

## AGENDA

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

February 7, 2023  
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 February 7, 2023 meeting of Borough Council as presented.

2. ANNOUNCEMENTS

- a. Anyone present who is recording the meeting is asked to announce so at this time, in accordance with Resolution No. 840.
- 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 February 7, 2023 prior to this evening's meeting, with the Borough Solicitor, to discuss pending litigation and legal matters of the Borough.
- d. The Malvern Business Professional Association is hosting the Spread the Love Event located on King Street on Saturday, February 11, 2023 from 1PM to 4PM.
- e. The Borough Office is closed on Monday, February 20, 2023 in recognition of President's Day.

### 3. MINUTES & REPORTS

#### a. APPROVAL OF MINUTES

**MOTION:** To approve the minutes of the regular meeting held on Tuesday, January 17, 2023 as presented.

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

- Finance & Administration
- Public Safety
- Public Works

*The Finance & Administration and Public Works Sub-Committees have not met since the last Borough Council meeting.*

*The Public Safety Sub-Committee met on Thursday, January 19, 2023 and discussed the gift/ donor policy, Eli Kahn's request to have a land swap with the Borough regarding Pennsylvania Avenue, and traffic studies for the intersections located at King & Bridge Streets and King Street & Channing Avenue.*

### 4. SPECIAL BUSINESS

#### a. APPOINTMENT OF AUDITOR

*George Fieo, CPA of Peterson, Fieo, & Co. LLP will no longer be offering auditing services for fiscal years 2022 and 2023. The Borough Manager was authorized by Borough Council at their January 3, 2023 meeting to obtain proposals for independent auditing services for fiscal Years 2022 and 2023, with the selection to be made by Borough Council at their February 7, 2023 meeting, pursuant to Section 25-22 of the Administrative Code of the Borough. Borough Council shall appoint an auditing firm this evening.*

#### b. MALVERN LIBRARY RENOVATION PRESENTATION

*The Malvern Public Library's Director, Maggie Stanton will be presenting the status of their renovation project. Benjamin Roberts is the designated designer for the renovation project out of Lancaster, Pennsylvania. Malvern Borough has dedicated \$40,000 of American Rescue Act funds towards the renovation of the library to include but not limited to flooring, painting the library, drop ceiling tile replacement, foyer renovations, shared bathroom renovations, and the AC system repairs specific to the library. The presentation will be posted on the Borough's website the following day.*

### 5. UNFINISHED BUSINESS

#### a. 156 W. KING STREET ASSESSMENT APPEAL SETTLEMENT

**MOTION:** To approve the proposed assessment appeal settlement for 156 W. King Street for an assessment value of \$987,500.

*The Great Valley School District initiated a tax assessment appeal against the property located at 156 W. King Street, Malvern, PA known as tax parcel 02-03-0029.0000. The site is a 15,082 square feet parcel with apartment units.*

#### b. 209 OLD LINCOLN HIGHWAY – AUTHORIZE APPRAISAL

**MOTION:** To authorize an appraisal performed by the William Wood Company, LLC, in the amount of \$500 for 209 Old Lincoln Highway known as tax parcel 2-4-11.1, as outlined in the engagement letter as presented.

*Malvern Borough is considering selling 209 Old Lincoln Highway, located across from Herzak Park, totaling 0.38 acres. An appraisal will give Borough Council the opportunity to decide whether to move forward with the sale of the property through a bid process.*

c. MAUGER-GIVNISH FUNERAL HOME REIMBURSEMENT REQUEST

*Mr. Fran Givnish is requesting to be reimbursed for \$594.80 by Malvern Borough for the requirement to plant two (2) shade trees located on Monument Avenue at 24 Monument Avenue located within the Shade Tree Protection Zone. Two (2) shade trees were removed and the Shade Tree Commission approved the application submission to remove the trees requested contingent upon four (4) replacement shade trees being planted.*

*Borough Council discussed this matter at their January 17, 2023 meeting and has further reviewed this matter. Council may authorize a motion this evening regarding Mr. Givnish's request.*

d. ZONING HEARING BOARD

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

6. NEW BUSINESS

a. POLICY FOR ACCEPTANCE OF GIFTS AND DONATIONS

**MOTION:** To adopt the Malvern Borough "Policy for Acceptance of Gifts and Donations" as presented.

*Malvern Borough receives donations from the Community from time to time. The Borough Solicitor, auditor, and staff have recommended that a policy be adopted to address such donations to provide clarity and transparency.*

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

January 17, 2023  
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 Vice President Bones, carried by a vote of 7-0, to approve the agenda for the January 17, 2023 meeting as presented.

3. ANNOUNCEMENTS

Council President Finkbiner asked in accordance with Resolution No. 840 if any member of the audience was recording the meeting. Several people 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 the Parks & Recreation Committee is hosting S'more's in the Park located at Burke Park on Saturday, January 21, 2023 from 3PM to 5PM.

Council President Finkbiner announced that the Malvern Business Professional Association is hosting Spread the Love Event located on King Street on Saturday, February 11, 2023 from 1PM to 4PM.

Council President Finkbiner announced that Malvern Borough was awarded a \$324,800 grant on January 12, 2023 from the Pennsylvania Department of Conservation and Natural Resources for Randolph Woods. The work proposed includes renovation of the access drive; installation of a pavilion, fencing and gates, ADA access improvements, landscaping, a project sign and other related site improvements.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Phillips, seconded by Council Vice President Bones, and carried by a vote of 7-0, to approve the minutes from the Tuesday, January 3, 2023 regular meeting of Borough Council as amended.

b. APPROVAL OF REPORTS

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

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

Council Member Laney stated that the Finance & Administration Committee met on Thursday January 12, 2023 and discussed the following:

- Craft & Mercantile for this Year 2023
- 209 Old Lincoln Highway – Potential Sale of Borough Property
- Pennsylvania Avenue Land Swap for Public Works Building Relocation – Eli Kahn Proposal
- Borough Council Monthly Report Release to the Community regarding the second meeting of every month
- Gift/ Donor Policy for Malvern Borough
- Vacation Time for Year 2022 – Policy Manual Discussion
- DVHIT (Delaware Valley Health Insurance Trust) Employee Manual Review
- Composting Pilot Criteria
- Fran Givnish Reimbursement Request regarding Shade Tree Plantings

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 Tuesday, January 10, 2023 and discussed the following:

- Road Paving Projects for 2023
- Jennings Lane / Storm Water Management
- Everett's Alley / Storm Water Management
- North Warren Ave Project
- Old Lincoln Highway Project
- Bike Park Update
- Randolph Woods Project Update
- King Street Tree Planting Project
- Warren Av / Malvern Prep Trail
- Trail Improvements in the Battlefield Park
- Sale of Borough Property located at Old Lincoln Highway & Bride Street

- Pennsylvania Avenue Land Swap for Public Works Facility – Eli Kahn Proposal
- Borough Council Monthly Report Release to the Community at the Second Meeting of Every Month
- Gift/ Donor Policy

Mr. John Buckley commented on the land swap matter.

5. SPECIAL BUSINESS

a. NIGHT MARKET BY CRAFT & MERCANTILE

Council President Finkbiner introduced Christy Campli, the owner of Growing Roots Partners, and the event organizer for the Farmers Market in Burke Park. Growing Roots has developed a proven successful concept called Craft & Mercantile that held the Night Market event in September 2022 at Burke Park for the community with resounding success. The event is proposed for September 2023 at Burke Park.

Borough Council is in support of the event and received many requests to continue this event annually from the Community.

Borough Manager Loomis reviewed the balances remaining for the designated categories in the American Rescue Plan Act account.

Mr. John Buckley commented on stormwater, taxes, tree plantings, and streetlights.

Mrs. Jen Chomko commented on the cost of the event and vendors.

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve to authorize the Borough Solicitor to review the proposed contracts to authorize the Night Market event in September 2023 and release funds from the American Rescue Act Funds not to exceed \$5,550.

b. APPOINTMENT OF DEPUTY EMERGENCY MANAGEMENT COORDINATOR (EMC)

Council President Finkbiner explained that in accordance with Title 35, an EMC is appointed by the Governor upon recommendation of the executive officer of the governing body of the municipality. Corinne J. Badman has been appointed as the EMC upon this regulation coming into effect.

Borough Manager Loomis explained that Mr. William Wilfong, IV is the Borough's Building & Code Official, as well as Fire Marshal. He is an active member of Civil Air Patrol of which these services, by his appointment as Deputy EMC, will be readily available for Malvern Borough providing search and rescue services. A summary of Mr. Wilfong's qualifications was read.

Mr. John Buckley commented on Mr. Wilfong's appointment.

A motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 7-0, to appoint Mr. William Wilfong, IV as Deputy Emergency Management Coordinator.

c. MAUGER-GIVNISH FUNERAL HOME REIMBURSEMENT REQUEST

Council President Finkbinder explained that Mr. Fran Givnish is requesting to be reimbursed for \$594.80 by Malvern Borough for the requirement to plant two (2) shade trees located on Monument Avenue at 24 Monument Avenue located within the Shade Tree Protection Zone. Two (2) shade trees were removed and the Shade Tree Commission approved the application submission to remove the trees requested contingent upon four (4) replacement shade trees being planted. Two (2) shade trees have also been planted along Powelton Avenue.

Mrs. Jen Chomko commented on Mr. Givnish's property and business.

Borough Council discussed this matter with Mr. Fran Givnish. Mr. Givnish gave further documentation to the Council's attention regarding his reimbursement request. Borough Council will review this matter further and place on their next meeting Agenda to make a decision on the request.

d. CONDITIONAL USE HEARING FOR 434 HIGHLAND AVENUE – APPLICATION #CU-2023-01

Council President Finkbinder opened the public hearing to consider the conditional use application of Jeremy and Dana Marie Harrison for conditional use approval pursuant to Section 220-602(A)(5) of the Malvern Borough Zoning Ordinance ("Maximum building coverage") to construct a residential dwelling with building coverage of 25% at the property located at 434 Highland Avenue. The Planning Commission recommended approval at their January 5, 2023 meeting contingent upon all Zoning requirements are in compliance with the Malvern Borough Zoning Code and two (2) shade trees be planted. The Notice of Public Hearing was published in the January 11, 2023 edition of the Daily Local News.

A court reporter was present to provide a transcript.

A motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 7-0, to approve Application #CU-2023-01 pursuant to Section 220-602(A)(5) of the Malvern Borough Zoning Ordinance ("Maximum building coverage") to construct a residential dwelling with building coverage of 25% at the property located at 434 Highland Avenue contingent upon the Borough Engineer's review dated January 12, 2023 and Malvern Borough Planning Commission's recommendations, with the understanding that two (2) street trees will be planted if tragedy befalls the existing street tree.

6. UNFINISHED BUSINESS

a. COMPOSTING PILOT PROGRAM – CRITERIA DISCUSSION

The Borough Council authorized ten thousand dollars eight hundred dollars (\$10,800) in American Rescue Plan Act funds to implement a pilot composting pilot-composting program as presented at their January 3, 2023 meeting and requested that criteria for the program be developed by the next Borough Council Meeting.

Borough Council discussed that placing the program invite in the Borough Broadcaster, as well as sending a Constant Contact invite will be the notification method to invite 50 individuals to partake in the Composting Pilot Program. Participants will be selected at random if more than 50 applications are received.

b. ZONING HEARING BOARD

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

7. NEW BUSINESS

a. 209 OLD LINCOLN HIGHWAY – SALE OF BOROUGH OWNED PROPERTY

Council President Finkbinder explained that 209 Old Lincoln Highway is located at the cross streets of Old Lincoln Highway and Bridge Street across from Herzak Park owned by Malvern Borough. Borough Council discussed that it is a good time for staff to work with the Borough Solicitor on this process to sell the property. They authorized the Borough Manager to obtain an engagement letter to complete an updated appraisal for the property.

b. RELEASE OF ADDITIONAL INFORMATION TO THE PUBLIC REGARDING BOROUGH COUNCIL MEETING AGENDA ITEMS

Borough Council discussed including supporting materials to Agenda items in the public's packets moving forward to be released to the public prior to the meeting as part of the public packets distributed via Constant Contact. The Public Works and Finance & Administration Sub-Committee(s) suggested that these items be included in the public's information packets at their last scheduled meeting(s). As of the February 7, 2023 Borough staff will implement meeting this new process.

8. PUBLIC FORUM

Mr. John Buckley commented on the First Avenue Bike Trail Park location and the Parks & Recreation Committee meeting.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 7-0, to adjourn the meeting at 9:34PM

Respectfully submitted,  
Tiffany M. Loomis  
Borough Manager/Secretary



John Strickland II  
PA/DE Certified General Appraiser

William S. Wood III  
PA Certified General Appraiser  
Broker of Record

Denice Rosado  
Office Manager

**WILLIAM WOOD COMPANY, LLC**  
120 West Market Street  
West Chester, Pennsylvania 19382  
610-692-3966  
Fax 610-692-8325

David E. Adams  
Kimberlee A. Baker  
Timothy J. Minge  
Timothy C. Graham  
Sean P. Howley  
Ian Ritter

Tiffany M. Loomis  
Borough Manager  
Malvern Borough  
1 E. 1<sup>st</sup> Ave.  
Malvern, PA 19355

January 30, 2023

Re: Appraisal Assignment, 209 Old Lincoln Highway, Malvern Borough, Chester County

Dear Ms. Loomis:

I understand that you would like to engage me for the purposes of appraising the following property:

Address	PIN	Description	Owner	Fee
209 Old Lincoln Highway	2-4-11.1	0.38 acres, vacant	Malvern Borough	\$500

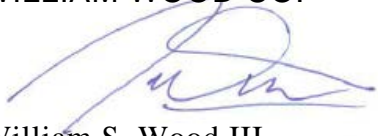
Turnaround time to complete the appraisal in this assignment would be about four weeks from inspection.

If you agree to these terms, please indicate so by countersigning below.

Thank you for the opportunity to serve.

Very truly yours,

WILLIAM WOOD CO.



William S. Wood III  
PA Certified General Appraiser  
GA-003919

Signature: \_\_\_\_\_

Tiffany Loomis  
Borough Manager  
Malvern Borough

**BOROUGH OF MALVERN  
CHESTER COUNTY, PENNSYLVANIA**

**Policy for Acceptance of Gifts and Donations**

1. **PURPOSE:** The purpose of this policy is:
  - 1.1 To establish guidelines and procedures for the acceptance of gifts and donations to the Borough of Malvern, Pennsylvania (the "Borough"), including all of its departments and committees, from individuals, businesses, and organizations that wish to make such gifts and donations for the benefit of the community. It is the intent of the Borough Council of the Borough to accept donations of cash, cash equivalents, and real and personal property, provided the donations are consistent with Borough policies, do not endanger public health, safety, and welfare, can be managed with existing or available Borough resources, and are not offered in exchange for any legislative action, permits, approvals, special treatment, or other official action.
  - 1.2 This Policy governs any donation of cash, cash equivalents, real property, or personal property to the Borough or to a Borough department, commission, or committee.
2. **AUTHORITY:** The authority to accept gifts and donations is vested solely in the Borough Council of the Borough, pursuant to Sections 1201 (4), 1202, and 1203 of the Borough Code, 8 Pa. C. S.A. §§1201(4), 1202, and 1203, and Section 103 of the Home Rule Charter of Malvern Borough. No employee of the Borough shall have authority to approve any gifts or donations to the Borough.
3. **POLICY:**
  - 3.1 **DONATIONS:** The Borough may accept cash, cash equivalents, real property, and personal property if the donation will

benefit the Borough by allowing the Borough to better meet its mandate of providing public services to Borough residents and businesses. Any agreements between the donating party and the Borough regarding such matters as maintenance/replacement or limitations on use must be in writing and reviewed and approved by the Borough Solicitor.

- 3.2 Personal property (art, jewelry, or similar property) must have resale value or be of a nature that the property can be used by a Borough department, commission, or committee for a public purpose.
- 3.3 In most instances, acceptance of a donation will not obligate the Borough to maintain, return, or replace the item.
- 3.4 The Borough is not obligated to accept any donations.

#### **4. EXCLUSIONS:**

- 4.1 Small gifts of de minimis value, such as fruit baskets, candy, baked goods, sandwiches, calendars, stationery supplies, tee shirts, historical artifacts, photographs, and the like, offered on an occasional basis, in recognition of service, or for historical preservation purposes are excluded from this policy. For purposes of this paragraph, gifts or donations with a value of one hundred dollars (\$100.00) or less are presumed to be of de minimis value and therefore are excluded from this policy.

#### **5. PROCEDURE:**

- 5.1 A written proposal from the donor or giver shall detail the donation or gift, amount, and any stipulations and/or conditions requested by the donor.
- 5.2 The proposal shall be provided to the Borough Manager and forwarded to Borough Council for consideration.

- 5.3 The proposal shall be discussed, and the gift accepted or declined by Borough Council at a public meeting.
- 5.4 If a gift is accepted, the Borough Manager shall provide the donor with an acknowledgement, in writing, in accordance with Internal Revenue Service regulations.
- 5.5 The gift shall be documented in the financial records of the Borough as directed by the Borough's Auditor.

**6. EFFECTIVE DATE:**

- 6.1 This policy shall become effective immediately.

Adopted by Borough Council,  
this **7th** day of **February, 2023**.

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Amy Finkbiner, PhD, President

Approved by the Mayor,  
this **7th** day of **February, 2023**.

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Zeyn B. Uzman, Mayor

Enacted,  
this **7th** day of **February, 2023**.

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Tiffany M. Loomis, Secretary