

AGENDA

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

December 6, 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 December 6, 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 December 6, 2022 prior to this evening's meeting, with the Borough Solicitor, to discuss pending litigation and legal matters of the Borough.

- d. Wreaths Across America wreath laying ceremony, sponsored by Paoli Battlefield, will take place on Saturday, December 17, 2022 at 11AM.

### 3. MINUTES & REPORTS

#### a. APPROVAL OF MINUTES

**MOTION:** To approve the minutes of the regular meeting held on Tuesday, November 15, 2022 as presented.

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

- Finance & Administration
- Public Safety
- Public Works

### 4. SPECIAL BUSINESS

#### a. 2023 PRELIMINARY BUDGET

**PUBLIC HEARING:** Council President Finkbiner announces that Borough Council will open a Public Hearing on Malvern Borough's 2023 Preliminary Budget. The proposed 2023 Budget was advertised for public review in the November 25, 2022 edition of the Daily Local News and made available on the Borough website. Borough Manager Loomis will provide an overview of the proposed 2023 budget for the Borough of Malvern.

**ADOPTION:** 2023 PRELIMINARY BUDGET

**MOTION:** To adopt the 2023 preliminary budget for the Borough of Malvern as presented.

*The Borough's Home Rule Charter requires adoption of the preliminary budget prior to adoption of the final budget. The final 2023 budget will be considered at the December 20, 2022 meeting of Borough Council.*

#### b. YEAR 2023 MEETING SCHEDULE

**MOTION:** To authorize advertisement and adopt Year 2023's Meeting Schedule as presented.

*Borough Manager Loomis will review and present the Year 2023 Meeting Schedule.*

### 5. UNFINISHED BUSINESS

#### a. ORDINANCE NO. 2022-2: AMENDMENT TO CHAPTER 200 (VEHICLES AND TRAFFIC)

- **PUBLIC HEARING:** Council President Finkbiner announces that Borough Council will now open a public hearing to consider Ordinance No. 2022-2. This ordinance proposes to amend Chapter 200 of the Borough of Malvern Code of Ordinances entitled "Vehicles and Traffic" to establish a stop intersection on Raspberry Avenue at Ruthland Avenue. The proposed ordinance was advertised for public review in the November 25, 2022 edition of the Daily Local News.
- **ADOPTION:** ORDINANCE NO. 2022-2: AMENDMENT TO CHAPTER 200 (VEHICLES AND TRAFFIC)
- **MOTION:** To adopt Ordinance No. 2022-2 to establish a stop intersection on Raspberry Avenue at Ruthland Avenue.

b. SIDEWALK PLAN STATUS UPDATE

*Assistant Manager Badman will give an update on the Sidewalk Plan that was reviewed and discussed by the Planning Commission at their Thursday, December 1, 2022 meeting as per the direction of Borough Council at their Tuesday, November 15, 2022 meeting.*

c. FIRST AVENUE BIKE PARK TRAIL STATUS UPDATE

*The Borough Manager will give an update on the First Avenue Bike Trail Park regarding the stakeholder meetings that were held on Tuesday, November 29, 2022 with the Borough Engineer.*

d. ZONING HEARING BOARD

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

6. NEW BUSINESS

a. ORDINANCE NO. 2022-3: ENACTMENT OF ORDINANCE FOR CONSERVATION EASEMENT CONCERNING RANDOLPH WOODS FOR PARCEL 2-4-361

*A petition was filed with Malvern Borough on October 20, 2022 proposing an ordinance for a conservation easement on property that is planned for a Bike Trail owned by Malvern Borough, parcel 2-4-361. 322 petition signatures were obtained and 280 petition signatures were accepted as permissible. Section 1103 of the Home Rule Charter permits registered voters of the Borough to file a petition to propose legislation to Borough Council. The proposed ordinance was advertised for public review in the November 25, 2022 edition of the Daily Local News. Borough Council has sixty (60) days from the time of the Borough Manager's determination to render a decision on the proposed ordinance. The Borough Manager accepted the petition on November 9, 2022 and a decision is required by January 8, 2023 from Borough Council.*

- **PUBLIC HEARING:** Council President Finkbiner announces that Borough Council will now open a public hearing to consider Ordinance No. 2022-3. This ordinance proposes to enact a conservation easement and declaration of restrictive covenants to the Willistown Conservation Trust, Inc., for certain Borough owned property in the Ruthland Avenue – Randolph Woods Tract known as parcel 2-4-361.
- **ADOPTION:** ORDINANCE NO. 2022-3: Enactment of Ordinance for a conservation easement concerning Randolph Woods for parcel 2-4-361.
- **MOTION:** To adopt Ordinance No. 2022-3 to enact an ordinance for a conservation easement concerning Randolph Woods for parcel 2-4-361.

b. RESOLUTION NO. 840 – REVISION TO RESOLUTION NO. 787

*Individuals are no longer required to provide their place of residence or their status as a taxpayer within the Borough pursuant to legislation restrictions regarding the parliamentary rules for conduct of public meetings of the Borough Council. Resolution No. 840 reflects such.*

**MOTION:** To approve Resolution No. 840 as presented.

c. RESOLUTION NO. 841 – ACT 57

*Act 57 of 2022 took effect October 10, 2022 requiring all municipalities, school districts, and counties that levy a real estate tax to adopt a resolution or ordinance directing their tax collector to implement the act's provisions for the tax years beginning after January 1, 2023.*

*Act 57 allows the tax collector to waive property tax penalties upon certain conditions being met.*

**MOTION**: To approve Resolution No. 841 as presented.

d. **EMPLOYEE GIFT CARDS**

*Traditionally, Borough Council has authorized the purchase of gift cards for the Borough's employees in recognition for their work over the past year. The previous amounts authorized were \$100 for full-time employees and \$50 for part-time employees.*

7. **PUBLIC FORUM**

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

8. **ADJOURNMENT**

REGULAR MEETING

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MALVERN BOROUGH  
1 East First Avenue  
Malvern, PA 19355

November 15, 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 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 November 15, 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. A total of four (4) individuals 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 prior to this evening's meeting to discuss a personnel matter.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 6-0, Council Member Riccetti abstained, to approve the minutes from the Tuesday, November 1, 2022 regular meeting of Borough Council as presented.

b. APPROVAL OF REPORTS

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 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 October 2022, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

Council Member Laney stated that the Finance & Administration Committee met on Wednesday, October 26, 2022 to discuss the following:

- Invoices for Electric Bike & LENNI Electric for Light Pole
- PLGIT Investment Opportunity
- 2023 Line Item Budget Review

Council Member Phillips stated that the Public Safety Committee has not met since the last Borough Council meeting.

Council Vice President Bones stated that the Public Works Committee met on Thursday, November 3, 2022 to discuss the following:

- Post Office Stormwater Project
- Quann Park's Status
- First Avenue Bike Trail Park Proposal Next Steps
- Randolph Woods Grant Submission Status Update
- Maintenance of the Trails in the Battlefield
- Trash Survey
- 5 Year Capital Budget

5. SPECIAL BUSINESS

a. CHRISTMAS ON KING – SPONSORED BY THE MBPA

President Finkbinder explained that the MBPA is hosting the "Christmas on King" event on Saturday, November 26, 2022 and is requesting approval to have an alcoholic beverage area in the Municipal lot adjacent to Wolfe's Brass. The provider will be the Philly Yard Bar.

Mr. David Campli presented on the behalf of the MBPA.

Mr. John Buckley inquired who is paying for this event. Mr. David Campli clarified that the MBPA pays for the event.

A motion was made by Council Member Niemiec, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize the MBPA and Philly Yard Bar to utilize the municipal lot for a full service bar, adjacent to Wolfe's Brass, for the Christmas on King event scheduled for Saturday, November 26, 2022, pursuant to the Borough Solicitor's conditions and approval by the Pennsylvania Liquor Control Board.

b. 2023 BUDGET FOR THE BOROUGH OF MALVERN – AUTHORIZATION TO ADVERTISE

Borough Manager Loomis reviewed the revisions to the proposed 2023 budget to date for Malvern Borough. The proposed budget does not proposed a tax increase. Borough Council reviewed the requests from Civic Associations and the Road Program. A public hearing will be held at the December 6, 2022 meeting and the final budget will be considered at the December 20, 2022

Borough Council meeting.

The Upper Main Line Memorial Association, Malvern Park & Civic Association, Surrey Services for Seniors, Chester Valley Little League, MBPA, the Paoli Battlefield Preservation Fund, and the Paoli Memorial Association gave presentations regarding their contribution requests from Malvern Borough.

The Borough Council directed Borough Manager Loomis to work with the Borough Engineer and Public Works Superintendent to prioritize the road program in order of importance of paving projects and to review costs of lower priority roads and their cost in forthcoming years.

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize the advertisement of the proposed 2023 budget, as amended, for Malvern Borough for public review, specifically allocating \$5,000 for the Malvern Park & Civic Association.

6. UNFINISHED BUSINESS

a. SIDEWALK PRESENTATION

Planning Commission Member Scott Oswald presented a sidewalk presentation that was recently discussed by the Planning Commission at their October 20, 2022 meeting to address the recommendations in the recently approved revised Comprehensive Plan by Borough Council.

Borough Council discussed involving the EAC and the Public Safety Sub-Committee in this process.

Dr. David Knies, PhD commented on the model and scheme of the plan.

Mr. John Buckley commented on a walkable community.

Mr. Danny Fruchter commented on the Comprehensive Plan and sidewalk process.

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 7-0, to refer the sidewalk plan as presented this evening to the Malvern Planning Commission and report back to Borough Council.

b. FIRST AVENUE BIKE TRAIL PARK

Borough Manager Loomis gave an update on the First Avenue Bike Trail Park regarding the grant obtained for active recreational activities to take place at the property. Chester County is in support of the property to be used for active recreational activities including a scaled back scope for a bike trail park.

Mr. John Buckley commented on the name change of the Park that occurred.

c. ZONING HEARING BOARD

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

7. NEW BUSINESS

a. PAOLI BATTLEFIELD FLAG POLE LIGHTING CONCERNS

Mr. John Meisel presented to Borough Council concerns regarding the lighting located at the Paoli Memorial flagpole. Numerous residents are concerned with how the current lighting is affecting the wildlife and natural habitat.

Ms. Sid Baglini is in agreement and provided lighting recommendations from an expert to shield the lighting, yet light the flagpole appropriately.

Ms. Jamie Grossman is in agreement and supports the lighting to be modified immediately.

Ms. Liz Deal is in agreement with the lighting being effectively addressed and lumens lessened.

Mr. John Meisel asked the Paoli Memorial Association to cease the lighting effective immediately.

Mr. Frank Ortner explained that ceasing the lighting of the American Flag is not permitted.

Mr. John Buckley is in support of the flagpole being lit and concurred with Mr. Ortner.

Borough Council is in agreement that the lighting needs to be altered and effectively addressed.

The Paoli Memorial Association agreed to work with Borough Council and the concerned residents to address the issues discussed this evening.

8. PUBLIC FORUM

Ms. Sidney Baglini commented on the Borough crosswalks.

Mr. Danny Fruchter commented on the Mayor and Malvern Borough Police Department's performance from a prepared statement read by him.

Mayor Uzman responded and read a statement to the public addressing his position as Mayor and the Malvern Borough Department.

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 10:34PM

Respectfully submitted,  
Tiffany M. Loomis  
Borough Manager/Secretary