

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

November 1, 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 November 1, 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. Borough Council met in executive session on November 1, 2022 prior to this evening's meeting, with the Borough Solicitor, to discuss pending litigation and a code enforcement matter.

- d. Thank you to the Malvern Borough Police Department, Malvern Fire Company, Public Works Department, and the Park & Recreation Committee for hosting and contributing to Monster Mash that was held in Burke Park this past Saturday, October 29, 2022 from 3PM to 5PM.

3. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the special meeting held on Wednesday, October 12, 2022 as presented.

MOTION: To approve the minutes of the regular meeting held on Tuesday, October 18, 2022 as presented.

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

4. SPECIAL BUSINESS

a. MALVERN FIRE COMPANY PRESENTATION

The Malvern Fire Company is making a presentation regarding their annual contribution request from Malvern Borough, as well as explain the services the Fire Company provides to the Community. The presentation will be placed on the Borough's website following this evening's meeting.

b. GREENSTONE DEVELOPMENT (GABLES SUBDIVISION) LOCATED AT 217 WARREN AVENUE – APPROVAL OF DEDICATION

MOTION: To approve Deed of Dedication – Road Right of Way, Grant of Sanitary Sewer Easement and Dedication of Sanitary Sewer Pipeline Facilities, and Maintenance Agreement as presented.

The Developer is required to have the Deed of Dedication – Road Right of Way, Grant of Sanitary Sewer Easement and Dedication of Sanitary Sewer Pipeline Facilities, and Maintenance Agreement by Borough Council for the agreements to be recorded and to finalize the release of Final Escrow Release No. 8 that was authorized at the October 18, 2022 meeting.

c. MALVERN LIBRARY BOARD APPOINTMENT

MOTION: To appoint Tom Teti to the Malvern Library Board.

Tom Teti has submitted an application to become a board member, to specifically represent Malvern Borough, to Malvern Library. Borough Council has received his resume and will discuss and potentially appoint Mr. Tom Teti to the Malvern Library Board this evening.

5. UNFINISHED BUSINESS

a. ZONING HEARING BOARD

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

b. KING STREET LIGHTING PRESENTATION BY THE MBPA

The Malvern Borough Professional Association is requesting that lighting for King Street be installed, requesting the Borough contribute \$6,000 towards the lighting installation from the American Rescue Plan Act Funds (ARPA). Borough Council may consider this evening making a motion to satisfy the request.

c. 2023 BUDGET PRESENTATION

The Borough Manager will review the Borough's financial position for Year 2023 in a power point presentation. The presentation and draft budget will be posted on the Borough website following this evening's meeting.

d. FIRST AVENUE BIKE TRAIL PARK

A power point presentation will be given this evening regarding the First Avenue Bike Trail Park formerly referred to at the Pump Track Project and will be posted on the Borough website following this evening's meeting.

6. NEW BUSINESS

a. AIR QUALITY RENEWAL PERMIT FOR 143 PENNSYLVANIA AVENUE

Peace Products Company is located at 143 Pennsylvania Avenue and is renewing their Air Quality permit required by the Pennsylvania Department of Environmental Protection (DEP). The Borough has been notified and has thirty (30) days to provide DEP with comments regarding the operating permit application. The Malvern Borough Code Enforcement Department has confirmed that this property does not have any complaints filed against the property. Borough Council will discuss if any comments are to be provided to DEP.

b. PENNSYLVANIA LOCAL GOVERNMENT INVESTMENT FUND (PLGIT) TRANSFER

Malvern Borough is transferring the following funds to PLGIT due to a preferred investment rate for the following from the General Fund:

- *\$200,000 Prime at 3.17%*
- *\$100,000 for 120 days at 4.64%*
- *\$100,000 for 150 days at 4.74%*
- *\$100,000 for 180 days at 4.94%*

Please note that the Prime account is liquid and two (2) monthly withdrawals are allowed. By transferring the above funds from the General Fund to PLGIT a higher return on investment will be achieved.

7. PUBLIC FORUM

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

8. ADJOURNMENT

Malvern Borough
1 East First Avenue
Malvern, PA 19355

October 12, 2022
5:00 PM

PRESIDING: Dr. Amy Finkbiner, President

INVOCATION: Zeyn B. Uzman, Mayor

ROLL CALL

PRESENT

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

ABSENT:

Council Member Frederick
Council Member Riccetti

APPROVAL OF AGENDA

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, carried by a vote of 5-0, to approve the agenda for the October 12, 2022 special meeting as presented.

ANNOUNCEMENTS

RECORDING OF MEETING

Council President Finkbiner asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting. No one recorded the meeting.

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

SPECIAL BUSINESS

RESOLUTION NO. 836 – MALVERN PUBLIC LIBRARY GRANT APPLICATION TO UPGRADE MALVERN LIBRARY LIGHTING SYSTEM

Council President Finkbiner explained that the Malvern Public Library is eligible for a grant through Keystone Grants for Public Library facilities to upgrade their lighting system. The lighting upgrade is part of the overall library renovation planned. The application is due by Friday, October 14, 2022 and is required to be sponsored by the Municipality. The special meeting for this evening, October 12, 2022 at 5PM was advertised in the Daily Local on Saturday, October 8, 2022 as required for special meetings under the Borough Advertising and Home Rule Charter requirements.

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 5-0, to approve Resolution No. 836 that authorizes Malvern Public Library to request a facility

lighting grant from Keystone Grants for Public Library Facilitates to upgrade the Malvern Public Library lighting system.

DCNR SPECIAL FALL GRANT ROUND FUNDING OPPORTUNITY - DISCUSSION

Council President Finkbiner explained that the Borough Manager and Council Member Niemiec met with Simone Collins on Friday, October 7, 2022 to discuss the DCNR special fall grant round funding opportunity that is available. The deadline for submission is October 27, 2022 and there is a 20% match requirement. Simone Collins has proposed to submit the application on behalf of the Malvern Borough for \$2,000 requesting \$450,000 in grant funding to assist with the Phase I Improvements for the Randolph Woods Master Plan. This would require a \$90,000 match requirement by Malvern Borough if awarded in full. There is funding available in the Capital Reserve Fund regarding this project to satisfy the match requirement.

Borough Council discussed this matter and advised staff to obtain the appropriate advisory counsel and submit the grant application accordingly.

PUBLIC FORUM

No comments were made.

ADJOURNMENT

All business having been discussed, a motion was made by Council Member Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 5-0, to adjourn the meeting at 5:10PM.

Respectfully submitted,

Tiffany M. Loomis
Borough Manager/Secretary

REGULAR MEETING

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MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

October 18, 2022
7:30 PM

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: Zeyn B. Uzman, Mayor

1. ROLL CALL

PRESENT

Council President Finkbiner
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 October 18, 2022 meeting as presented.

3. ANNOUNCEMENTS

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

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

Council Finkbiner announced Borough Council met in Executive Session on October 18, 2022, prior to this evening's meeting to discuss personnel matters and acknowledged receipt of correspondence from Mr. Ed Howard regarding 190 Pennsylvania Avenue.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Laney, seconded by Council Vice President Bones, and carried by a vote of 7-0, to approve the minutes from the Tuesday, September 20, 2022 regular meeting of Borough Council as presented.

b. APPROVAL OF REPORTS

A motion was made by Council Member Laney, 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 September 2022, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

Council Member Laney stated that the Finance & Administration Committee met on Wednesday, October 12, 2022 and discussed the following:

- PLGIT Investment Opportunity was tabled
- Year 2023 Budget Cost Estimates
- Year 2023 Capital Projects Discussion

Council Member Phillips stated that the Public Safety Sub-Committee met on Thursday, October 6, 2022 and discussed the following:

- Borough Camera System Expansion
- Inter-Municipal Agreement for Police Departments to pool Police Services – MBPD Membership
- Year 2023 Priorities

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

5. SPECIAL BUSINESS

a. RESOLUTION NO. 837 – PRELIMINARY/ FINAL SUBDIVISION & LAND DEVELOPMENT PLAN FOR 626 HIGHLAND AVENUE

Council President Finkbinder explained that Rudolph Celli has filed an application with the Borough for approval of a Preliminary/Final Land Development Plan prepared by Yohn Engineering LLC dated June 27, 2022, last revised September 20, 2022, consisting of eight (8) sheets. The Plan proposes the subdivision of an existing 43,560 (+/-) sq. ft. lot at 626 Highland Avenue totaling two (2) tax parcels. The applicant is proposing to consolidate and subdivide parcel 2-6-26 (owned by Rudolph and Anita Celli) into two lots and construct two single-family dwellings. The parcels are located at 626 Highland Avenue. Access for Lot 1 and Lot 2 will be off Highland Avenue. The plan proposed is pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006 for the development of certain property in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the R-2 Residential District.

Mr. Celli discussed the road width with Borough Council.

Mr. John Buckley asked about sidewalks. Mr. Celli explained that a fee in lieu is being paid and sidewalks will not be installed.

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve Resolution No. 837 subject to the condition set forth as presented.

b. GREENSTONE DEVELOPMENT (GABLES SUBDIVISION) LOCATED AT 217 WARREN AVENUE 0 FINAL ESCROW RELEASE NO. 8

Council President Finkbinder explained that the Borough Engineer recommends approval of the release in the amount of Thirty-One Thousand, Nine Hundred and Ninety-Three dollars & 43/100 cents (\$31,993.43) contingent on the following:

1. A maintenance bond and financial security in the amount of \$6,100.83 be provided for the project to the satisfaction of the Borough Solicitor.
2. The developer reimburse the Borough for all outstanding professional services.
3. The developer reimburse the Borough for the paving expenses for Second Avenue in the amount of \$1,205.06.
4. Approval by Borough Council for the Maintenance, Sewer Easement, and Right-of-Way Dedication agreements.

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize escrow release No. 8, the final escrow release, totaling Thirty-One Thousand, Nine Hundred and Ninety-Three dollars & 43/100 cents (\$31,993.43) as conditioned in the Borough Engineer's letter dated October 11, 2022 and per the Borough Solicitor's approval

c. MALVERN HISTORICAL COMMISSION – 9th ANNUAL HISTORIC STEWARDSHIP AWARD

Council President Finkbinder introduced the Malvern Historical Commission will recognize various properties in the Borough that have made a positive contribution to the fabric of the community and are maintained in good repair by the owners. The presentation is located on the Borough's website.

Mr. Hugo Schmitt presented the presentation and the awards were handed out by Historical Commission members.

Borough Council thanked the Malvern Historic Commission for their presentation.

d. RESOLUTION NO. 838 – INTERMUNICIPAL MALVERN BOROUGH POLICE DEPARTMENT AGREEMENT

Council President Finkbinder explained that the inter-municipal police agreement will allow the Malvern Borough Police Department to partner with surrounding jurisdictions. The agreement will provide expanded police resources to the Borough of Malvern at no extra cost.

The Borough Solicitor and Assistant Manager Badman explained the structure and benefits of the agreement.

A motion was made by Council Member Laney, seconded by Council Member Niemiec, and carried by a vote of 7-0, to approve Resolution No. 838 and authorize the Malvern Borough Police Department to execute the inter-municipal agreement as presented.

e. RESOLUTION NO. 839 – DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES GRANT APPLICATION FOR RANDOLPH WOODS NATURE PRESERVE PHASE 1A DEVELOPMENT

Council President Finkbiner explained that the Borough Manager and Council Member Niemiec met with Simone Collins on Friday, October 7, 2022 to discuss the DCNR special fall grant round funding opportunity that is available. The deadline for submission is October 27, 2022 and there is a 20% match requirement. Simone Collins has proposed to submit the application on behalf of the Malvern Borough for \$2,000 requesting \$450,000 in grant funding to assist with the Phase I Improvements for the Randolph Woods Master Plan which would require a \$90,000 match requirement by Malvern Borough if awarded in full. There is funding available in the Capital Reserve Fund regarding this project to satisfy the match requirement.

A motion was made by Council Member Niemiec, seconded by Council Vice President Bones, and carried by a vote of 7-0, to approve Resolution No. 839 as presented.

f. CHESTER COUNTY DECLARATION FOR QUANN PARK

Council President Finkbiner explained that the Chester County grant program requires to place the County's Declaration of Public Trust, Covenants, Conditions, and Restrictions on the property on which the improvements are built, Quann Park. This ensures that the property will remain as open space in perpetuity.

Borough Manager Loomis explained that there will be a Ribbon Cutting Ceremony for the community scheduled in late fall of this year.

A motion was made by Council Member Niemiec, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve the Chester County declaration of public trust, covenants, conditions, and restrictions to be recorded as presented

6. UNFINISHED BUSINESS

a. MALVERN POST OFFICE

Council President Finkbiner introduced the Borough Engineer and he explained Borough Council took the following action:

September 20, 2022 Borough Council took the following action:

- 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.

The contractor began work on Tuesday, October 11, 2022 and after significant excavation found the existing pipe at approximately 10-feet below grade. This depth resulted in a larger excavation area than the anticipated 100-sf (to provide a safe access – benching to work on the pipe). The pipe was cut and found to be complete full of soil and rock material. The contractor removed the material upslope of the excavation to provide a clear pipe but the downslope area could not be fully cleared. Approximately 10-feet of debris was removed and it was determined that a jet truck would be required.

Malvern Borough authorized the contractor to coordinate and have a jet truck / vacuum truck with a 3,000 psi jet to come onsite to clear the pipe on October 12, 2022. This work was completed and

approximately another 15-feet of debris was removed but the pipe was determined to be clogged downslope of the excavation. The Borough Engineer authorized the contractor to close the 10-foot + excavation as no further work could be completed from this area. Final restoration work (paving) is still required to complete this contract.

The Borough Engineer and the Borough Public Works Department suggest that an additional excavation be completed downslope to clear the pipe. Unfortunately, it is not known how far the pipe is clogged and if the pipe is in total disrepair. The Phase 2 estimate to have additional excavation work, the Hydro-Jet, and pavement restoration completed is \$13,350.00. The work will take approximately four (4) days starting the second phase on Monday, October 24, 2022

Borough Council discussed the need to have this issue resolved and asked Borough Manager Loomis if funds were available in the budget.

Manager Loomis explained there is money available in the Capital Expenditure fund to pay for this item.

Mr. John Buckley commented on SEPTA.

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize additional funds not to exceed \$21,000 from the Capital Expenditure budget, to authorize the work to be completed in Phase II, 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.

b. ZONING HEARING BOARD

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

7. NEW BUSINESS

a. INITIAL 2023 BUDGET PRESENTATION

Council President Finkbinder explained that Borough Manager will review the Borough's financial position for Year 2023 in a summarized power point presentation.

Borough Manager Loomis presented the power point presentation.

Mr. Danny Fruchter asked about the return on investment in proposed budget and the cost of living raises to Borough employees.

Manager Loomis explained that the return on investment amounts will be updated by the 11/15 Borough Council meeting and the standard of living raises for Borough employees is proposed at 4%.

8. PUBLIC FORUM

Mr. John Buckley commented on street lights for King Street.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 7-0, to adjourn the meeting at 9:20PM.

Respectfully submitted,

Tiffany M. Loomis
Borough Manager/Secretary

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