BOROUGH ENVIRONMENTAL ADVISORY COUNCIL (EAC)

Mrs. Tiffany Brouillet, a member of the Malvern Borough EAC, is presenting a composting program proposal this evening for Borough Council to consider implementing as part of the Borough's trash program. The presentation given will be posted on the Borough Website the following day for the public's access.

b. SIDEWALK DISCUSSION

The Comprehensive Plan contains several recommendations regarding sidewalks and walkability. Borough Council will discuss how to begin pursuing these recommendations.

7. PUBLIC FORUM

Citizens/taxpayers are invited to bring before Borough Council any item not on the agenda.

8. ADJOURNMENT

REGULAR MEETING

Page 1

MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

September 20, 2022
7:30 PM

PRESIDING: Joe Bones, Vice President

INVOCATION: Zeyn B. Uzman, Mayor

1. ROLL CALL

PRESENT

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

ABSENT:

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 September 20, 2022 meeting as presented.

3. ANNOUNCEMENTS

Council Vice-President Bones was the Acting President.

Council Acting President Bones asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting. Mr. Danny Fruchter and Mr. Hugo Schmittt recorded the meeting via ZOOM.

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

Council Acting President Bones announced Borough Council met in Executive Session on September 20, 2022, prior to this evening's meeting with the Borough Solicitor, to discuss pending litigation and a code enforcement issue.

Council Acting President Bones announced Porchfest is scheduled for October 1, 2022 with a rain date of October 2, 2022 located in Burke Park at 3PM and throughout the Malvern Borough Community. Porchfest is traveling music event for the community to take part in.

Council Acting President Bones thanked Growing Roots Partners for the Craft and Mercantile event, the Paoli Battlefield Preservation Fund for the Heritage Day event, the EAC for the Rain Garden Planting event, and the MBPD & Public Works for their success.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Laney, seconded by Council Member Niemiec, and carried by a vote of 6-0, Council Member Frederick abstained, to approve the minutes from the Tuesday, August 16, 2022 regular meeting of Borough Council as presented.

b. APPROVAL OF REPORTS

A motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 7-0, 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 August 2022, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

Council Member Laney stated that the Finance & Administration Committee met on Friday, September 2, 2022 and discussed the following:

- Main Street Manager
- ARPA Bidding Requirements
- Malvern Fire Company quarterly financials
- Ruthland Avenue Stop Sign Analysis
- Year 2022 & 2023 Budget Timelines
- Chester County Solid Waste Process and Marketing Contract for Renewal
- DVHIT Annual Training Opportunities
- Borough Money Market Funds Return on Investment Discussion

Council Member Phillips stated that the Public Safety Sub-Committee met on August 30, 2022 and discussed the following:

- Welcome Lynne D. Frederick to the Public Safety Sub-Committee
- Appointment of Chair to Public Safety Sub-Committee
- No parking signage for Church Street/Roberts Road
- Ruthland Avenue Stop Sign Analysis by McMahon & Associates Discussion
- Borough Camera System Discussion
- MBPD Additional Door to Access Control System – Borough Building Alteration Discussion

Council Acting President Bones stated that the Public Works Committee has not met since the last Borough Council meeting.

5. SPECIAL BUSINESS

a. OATH OF OFFICE FOR NEWLY APPOINTED COUNCIL MEMBER LYNNE D. FREDERICK

The Honorable District Justice Mackenzie Smith administered the Oath of Office for the newly

elected Council Member, Lynne D. Frederick.

b. COMPREHENSIVE PLAN – SIX (6) MONTH EXTENSION OF CONTRACT WITH CHESTER COUNTY & BRANDYWINE CONSERVANCY

Council Acting President Bones explained that in connection with the approved Vision Partnership Program Grant Contract between Malvern Borough, Brandywine Conservancy, and the County of Chester, dated September 17, 2020 the contract is being amended to extend the terms by six (6) months to February 28, 2023. The current contract ended in August 2022 and specifically applies to the Malvern Borough Comprehensive Plan Update 2022.

Mr. Danny Fruchter asked the purpose of the contract. Borough Manager Loomis explained the contract is a formality in the event the revised proposed compressive plan is not approved this evening.

A motion was made by Council Member Niemiec, seconded by Council Member Laney, and carried by a vote of 7-0, to authorize the Malvern Borough Comprehensive Plan Update contract extension of six (6) months pursuant to the ACT 247 review process requirements as presented.

c. COMPREHENSIVE PLAN – HEARING FOR MALVERN BOROUGH COMPREHENSIVE PLAN UPDATE 2022

Council Acting President Bones introduced the Brandywine Conservancy and opened the hearing to present the final product produced for the Malvern Borough Comprehensive Plan Update 2022. A unanimous recommendation was made by the Planning Commission at their June 2, 2022 for approval consideration by Borough Council. Additionally, the public comment period was formally opened by Borough Council at their June 21, 2022 meeting and concluded as of September 13, 2022. Notice of this hearing was published in the Daily Local on 9/6 and 9/13 as required pursuant to the Pennsylvania Municipalities Planning Code.

Borough Solicitor McLean stated policy and procedure for the record.

Mr. Robert Daniels presented on behalf of the Brandywine Conservancy.

The Borough Council as a whole commended the team and thanked the Chair Mr. Chris Mongeau and Vice-Chair Dr. Dave Knies, Ph.D. for their leadership and commitment.

A motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 7-0, to approve the Malvern Borough Comprehensive Plan Update 2022 including the revisions proposed by the Chester County Planning Commission and Willistown Township.

d. CHESTER COUNTY SOLID WASTE AUTHORITY PROCESS AND MARKETING CONTRACT FOR RECYCLABLES

Council Acting President Bones had Borough Manager Loomis explain Chester County awarded the P&M agreement to Mascaro and Sons as the designated facility for where all recyclables get delivered when a municipality participates in the P&M Agreement. Malvern Borough currently participates in the P&M agreement and takes part in single stream recycling. By participating in the P&M agreement, depending on market circumstances, there is a possibility of receiving an annual refund. This has occurred a few times in past years. Regardless of whether Malvern

Borough participates in the P&M agreement or deals directly with our hauler the tipping fee is required to be paid each month. The discussion before Borough Council is whether or not to renew the contract.

Dr. Dave Knies, Ph.D. asked about price fluctuations and Borough Manager Loomis explained the pricing it determined by the aggregate.

Borough Council discussed discounting plastic bags in Malvern Borough.

A motion was made by Council Member Laney, seconded by Council Member Niemiec, and carried by a vote of 7-0, to approve the Chester County Solid Waste Authority process and marketing contract as presented.

e. DOMESTIC VIOLENCE AWARENESS MONTH

Council Acting President Bones explained that the Domestic Violence Center of Chester County (DVCCC) contacted Malvern Borough regarding the Borough's participation in their "Painting the Town Purple" initiative to raise awareness about domestic violence. This would occur in October. The Borough has participated in this effort in the past.

Mr. Danny Fruchter asked about domestic violence in Malvern. The Borough Solicitor explained the process for public comment. Police Chief Marcelli further explained how the MBPD supports Domestic Violence Awareness Month.

A motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 7-0, to approve Malvern Borough's participation in the Domestic Violence Center of Chester County's "Paint the Town Purple" awareness effort for the month of October as presented.

6. UNFINISHED BUSINESS

a. MALVERN POST OFFICE

Council Acting President Bones explained on January 18, 2022 Borough Council took the following action:

- A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize E.B. Walsh & Associates, Inc. to obtain pricing, as well as authorize the work to be completed, to excavate and repair a storm sewer pipe, due to a blockage that is occurring, located at Malvern Post Office located at 33 W King Street, not to exceed a maximum total cost of \$6,500.00, as presented.

Since that time the Borough Engineer has been collecting request for proposals (RFP's) to move forward with this process. An additional \$3,000 is needed totaling \$9,500 to move forward with the work needed to evaluate the pipe that is causing the stormwater issue located at the Malvern Post Office.

Borough Council discussed the conditions of the site and the importance of completing this work prior to the next heavy rain.

Mr. John Buckley asked if the Post Office is contributing to the work and it was confirmed they are.

Mrs. Cathy Raymond asked for further clarification on the project and Council Acting President Bones clarified accordingly.

A motion was made by Council Member Riccetti, seconded by Council Member Niemiec, and carried by a vote of 7-0, to authorize \$3,000 additional funds specifically from ARPA, totaling \$9,500, to authorize the work to be completed, to excavate and repair a storm sewer pipe, due to a blockage that is occurring, located at Malvern Post Office located at 33 W King Street, not to exceed a maximum total cost of \$9,500.00 as presented.

b. RUTHLAND AVENUE STOP SIGN ANALYSIS

Council Acting President Bones explained that this item was previously discussed at the July 19, 2022 and June 21, 2022 Borough Council meetings. Borough Council authorized McMahon and Associates, the Borough's Traffic Engineer, to conduct an analysis of potential stop signs at Ruthland Avenue and First Avenue, and at Ruthland Avenue and Raspberry Avenue.

McMahon and Associates have completed their analysis, recommending that neither intersection be considered for all-way stop control, but that a stop sign be installed for the Raspberry Avenue approach to Ruthland Avenue.

Borough Council discussed the stop sign process and the Borough Solicitor clarified the rules and regulations.

Mr. Ryan Miller commented on speeding regarding Ruthland Avenue.

Council Member Riccetti commented on the need for a stop sign.

Borough Council agreed this matter will be discussed further at the next public safety sub-committee meeting.

c. ZONING HEARING BOARD

Council Acting President Bones explained that the hearing for Zoning Hearing Board Application #22-03 has been scheduled for September 26, 2022 at 7PM to address the notice of violation located at 210 Second Avenue regarding flood lighting compliance. The Borough Solicitor will be attendance to defend the Notice of Violation issued by the Zoning Officer.

7. NEW BUSINESS

a. POLICE & NON-UNIFORM PENSION PLANS – MINIMAL MUNICIPAL OBLIGATIONS

Borough Manager Loomis explained Municipalities are required to certify the Minimum Municipal Obligation (MMO) for pension plans by the end of September each year. State aid is received annually to offset this cost. The Borough Treasurer has prepared the MMO that is before Borough Council this evening.

Borough Council does not have an issue moving forward with this process as it has done in years past.

8. PUBLIC FORUM

Mr. John Buckley commented on the Malvern Borough Police Department, dog control, parking issues located in Malvern Borough, property damage to his property, lighting on King Street, and the pump track.

Mr. Hugo Schmitt commented on election signage. The Borough Solicitor commented on revising the sign ordinance in the near future.

Mr. Joe Lorusso commented on the approved minutes from August 16, 2022 and inquired about the sub-committee reports.

Council Acting President Bones and Borough Solicitor McLean announced the DCED grant obtained for Randolph Woods totaling \$158,249 as a match to the \$250,000 grant obtained from DCNR last November 2021.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Niemiec, seconded by Council Member Phillips, and carried by a vote of 7-0, to adjourn the meeting at 8:48.

Respectfully submitted,

Tiffany M. Loomis
Borough Manager/Secretary