

AGENDA

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

February 21, 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

1. 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

2. ANNOUNCEMENTS

- a. Anyone present who is recording the meeting shall 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. The Parks & Recreation Committee is hosting a Scavenger Hunt.
- d. The arborist report has been completed First Avenue Bike Trail Park and is located on the Borough's website. There will be a presentation given on this matter at the March 7, 2023 Borough Council meeting.

3. APPROVAL OF AGENDA:

**MOTION:** To approve the agenda for the February 21, 2023 meeting of Borough Council as presented.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

**MOTION:** To approve the minutes of the regular meeting held on Tuesday, February 7, 2023 as presented.

b. APPROVAL OF REPORTS

**MOTION:** To approve the Treasurer's Report, the Sub-Committee Reports for Finance and Administration, Public Safety, and 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 January 2023, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

*The Finance & Administration and Public Safety Sub-Committees have not met since the last Borough Council meeting. The Public Works Sub-Committee met on Wednesday, February 15, 2023 and completed a site visit regarding the Malvern Preparatory trail extension and discussed the First Avenue Bike Trail Park.*

5. SPECIAL BUSINESS

a. QUANN PARK CHESTER COUNTY SIX (6) MONTH GRANT EXTENSION

**MOTION:** To authorize Malvern Borough and Chester County to extend the Municipal Grant Program granted by Chester County Grant six (6) months through October 14, 2023 to account for remaining punch list items to be completed in Spring 2023.

*Grass is required to be planted and grow in various areas of the project prior to the close out of the Quann Park renovation. The current deadline to have all punch list items completed is April 14, 2023. Grass growth by this time is not feasible therefore; a six (6) month extension is needed.*

b. CONDITIONAL USE HEARING DECISION & ORDER FOR 434 HIGHLAND AVENUE

**MOTION:** To approve the conditional use hearing decision & order for 434 Highland Avenue as presented.

*An unanimous approval was granted by Borough Council at their January 17, 2023 meeting for conditional use 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. The decision and order presented for approval this evening is a requirement and formality of the law to be produced upon an approval being received.*

6. UNFINISHED BUSINESS

a. ZONING HEARING BOARD

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

b. REQUEST FOR PROPOSAL (RFP) PROCESS FOR ZONING AND SALDO REVISIONS ASSOCIATED WITH THE 2022 COMPREHENSIVE PLAN REVISION

*Borough Council discussed this matter at their April 19, 2022 meeting reflecting that the Planning Commission met at their April 7, 2022 meeting recommending unanimously to Borough Council, through a formalized letter to their attention, to initiate the RFP process for the Zoning and SALDO revisions that are referenced in the Capital Reserve Fund Budget associated with the Comprehensive Plan Revision.*

*Borough Council then authorized the Borough Administration to initiate the RFP process for Zoning and SALDO revisions associated with the Comprehensive Plan revision at their May 3, 2022 meeting. The Borough Solicitor advised it was best to move forward with the RFP process when the 2022 revised comprehensive plan was adopted.*

*Borough Council will discuss this evening the timeline line and structure of the RFP process.*

7. NEW BUSINESS

a. PENNSYLVANIA BIRD TOWN PRESENTATION BY THE ENVIRONMENTAL ADVISORY COUNCIL, DR. ZOE WARNER, Ph.D. – RESOLUTION NO. 842

**MOTION:** To approve Resolution No. 842 as presented.

*At the October 2022 meeting of the Environmental Advisory Council, members agreed to pursue the designation of Pennsylvania Bird Town. Becoming a PA Bird Town requires a municipal resolution passed to show overall support for the program formation of a three (3) person committee, and application submission. Dr. Zoe Warner, Chair of the Environmental Advisory County is giving a presentation on this matter that will be posted on the Borough website the following day. The Environmental Advisory Council is requesting the support of Borough Council by passing Resolution No. 842, attached, which is in support of the 2022 Comprehensive Plan.*

b. STORMWATER MASTER PLAN PRESENTATION

*The Malvern Planning Commission and Environmental Advisory Council are recommending a Stormwater Master Plan for Malvern Borough. Please see the attached recommendation. Dr. Zoe, Warner, Ph.D., Vice Chair of the Planning Commission and Chair of the Environmental Advisory Council, is giving a presentation on this matter that will be posted don the Borough Website the following day. Borough Council will consider and discuss action steps regarding the recommendation.*

8. PUBLIC FORUM

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

9. ADJOURNMENT

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MALVERN BOROUGH  
1 East First Avenue  
Malvern, PA 19355

February 7, 2023  
7:30 PM

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: Council Member Laney

PLEDGE OF ALLEGIANCE TO THE FLAG

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 via ZOOM

ABSENT:

1. APPROVAL OF AGENDA

A motion was made by Council Member Laney, seconded by Council Member Niemiec, carried by a vote of 7-0, to approve the agenda for the February 7, 2023 meeting as presented.

Borough Council discussed switching the announcements as being the first item to be addressed as part of the Agenda moving forward. All Borough Council members were in agreement

2. ANNOUNCEMENTS

Council President Finkbiner asked in accordance with Resolution No. 840 if any member of the audience was recording the meeting. Mr. Breuer and Mr. Schmitt 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, with the Borough Solicitor, to discuss pending litigation and legal matters of the Borough, as well as personnel.

Council President Finkbiner announced that 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.

Council President Finkbiner announced that the Borough Office is closed on Monday, February 20, 2023 in recognition of Presidents Day.

3. 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, January 17, 2023 as presented.

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

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.

Mr. John Buckley inquired about the land swap. Borough Council explained that there is no action being taken on this item and the Borough is not moving forward on the request.

4. SPECIAL BUSINESS

a. APPOINTMENT OF AUDITOR

Council President Finkbinder explained that 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.

Borough Council discussed that the smaller firm, Galani & Associates, LLC gave a flat rate versus the second quote received from Rainer & Company, which gave an hourly rate.

Mr. John Buckley commented on how many quotes were received.

The Borough Manager explained the bid process to obtain the auditor quotes.

A motion was made by Council Member Phillips, seconded by Council Vice President Bones, and carried by a vote of 7-0, to appoint Galani & Associates, LLC to conduct the Malvern Borough audit for Years 2022 & 2023 subject to the forthcoming engagement letter.

b. MALVERN LIBRARY RENOVATION PRESENTATION

The Malvern Public Library's Director, Maggie Stanton presented the status of their renovation project. Benjamin Roberts Ltd is the designated designer for the renovation project out of Lancaster, Pennsylvania. Malvern Borough has dedicated \$40,000 of American Rescue Plan 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 has been posted on the Borough's website.

Borough Council was in support and agreement of the proposed renovations of the Malvern Public Library. Discussion and questions ensued.

Mr. John Buckley inquired about the total cost for the renovation. Director Maggie Stanton responded that the renovation is projected to cost \$225,000.

5. UNFINISHED BUSINESS

a. 156 W. KING STREET ASSESSMENT APPEAL SETTLEMENT

Council President Finkbiner explained 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.

The Borough Solicitor explained the financial breakdown of the settlement.

Mr. John Buckley inquired as to where the property is located. Borough Council explained the location of the property.

Ms. Cathy Raymond inquired if more funds were being received that before. The Borough Solicitor confirmed this is the case.

A motion was made by Council Member Laney, seconded by Council Member Frederick, and carried by a vote of 7-0 to approve the proposed assessment appeal settlement for 156 W. King Street for an assessment value of \$987,500.

b. 209 OLD LINCOLN HIGHWAY – AUTHORIZE APPRAISAL

Council President Finkbiner explained that 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.

Borough Council discussed their desire to sell the property and that this process was considered back in Year 2016.

Mr. John Buckley inquired why any money has to be spent on this matter due to a previous appraisal being obtained.

The Borough Solicitor explained that in order to sell the property as required by law a current fair market value must be established through a current appraisal.

A motion was made by Council Member Phillips, seconded by Council Vice President Bones, and carried by a vote of 7-0 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.

c. MAUGER-GIVNISH FUNERAL HOME REIMBURSEMENT REQUEST

Council President Finkbiner 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

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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 in length. Various Council members discussed how Mr. Givnish came to Borough Council with his request because he felt wronged. Other Council members discussed the principle of the request as what we do for one we do for all in the Malvern Borough Community.

Mrs. Jennifer Chomko commented on the conduct of Borough Council and their interactions with Mr. Givnish.

Mr. Hugo Schmitt provided clarity that Mr. Givnish was not in attendance this evening due to a viewing that he was attending to.

Mrs. Linda Burton, Chair of the Shade Tree Commission, gave a history of the matter at hand.

Mr. Dave Burton suggested a solution to cover Mr. Givnish for the cost of what it would be to purchase two (2) bare root trees.

Ms. Joyce Pettit commented on the comments of Borough Council on this matter and how one's tone in their comments is important.

A motion was made by Council Member Phillips, seconded by Council Member Riccetti, and carried by a vote of 7-0 to authorize a reimbursement payment of \$150.00 to be paid from the Parks & Recreation general line item of maintenance and supplies.

### d. ZONING HEARING BOARD

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

## 6. NEW BUSINESS

### a. POLICY FOR ACCEPTANCE of GIFTS AND DONATIONS

Council President Finkbiner explained 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.

The Borough Solicitor explained that he was able to locate five (5) municipalities that have adopted a practice such as this.

Borough Council discussed this matter in detail regarding if there needs to be a form involved, the threshold of when donations are reported, and the overall policy and procedure that should be used to move forward.

Mr. John Buckley commented on the donation policy.

Mayor Uzman inquired if a higher threshold limit could be implemented versus \$100 as discussed.

Mr. Hugo Schmitt commented on the donation policy

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Ms. Joyce Pettit commented that is important to keep the policy simple and straightforward.

Mrs. Jennifer Chomko commented on religious affiliation donations and the oath process.

Police Chief Marcelli gave an outline of how donations were collected in his previous place of employment.

Borough Manager Loomis explained that all donations of any monetary amount are required to have a letter issued in accordance with the IRS for documentation purposed through the Finance Department.

The Borough Solicitor explained that is a Right-to-Know request is filed regarding the tax letter issue, names would be redacted and not released pursuant to the Right-to-Know law statutes.

Borough Council decided to table the policy and decided it is best in the meantime to itemize all donations received by the Borough in a monthly report released to the public at the second Borough Council regular meeting.

### 7. PUBLIC FORUM

Mr. John Buckley commented on the Parks & Recreation Committee, code enforcement matters, the oath process, and the election for Mayor.

### 8. ADHOURNMENT

All business having been discussed, a motion was made by Council Member Frederick, seconded by Council Member Laney, and carried by a vote of 6-0, to adjourn the meeting at 10:08PM

Respectfully submitted,  
Tiffany M. Loomis  
Borough Manager/Secretary



February 21, 2023

To the President and Members  
Malvern Borough Council  
Malvern, PA 19355

Dear Council Members:

We, the undersigned members of the Finance and Administration Committee, submit the following report for the month of January.

Bills to be paid from the General Fund for Finance and Administration in the amount of \$ 78,982.15. Bills to be paid for Tax Collection in the amount of \$ -0-. Bills to be paid for Capital Reserve Fund in the amount of \$ 35,140.32, have been examined and approved for payment.

Respectfully submitted,

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Marty Laney, Chair

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Amy Finkbiner, Ph.D.

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Joe Bones

February 21, 2023

To the President and Members  
Malvern Borough Council  
Malvern, PA 19355

Dear Council Members:

We, the undersigned members of the Public Safety Committee, submit  
The following report for the month of January.

Bills to be paid from the General Fund for Police in the amount of  
\$ 118,982.68 for Code Enforcement in the amount of \$ 14,616.59 and  
for Malvern Fire Company in the amount of \$ 3,507.28 have been  
Examined and approved for payment.

Respectfully submitted,

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Lynn Frederick

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Brendan Phillips, Chair

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Marty Laney

February 21, 2023

To the President and Members  
Malvern Borough Council  
Malvern, PA 19355

Dear Council Members:

We, the undersigned members of the Public Works Committee, submit the following report for the month of January.

Bills to be paid from the General Fund for Highways in the amount of \$ 48,774.21. For Trash & Recyclables in the amount \$ 10,759.18, for Park and Recreation in the amount of \$ 6,882.37, have been examined and approved for payment. Bills to be paid from the Sewer Fund in the amount of \$ 95,417.65, have been examined and approved for payment.

Respectfully submitted,

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Joseph Bones, Chair

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Mark Niemiec

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Angela Riccetti



<b>SEWER FUND:</b>			
January 1, 2023 Opening Cash Balance		\$	2,014,819.89
2022 Budget		\$	1,056,405.00
Year-to-Date - Revenues		\$	7,966.77
Year-to-Date - Expenditures		\$	95,417.65
January 1, 2022 Opening Cash Balance		\$	2,014,819.89
January Revenues			7,966.77
Total Revenues and Opening Cash Balance		\$	2,022,786.66
January Expenses			95,417.65
January 31, 2023 Closing Cash Balance		\$	<b>1,927,369.01</b>
500,000.00 in MM Acct.	National Bank of Malvern	\$	1,927,369.01
<b>SUMMARY ALL FUNDS</b>			
January-23			
January 1, 2023 Opening Cash Balance		\$	6,672,736.61
2022 Budget all Funds		\$	9,887,679.00
Year-to-Date - Revenues All Funds		\$	281,660.76
Year-to-Date - Expenditures All Funds		\$	468,249.48
January 1, 2022 Opening Cash Balance	All Funds	\$	6,672,736.61
January Revenues			281,660.76
Total Revenues and Opening Cash Balances All Funds		\$	6,954,397.37
January Expenses			468,249.48
January 31, 2023 Closing Cash Balance		\$	<b>6,486,147.89</b>
<b>SIDEWALK FEE-IN-LIEU ACCOUNT:</b>			
January 1, 2023 Opening Cash Balance		\$	35,051.45
Revenue			36.37
Total Revenues and Opening Cash Balance		\$	35,087.82
Expenses			2,337.93
January 31, 2023 Closing Cash Balance		\$	<b>32,749.89</b>
<b>ARPA 2022 ACCOUNT</b>			
January 1, 2023 Opening Cash Balance		\$	235,192.17
Revenue		\$	154.65
Total Revenues and Opening Cash Balance		\$	235,346.82
Expenses		\$	-
January 31, 2023 Closing Cash Balance		\$	<b>235,346.82</b>
<b>CONTINGENCY FUNDS:</b>			
	<b>General Fund Contingencies</b>		\$309,377.20
	National Bank of Malvern	Interest	\$542.47
		TOTAL	<b>\$309,919.67</b>
	<b>Sewer Fund Contingencies</b>		\$431,433.64
	National Bank of Malvern	Interest	\$756.49
			<b>\$432,190.13</b>
<b>TOTAL IN ALL ACCOUNTS</b>			
		\$	<b>7,496,354.40</b>
	Respectfully Submitted by,		
	Mary Lou Whitcomb		
	Borough Treasurer		

# Malvern Borough Accounts Payable

Report Date 02/14/23

## Expenditure Budget Status Report GL Period 2302

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Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
<b>01</b>		<b>GENERAL FUND</b>						
01400	000	BORO COUNCIL & MAYOR COMPENSATION	9,600.00				9,600.00	100
	001	SALARY - SECRETARY/MANAGER	80,080.00		6,160.00		73,920.00	92
	002	SALARY - TREASURER/ADMIN. ASST.	54,844.00		4,219.20		50,624.80	92
	003	ASSISTANT MANAGER	54,060.00		4,158.73		49,901.27	92
	021	SALARY & WAGES - CLERKS	11,700.00		900.00		10,800.00	92
	033	TELEPHONE & COMMUNICATIONS	7,875.00	150.00	682.61		7,192.39	91
			218,159.00	150.00	16,120.54	0.00	202,038.46	93
01401	000	REAL ESTATE TAX REFUNDS	6,500.00				6,500.00	100
			6,500.00	0.00	0.00	0.00	6,500.00	100
01402	020	MATERIALS & SUPPLIES	5,000.00		240.64		4,759.36	95
	021	CONFERENCES, SEMINARS, MEETINGS	9,500.00		490.00		9,010.00	95
	022	DUES & MEMBERSHIPS	4,200.00		1,220.00		2,980.00	71
	023	OFFICE EQUIP. MAINTENANCE & EXPENSE	25,000.00		11,539.92		13,460.08	54
	024	GENERAL EXPENSE	24,750.00		3,876.03		20,873.97	84
	025	ADVERTISING & PRINTING	12,000.00		1,400.16		10,599.84	88
	030	AUDITING SERVICES	15,000.00	5,500.00	5,500.00		9,500.00	63
			95,450.00	5,500.00	24,266.75	0.00	71,183.25	75
01403	012	COMMISSIONS-EARNED INC. TAX COLL.	25,000.00				25,000.00	100
	013	EIT TAX COLLECTION STUDY GROUP EXP	500.00				500.00	100
	014	GENERAL EXPENSE	500.00				500.00	100
			26,000.00	0.00	0.00	0.00	26,000.00	100
01404	000	LEGAL SERVICES	145,000.00		13,558.75		131,441.25	91
	002	LEGAL SERVICES-RIGHT-TO-KNOW	65,000.00		5,487.65		59,512.35	92
			210,000.00	0.00	19,046.40	0.00	190,953.60	91
01406	200	WORKERS COMPENSATION	12,300.00		2,796.56		9,503.44	77
	220	INCOME PROTECTION INSURANCE	3,085.00		186.13		2,898.87	94
	221	GROUP LIFE INSURANCE	1,729.00		102.06		1,626.94	94
	222	HOSPITALIZATION INSURANCE	67,388.00		4,634.38		62,753.62	93
	223	DENTAL CARE INSURANCE	4,055.00		1,798.37		2,256.63	56
	224	SOCIAL SECURITY TAX- BOROUGH	37,841.00		1,974.19		35,866.81	95
			126,398.00	0.00	11,491.69	0.00	114,906.31	91
01407	021	OFFICE SUPPLIES	8,000.00				8,000.00	100
	022	COMPUTER SUPPLIES	5,900.00		70.77		5,829.23	99
	025	REPAIRS AND MAINTENANCE	13,100.00		100.00		13,000.00	99
	026	SMALL TOOLS AND MINER EQUIPMENT	3,000.00				3,000.00	100
			30,000.00	0.00	170.77	0.00	29,829.23	99

# Malvern Borough Accounts Payable

Report Date 02/14/23

## Expenditure Budget Status Report GL Period 2302

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Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
<b>01</b>		<b>GENERAL FUND</b>						
01408	000	ENGINEERING SERVICES	71,500.00		6.68		71,493.32	100
			71,500.00	0.00	6.68	0.00	71,493.32	100
01409	020	MATERIALS & SUPPLIES	10,000.00	3,762.30	4,790.48		5,209.52	52
	021	UTILITIES	45,500.00				45,500.00	100
	022	GENERAL EXPENSE	3,500.00				3,500.00	100
	023	MAINTENANCE & REPAIRS	55,000.00	272.16	7,773.30		47,226.70	86
	024	ALARM SYSTEM EXPENSE	560.00				560.00	100
			114,560.00	4,034.46	12,563.78	0.00	101,996.22	89
01410	010	SALARY - CHIEF OF POLICE	142,061.00		15,777.30		126,283.70	89
	011	SALARY & WAGES - PATROLMEN	631,169.00	1,974.41	48,438.19		582,730.81	92
	012	SALARY & WAGES - CLERICAL	68,120.00		5,240.00		62,880.00	92
	015	SALARY & WAGES-PART TIME PATROLMEN	95,000.00		4,224.00		90,776.00	96
	018	SALARY & WAGES -OVERTIME	75,000.00		8,157.75		66,842.25	89
	019	MAINTENANCE - OFFICE EQUIPMENT	8,000.00		186.37		7,813.63	98
	020	MATERIALS & SUPPLIES	4,000.00		315.16		3,684.84	92
	021	UNIFORMS	11,000.00				11,000.00	100
	022	AMMUNITION	7,000.00		40.90		6,959.10	99
	023	TRAINING - EDUCATION	9,000.00		199.00		8,801.00	98
	024	ADVERTISING & PRINTING	5,000.00				5,000.00	100
	025	TELEPHONE & COMMUNICATIONS	7,000.00		680.74		6,319.26	90
	026	VEHICLE MAINTENANCE & REPAIRS	21,000.00		789.57		20,210.43	96
	027	MAINTENANCE - TRAFFIC SIGNALS	4,000.00		245.00		3,755.00	94
	029	GAS & OIL	16,500.00		1,284.06		15,215.94	92
	030	TIRES	3,000.00				3,000.00	100
	031	ENERGY - TRAFFIC LIGHTS	2,000.00				2,000.00	100
	032	GENERAL EXPENSE	26,000.00		5,626.11		20,373.89	78
	042	DUES & MEMBERSHIPS	20,000.00		265.00		19,735.00	99
	070	CAPITAL EXPENDITURES	72,500.00				72,500.00	100
	200	WORKERS COMPENSATION	11,840.00		2,796.56		9,043.44	76
	220	INCOME PROTECTION SERVICES	6,500.00		534.89		5,965.11	92
	221	GROUP LIFE INSURANCE	3,500.00		302.40		3,197.60	91
	222	HOSPITALIZATION INSURANCE	144,900.00		15,080.19		129,819.81	90
	223	DENTAL CARE INSURANCE	9,000.00		4,718.46		4,281.54	48
	224	SOCIAL SECURITY TAX BOROUGH	72,000.00		6,055.44		65,944.56	92
	228	POLICE PROFESSIONAL LIABILITY INSUR	18,002.00				18,002.00	100
			1,493,092.00	1,974.41	120,957.09	0.00	1,372,134.91	92
01411	020	CONTRIBUTION VOLUNTEER FIRE COMPANY	132,250.00				132,250.00	100
	021	COST OF FIRE HYDRANTS	22,000.00		1,958.28		20,041.72	91
	022	VOL. FIRE CO. - WATER CONSUMPTION	4,000.00				4,000.00	100
	023	STATE WORKERS INS. FD. (SWIF)	46,574.00		1,549.00		45,025.00	97
	099	FOREIGN FIRE INS. MFC	33,000.00				33,000.00	100
			237,824.00	0.00	3,507.28	0.00	234,316.72	99

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Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
<b>01</b>		<b>GENERAL FUND</b>						
01414	010	SALARIS & WAGES - CODE ENFORCEMENT	136,888.00		10,942.23		125,945.77	92
	020	GENERAL EXPENSE	4,000.00		2,517.48		1,482.52	37
	021	CONTRIBUTION TO PLANNING COMMISSION	2,500.00				2,500.00	100
	022	CONTRIBUTION TO ZONING BOARD	6,500.00				6,500.00	100
	023	CONTRIBUTION TO HISTORICAL COMMISS.	3,000.00		799.99		2,200.01	73
	024	CONTR. TO THE ENVIORNMENTAL ADV CO	1,000.00		356.89		643.11	64
	221	REFUNDS- ZONING HEARINGS	500.00				500.00	100
			154,388.00	0.00	14,616.59	0.00	139,771.41	91
01415	000	EMERGENCY MANAGEMENT COORDINATOR	500.00				500.00	100
			500.00	0.00	0.00	0.00	500.00	100
01427	020	CONTRACTED SERVICES	268,750.00				268,750.00	100
	021	LANDFILL FEES & EXPENSES	106,250.00		10,759.18		95,490.82	90
			375,000.00	0.00	10,759.18	0.00	364,240.82	97
01430	010	SALARIES & WAGES - HIGHWAYS	242,919.00		26,855.92		216,063.08	89
	018	SALRIES & WAGES-OVERTIME	50,000.00				50,000.00	100
	020	MATERIALS & SUPPLIES	12,500.00	174.15	281.90		12,218.10	98
	021	UTILITIES	14,300.00		23.20		14,276.80	100
	022	GENERAL EXPENSE	15,000.00		1,132.43		13,867.57	93
	023	EQUIPMENT RENTALS	4,000.00				4,000.00	100
	024	TELEPHONE & COMMUNICATIONS	7,500.00		653.93		6,846.07	91
	025	VEHICLE MAINTENANCE & REPAIRS	12,000.00		855.34		11,144.66	93
	026	GAS, OIL & TIRES	15,000.00		856.04		14,143.96	94
	027	MINOR EQUIPMENT PURCHASES	2,500.00				2,500.00	100
	200	WORKERS COMPENSATION	11,840.00		2,796.56		9,043.44	76
	220	INCOME PROTECTION INSURANCE	2,771.00		178.08		2,592.92	94
	221	GROUP LIFE INSURANCE	1,729.00		108.88		1,620.12	94
	222	HOSPITALIZATION INSURANCE	94,201.00		7,490.07		86,710.93	92
	223	DENTAL CARE INSURANCE	4,127.00		2,015.69		2,111.31	51
	224	SOCIAL SECURITY TAX - BOROUGH	24,434.00		2,451.96		21,982.04	90
			514,821.00	174.15	45,700.00	0.00	469,121.00	91
01432	020	SNOW & ICE REMOVAL	35,000.00		2,117.00		32,883.00	94
			35,000.00	0.00	2,117.00	0.00	32,883.00	94
01433	020	STREET SIGNS & MARKINGS	10,000.00				10,000.00	100
			10,000.00	0.00	0.00	0.00	10,000.00	100
01434	020	STREET LIGHTING	30,000.00		882.67		29,117.33	97
			30,000.00	0.00	882.67	0.00	29,117.33	97



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Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
<b>01</b>		<b>GENERAL FUND</b>						
01436	020	MAINT. & REPAIRS - SEWERS & DRAINS	3,000.00				3,000.00	100
	053	STORMWATER FEES	2,000.00				2,000.00	100
			5,000.00	0.00	0.00	0.00	5,000.00	100
01437	020	REPAIRS TO TOOLS & MACHINERY	2,000.00		192.69		1,807.31	90
			2,000.00	0.00	192.69	0.00	1,807.31	90
01438	020	MAINTENANCE & REPAIRS - STREETS	10,000.00		56.00		9,944.00	99
			10,000.00	0.00	56.00	0.00	9,944.00	99
01439	070	CAPITAL EXPENDITURES	59,570.00				59,570.00	100
			59,570.00	0.00	0.00	0.00	59,570.00	100
01452	020	RECREATIONAL PROGRAMS	15,000.00	26.54	1,126.01		13,873.99	93
	021	MAINTENANCE & REPAIRS	10,000.00				10,000.00	100
			25,000.00	26.54	1,126.01	0.00	23,873.99	95
01454	010	SALARIES & WAGES - PARKS & REC.	55,867.00		5,782.90		50,084.10	90
	020	MATERIALS & SUPPLIES	6,500.00				6,500.00	100
	021	GENERAL EXPENSE	6,500.00				6,500.00	100
			68,867.00	0.00	5,782.90	0.00	63,084.10	92
01455	020	SHADE TREE MAINTENANCE	17,250.00				17,250.00	100
			17,250.00	0.00	0.00	0.00	17,250.00	100
01456	020	CONTRIBUTION TO LIBRARY	12,180.00				12,180.00	100
			12,180.00	0.00	0.00	0.00	12,180.00	100
01483	020	NON-UNIFORMED PENSION FUND	29,120.00				29,120.00	100
			29,120.00	0.00	0.00	0.00	29,120.00	100
01486	026	CASUALTY - GENERAL LIABILITY	12,967.00				12,967.00	100
	027	AUTOMOBILE LIABILITY INSURANCE	3,763.00				3,763.00	100
	029	PUBLIC OFFICIALS LIABILITY INS.	6,776.00				6,776.00	100
	030	INLAND MARINE INSURANCE	8,559.00				8,559.00	100
	032	COMMERCIAL PROPERTY INSURANCE	2,200.00				2,200.00	100
			34,265.00	0.00	0.00	0.00	34,265.00	100

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Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
<b>01</b>		<b>GENERAL FUND</b>						
01489	010	MILITARY & CIVIC CONTRIBUTIONS	43,500.00				43,500.00	100
			43,500.00	0.00	0.00	0.00	43,500.00	100
01492	011	TRANSFER TO CAPITAL RESERVE FUND	1,427,799.00				1,427,799.00	100
			1,427,799.00	0.00	0.00	0.00	1,427,799.00	100
01	*****	GENERAL FUND	5,483,743.00	11,859.56	289,364.02	0.00	5,194,378.98	95
<b>08</b>		<b>SEWER FUND</b>						
08429	010	SALARIES & WAGES - SEWER OP & MAINT	154,585.00		17,090.14		137,494.86	89
	020	MATERIALS & SUPPLIES	2,500.00				2,500.00	100
	021	UTILITIES	35,000.00				35,000.00	100
	022	MAINTENANCE & REPAIRS	25,000.00		86.56		24,913.44	100
	023	VEHICLE MAINTENANCE & REPAIRS	2,500.00				2,500.00	100
	024	GAS & OIL	4,000.00		237.80		3,762.20	94
	026	SEWAGE DISPOSAL VARIOUS	520,000.00		54,051.00		465,949.00	90
	027	MATERIALS & SUPPLIES	3,000.00				3,000.00	100
	028	GENERAL EXPENSE	15,000.00		1,000.00		14,000.00	93
	029	ENGINEERING	12,000.00				12,000.00	100
	030	TELEPHONE & COMMUNICATIONS	6,000.00				6,000.00	100
	031	ALARM SYSTEM EXPENSE	2,000.00				2,000.00	100
	101	SALARIES & WAGES - SEWER ADMIN.	99,303.00		7,739.03		91,563.97	92
			880,888.00	0.00	80,204.53	0.00	800,683.47	91
08430	070	CAPITAL EXPENDITURES	15,000.00				15,000.00	100
			15,000.00	0.00	0.00	0.00	15,000.00	100
08484	010	AUTOMOBILE INSURANCE	2,280.00				2,280.00	100
	200	WORKMEN'S COMPENSATION	11,840.00		2,796.56		9,043.44	76
			14,120.00	0.00	2,796.56	0.00	11,323.44	80
08486	011	CASUALTY - GENERAL LIABILITY	9,352.00				9,352.00	100
	013	SOCIAL SECURITY TAX -SEWER - BORO	19,944.00		1,862.78		18,081.22	91
	014	COMMERICAL PROPERTY INSURANCE	6,685.00				6,685.00	100
	015	PUBLIC OFFICIALS LIABILITY INS.	4,312.00				4,312.00	100
	016	DENTAL CARE INSURANCE	5,959.00		2,242.82		3,716.18	62
	017	INCOME PROTECTION INSURANCE	3,904.00		242.80		3,661.20	94
	019	HOSPITALIZATON & PRESCRIPTION INS.	93,937.00		7,927.54		86,009.46	92
	020	GROUP LIFE INSURANCE	2,305.00		140.62		2,164.38	94
			146,398.00	0.00	12,416.56	0.00	133,981.44	92
08	*****	SEWER FUND	1,056,406.00	0.00	95,417.65	0.00	960,988.35	91

Malvern Borough Accounts Payable

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Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
<b>20</b>		<b>SEWER CAPITAL RESERVE</b>						
20429	072	REPAIR OF SEWER LATERALS	7,000.00				7,000.00	100
	073	REPAIR JOINTS FOR I & I	75,000.00				75,000.00	100
	074	UPGRADE WET WELL PUMP ST.#2 RUTHLAN	35,000.00				35,000.00	100
	076	CONSTRUCTION FUND-VFSA & TT	50,000.00				50,000.00	100
	077	REPLACE PUMP AT STATION #1 POWELTON	15,000.00				15,000.00	100
			182,000.00	0.00	0.00	0.00	182,000.00	100
20	*****	SEWER CAPITAL RESERVE	182,000.00	0.00	0.00	0.00	182,000.00	100
<b>30</b>		<b>CAPITAL RESERVE FUND</b>						
30400	001	ZONING ORDINANCE AMENDMENTS UPDATE	100,000.00				100,000.00	100
	002	GENERAL CODE REFORMAT OF CODE ORDIN	17,050.00		3,100.00		13,950.00	82
	004	REVIALIZATION & COMPREHENSIVE PLAN	20,000.00				20,000.00	100
			137,050.00	0.00	3,100.00	0.00	133,950.00	98
30409	002	MUNICIPAL BUILDING FENCING & LIGHTI	52,623.00				52,623.00	100
			52,623.00	0.00	0.00	0.00	52,623.00	100
30430	001	TRAFFIC ANALYSIS ENGINEER STUDIES	30,000.00				30,000.00	100
			30,000.00	0.00	0.00	0.00	30,000.00	100
30434	001	STREET LIGHTING	70,000.00				70,000.00	100
			70,000.00	0.00	0.00	0.00	70,000.00	100
30435	006	RANDOLPH WOODS DEV./M-W GREENWAY TR	250,000.00				250,000.00	100
	012	SIDEWALK IMPROVEMENTS	150,000.00				150,000.00	100
			400,000.00	0.00	0.00	0.00	400,000.00	100
30437	002	BRIDGE STREET REPAIRS	130,500.00				130,500.00	100
			130,500.00	0.00	0.00	0.00	130,500.00	100
30439	001	OLD LINCOLN HIGHWAY IMPROVEMENTS	650,000.00				650,000.00	100
	002	TRAFFIC SAFETY IMPROVEMENTS	100,000.00				100,000.00	100
	070	PAVING BOROUGH STREETS	315,000.00				315,000.00	100
			1,065,000.00	0.00	0.00	0.00	1,065,000.00	100
30446	001	STREAMBANK STABILIZATION	844,150.00				844,150.00	100
	002	Drainage Improvements	50,000.00				50,000.00	100

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Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
			894,150.00	0.00	0.00	0.00	894,150.00	100
30454	001	Park Improvements	25,000.00				25,000.00	100
	002	QUAN PARK IMPROVEMENTS	326,334.00				326,334.00	100
	003	PUMP TRACK	201,500.00				201,500.00	100
			552,834.00	0.00	0.00	0.00	552,834.00	100
30455	001	KING STREET- SHADE TREE PLAN	25,000.00				25,000.00	100
			25,000.00	0.00	0.00	0.00	25,000.00	100
30459	000	SIGNAGE THROUGHOUT THE BOROUGH	50,000.00				50,000.00	100
	001	Trail Construction	100,000.00				100,000.00	100
			150,000.00	0.00	0.00	0.00	150,000.00	100
30471	000	DEBT SERVICE PRINCIPAL	32,000.00		32,000.00			
			32,000.00	0.00	32,000.00	0.00	0.00	0
30472	000	DEBT SERVICE INTEREST	484.00		40.32		443.68	92
			484.00	0.00	40.32	0.00	443.68	92
30480	8932	GENERAL EXPENSE	5,000.00				5,000.00	100
			5,000.00	0.00	0.00	0.00	5,000.00	100
30	*****	CAPITAL RESERVE FUND	3,544,641.00	0.00	35,140.32	0.00	3,509,500.68	99

Louis M. Marcelli  
Chief of Police

# MALVERN BOROUGH POLICE DEPARTMENT



**Date:** February 1, 2023  
**To:** Mayor Uzman  
Members of Borough Council  
**From:** Louis M. Marcelli, Chief of Police  
**Subject:** MONTHLY REPORT – January 2023

During the month of January 2023, Members of the Police Department received 337 calls for service. Of the 312 calls, there was 3 - Part I Crime and 3 - Part II Crimes. The Members of the Department made 2 Criminal arrests for the month.

### **Traffic Enforcement:**

Traffic Citations –22 ; Warnings – 22; Parking Tickets – 8 and Ordinances – 0.

### **Alarms:**

There were 6 police and 4 fire alarms.

### **EMS, Medical and Ambulance:**

There was a total of 20 calls.

### **Accidents:**

There were 4 property, 1 hit and run, 0 vehicle versus pedestrian, and 1 reportable crash for the month.

### **Assistance to Malvern Police Department:**

The Police Department received assistance from other Departments on 5 occasions.

### **Assistance to Other Departments:**

Members of the Department responded to assist other Departments on 19 occasions for miscellaneous police related issues.

**1 East First Avenue, Suite 1, Malvern, PA 19355**  
**Police Radio: 610-647-1440 | Office: 610-647-0261 | Fax: 610-647-6166**  
**Email: [police@malvern.org](mailto:police@malvern.org)**

Louis M. Marcelli  
*Chief of Police*

# MALVERN BOROUGH POLICE DEPARTMENT



## **House Checks:**

There were 20 house checks for the month.

## **Fingerprinting:**

0 individuals were printed for employment purposes.

## **Training:**

January 17<sup>th</sup>- Ofc. Keating attending the Overdose Information Network (ODIN) webinar training.

January 24<sup>th</sup>- Cpl. Walker, Cpl. Dougherty, and Admin. Assistant Jones, attended ODIN training via webinar.

This is a mandatory training as per ACT 158 and that all Police Departments are required to report all overdose incidents, narcan usage and drug packaging markings within 72 hours of overdose.

cc: Tiffany Loomis  
Borough Manager

**1 East First Avenue, Suite 1, Malvern, PA 19355**  
**Police Radio: 610-647-1440 | Office: 610-647-0261 | Fax: 610-647-6166**  
**Email: [police@malvern.org](mailto:police@malvern.org)**

## **PUBLIC WORKS SUPERINTENDENT REPORT**

**January 2023**

### **STREET DEPT:**

Trash containers on King Street and all Public Parks are cleaned out weekly on Monday, Wednesday and Friday. Doggie Bags dispenser are filled.

Cleaned storm drains

26 Mark outs were received from Pa One Call and completed.

Repaired various street signs.

Repaired various Pot Holes.

Street sweeper was run thru out Borough.

Repaired various street lights.

Painted History Room in Borough Hall. Replaced ceiling tiles, installed new carpet, moved electrical Receptacle.

Installed new post & rail fence around rain garden at Quann's Park.

Installed new recycle trash cans at Burke Park & Rubino Park.

### **SEWER DEPT:**

Pump stations were checked daily.

Pumped 8,737,000 gallons to Valley Forge Sewer Authority.

Cleaned out wet well at pump stations.

Replaced modems for flow recorder at Old Lincoln Hwy, Erin Glenn & N. Warren Ave meter pits.

### **SHOP:**

Service and inspection on Police Cars.

Respectfully submitted,  
Ira Dutter, Jr.  
Superintendent of Public Works

**ARPA COMMITTEE RECOMMENDATIONS & EXPENDITURE STATUS AS OF FERUARY 10, 2023**

CATEGORY	TOTAL AMOUNT DESIGNATED TO BE RELEASED	TRANSACTIONS	REMAINING BALANCE	NOTES
<p><b><u>Borough Hall Renovations including but not limited to:</u></b>                      Fence in Police Rear Access - <b>COMPLETED</b>                      Lighting of Police Area - <b>COMPLETED</b>                      Upgrade 3 Police Cars w/ Charging Capabilities - <b>COMPLETED</b>                      Charging Station for Police Cars - <b>COMPLETED</b>                      Sound System Upgrade - <b>COMPLETED</b>                      LED Lighting for all Borough Buildings -<b>COMPLETED</b>                      Upgrade Sound System - <b>PROCESSING</b></p>	\$ 40,000.00	<p>\$3,000 - Upgrade 3 Police Cars w/ Charging Capabilities - 5/17/2022 (\$2,775 processed for payment in August 2022 for electrical work to be completed)</p> <p>\$13,200 - Fence in Police Rear Access/ Lighting &amp; Camera including electrical work 6/7/2022 (\$4,081.20 &amp; \$2,453.34 processed for payment in August 2022 for electrical work)</p> <p>(Fence Purchase &amp; Installation totaling \$8,122.13 - A deposit of \$4,061.07 was paid July 11, 2022. The remaining balance is paid upon the work being completed - WORK TO BE COMPLETED IN OCTOBER/ NOVEMBER) <b>THE REMAINDER TO BE PAID FROM WORKERS COMPENSTATION INSURANCE GRANT &amp; BUILDING MAINTENANCE IN THE GENERAL FUND.</b></p> <p>\$1,277.15 paid 9/28 for Light Pole to Stairs.</p> <p>A deposit of \$1,196 was paid in July for the Sound System. The Sound System is on back order. \$23,449 - Sound System approved by Borough Council on 6/21/2022 (ON BACK ORDER - INSTALLATION TO OCCUR BY WINTER 2023)</p>	\$ -	NONE
<p><b><u>Library Renovations including but not limited to:</u></b>                      Carpet Tiles                      Painting the Library                      Foyer Renovations                      Shared Bathroom Renovations                      AC System to be repaired</p>	\$ 40,000.00	NONE	\$ 40,000.00	NONE
<p><b><u>Economic Revitalization including but not limited to:</u></b>                      Main Street Manager for King Street                      Potential WIFI Hot Spots                      Craft &amp; Mercantile Event - Scheduled for 9/16 - <b>COMPLETED</b></p>	\$ 107,000.00	<p>\$5,000 - Craft &amp; Mercantile Event - 4/5/2022                      \$6,000 - MBPA for Lighting Installation - 10/18/2022</p>	\$ 96,000.00	<b>WORKING ON MAIN STREET MANAGER INITIATIVE</b>
<p><b><u>Public Works Capital Improvement Program including but no limited to:</u></b>                      Stormwater                      2022 Road Program - <b>COMPLETED</b></p>	\$ 107,000.00	<p>\$25,000 - 2022 Road Program - 6/7/2022 - PAID IN AUGUST 2022                      POST OFFICE STORMWATER PIPE - \$9,500 - BILL FORTHCOMING - WORK COMPLETED ON OCTOBER 11, 2022</p>	\$ 72,500.00	NONE
<p><b>Quann Park - COMPLETED</b></p>	\$ 20,000.00	<p>\$20,000 - Park Improvements for DCNR Grant Match - 4/19/2022                      PAID IN AUGUST 2022</p>	\$ 20,000.00	<b>COMPLETED</b>
<p><b>Composting Program</b></p>	\$ 10,000.00	<p>Borough Council approved the composting pilot program at their January 3, 2023 meeting - <b>\$10,800 Authoirzed from ARPA Funds</b></p>	\$ -	<b>COMPLETED</b>
<p><b>Malvern Fire Company - Purchase of EMS Gear COMPLETED</b></p>	\$ 36,883.00	<p>\$36,883 - EMS GEAR - 10/19/2022</p>	\$ -	<b>COMPLETED</b>





CHESTER COUNTY  
MUNICIPAL GRANT PROGRAM

Round 32 Contract Amendment

Amendment Number 1

By and Between

Borough of Malvern  
and  
County of Chester

In connection with the Quann Park Improvements contract dated April 15, 2020 (Contract # 19331), the following change is accepted by the Commissioners of Chester County.

I. Contract Terms:

No Change.

II. Contract Termination Date:

This Contract is being amended subject to conditions hereinafter set forth; an equitable adjustment of the time is established as follows:

The Contract Termination Date is extended through October 14, 2023.

III. The Conditions last above referred to are as follows:

- A. The aforementioned adjustment of contract time is subject to all Contract stipulations and covenants;
- B. The rights of the County of Chester are not prejudiced; and
- C. All claims against the County of Chester, which are incidental to or as a consequence of the aforementioned delay are satisfied.

**CHESTER COUNTY  
MUNICIPAL GRANT PROGRAM  
CONTRACT AMENDMENT #1  
CONTRACT #19331**

County of Chester Authorized Signature

Attest: \_\_\_\_\_

By: \_\_\_\_\_

David T. Stauffer  
Director, Parks + Preservation

Date: \_\_\_\_\_

\_\_\_\_\_

Borough of Malvern  
(Municipality)

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature and Title)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature and Title)

\_\_\_\_\_  
(Signature and Title)

\_\_\_\_\_  
(Signature and Title)

\_\_\_\_\_  
(Signature and Title)

\_\_\_\_\_  
(Signature and Title)

\_\_\_\_\_  
(Signature and Title)

**BEFORE THE BOROUGH COUNCIL OF THE BOROUGH OF MALVERN,  
CHESTER COUNTY, PENNSYLVANIA**

IN RE: APPLICATION OF JEREMY HARRISON AND DANA MARIE HARRISON  
434 HIGHLAND AVENUE  
UPI no. 2-6-43

**DECISION AND ORDER**

Applicants, Jeremy Harrison and Dana Marie Harrison (the “Applicants”), submitted to the Borough of Malvern (the “Borough”) an application for conditional use approval (the “Application”)<sup>1</sup> received by the Borough on December 5, 2022. In their Application, Applicants seek approval for up to twenty-five percent (25%) building coverage under Section 220-602.A(5) of the Borough’s Zoning Ordinance<sup>2</sup> for their property at 434 Highland Avenue, Malvern, Pennsylvania, being UPI no. 2-6-43 (the “Property”). Pursuant to Section 220-2910 of the Zoning Ordinance, the Borough’s Planning Commission convened a public information meeting on January 5, 2023, and issued recommendations.<sup>3</sup> Borough Council convened a hearing on January 17, 2023. The Borough was a party to the hearing. No other persons or entities requested party status. Following receipt of evidence and testimony, Borough Council voted unanimously to approve the Application, with conditions, and the record was closed.<sup>4</sup>

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<sup>1</sup> The Application was offered and admitted at the hearing, noted within, as Exhibit A-2.

<sup>2</sup> The Borough’s Zoning Ordinance is codified at Chapter 220 of the Code of Ordinances, Borough of Malvern, Pennsylvania.

<sup>3</sup> The Borough’s Planning Commission recommendations are set forth in Exhibit BC-4, being a letter from the Borough’s Planning Commission to the Borough Manager, dated January 9, 2023.

<sup>4</sup> The conditions of approval are reiterated in this written Decision and Order.

## FINDINGS OF FACT

1. Applicants' Property is located in the R3b Zoning District.
2. Applicants are proposing to demolish an existing structure which is non-conforming as to side yard setbacks, among other things, and to construct a new dwelling with building coverage of twenty-five percent (25%).
3. Applicants propose centering the new home on their Property so it is no longer non-conforming.
4. Applicants' Property is approximately 9,600 square feet.
5. The Borough's Planning Commission reviewed the Application, recommending approval with certain conditions which are summarized in Exhibit BC-4.
6. The Borough's engineer, Daniel H. Daley, P.E., of Edward B. Walsh and Associates, Inc., reviewed the Application under the Borough's Zoning Ordinance and Storm Water Management Ordinance - 2014 - 61, adopted May 20, 2014, recommending certain conditions for approval.
7. During the hearing, Applicants agreed to comply with the recommendations of the Borough's Planning Commission, as set forth in its letter of January 9, 2023 [Exhibit BC-4], and further comply with the letter of the Borough Engineer of January 12, 2023 [being Exhibit BC-6].
8. Among the recommendations by the Borough's Planning Commission is the inclusion of a minimum of two (2) street trees as per the proposed plans.
9. The Property currently has a Japanese maple tree located upon it.
10. At the hearing, Applicants agreed that, if the existing Japanese maple tree succumbs, then there will be two (2) street trees planted; if the Japanese maple tree is not impacted by the construction, then one (1) new street tree will be planted.

11. There was no opposition presented to the Application at the hearing before Borough Council.

### **CONCLUSIONS OF LAW**

1. The Application, as filed, was properly completed and constituted a lawful request for a conditional use approval under Pennsylvania's Municipalities Planning Code ("MPC") and the Borough's Zoning Ordinance.

2. The public information meeting of the Borough's Planning Commission on January 5, 2023, and the hearing on January 17, 2023, were duly advertised, convened, and conducted pursuant to applicable law.

3. Borough Council of the Borough has jurisdiction and authority to decide this matter and grant or deny the conditional use relief requested in the Application and to impose reasonable conditions for the granting of the same.

4. Applicants have demonstrated in general entitlement to the requested conditional use approval as described in Section 220-2910 of the Zoning Ordinance, subject to certain conditions enumerated below.

5. Applicants demonstrated specific entitlement to conditional use approval under Section 220-602.A(5) for up to twenty-five percent (25%) building coverage.

6. The approval granted to Applicants shall be conditioned upon compliance by the Applicants with the letter of January 12, 2023, of the Borough's engineer [Exhibit BC-6] and with the recommendations by the Borough's Planning Commission and specifically with regard to the planting of street trees.

**ORDER**

After consideration of the Application in the above-referenced matter, together with testimony and evidence presented during the hearing, Malvern Borough Council hereby ORDERS that the Application of Jeremy Harrison and Dana Marie Harrison for conditional use approval for up to twenty-five percent (25%) building coverage under Section 220-602.A(5), is GRANTED conditioned upon compliance by the Applicants with the letter of January 12, 2023, of the Borough's Engineer [Exhibit BC-6] and with the Borough Planning Commission letter of January 9, 2023 [Exhibit BC-4], and further conditioned upon the following: (1) Applicants shall plant one street tree per Applicants' proposed plan; and (2) if the existing Japanese maple tree on the Property dies and/or is removed, then a second street tree will be planted.

It is so ORDERED by Malvern Borough Council.

Date: February \_\_\_\_, 2023

\_\_\_\_\_  
Amy Finkbiner, PhD, President

**BOROUGH SECRETARY CERTIFICATION**

I hereby certify that the foregoing is a true and correct copy of the Decision and Order of Borough Council in the above-captioned matter as adopted on the \_\_\_\_ day of February, 2023, by the affirmative vote of a majority of Borough Council at a duly convened public hearing.

Date: \_\_\_\_\_

\_\_\_\_\_  
Tiffany Loomis, Borough Secretary

**RESOLUTION NO.**

**842**

**BOROUGH OF MALVERN  
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
MALVERN, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, TO  
ADOPT INITIATIVES TO BE RECOGNIZED AS A PENNSYLVANIA AUDUBON  
COUNCIL BIRD TOWN PENNSYLVANIA “BIRD TOWN”**

**WHEREAS**, Malvern Borough recognizes that birds are indicators of environmental health and pledges to provide resources for them.

**WHEREAS**, Pennsylvania Audubon Council, owner of the “Bird Town” and “Bird Town Pennsylvania” service and design marks, and offeror of the Bird Town Pennsylvania programs and services, will work with municipalities to engage and educate their residents, schools and businesses about conservation actions they can take to create a healthier, more sustainable environment for birds, wildlife and people.

**WHEREAS**, the Malvern Borough Council recognizes that these programs and services could be a powerful tool to increase “green living, promote a culture of conservation in our community and provide positive social, economic and ecological outcomes.

**WHEREAS**, Malvern Borough recognizes that using native plants, reducing storm water runoff and energy use can help restore natural systems and ecological integrity

**WHEREAS**, elected representatives of Malvern Borough, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community, increase property values, and

**THEREFORE, BE IT RESOLVED**, that to engage in new efforts to live lighter on the land and provide a healthier environment for the people and birds of our town, Malvern Borough wishes to commit to ecological initiatives and by doing so, we will be recognized as a Bird Town Pennsylvania community

**BE IT FURTHER RESOLVED** by the 21<sup>st</sup> of February, 2023 that we do hereby authorize the Environmental Advisory Council to serve as the Malvern Borough agent for the Bird Town Pennsylvania processes.

**RESOLVED** by Borough Council this 21<sup>st</sup> day of the February 2023.

this 21<sup>st</sup> day of February, 2023.

\_\_\_\_\_  
Amy Finkbiner, PhD, President

Approved by the Mayor,

this 21<sup>st</sup> day of February, 2023.

\_\_\_\_\_  
Zeyn B. Uzman, Mayor

Enacted,

This 21<sup>st</sup> day of February, 2023.

\_\_\_\_\_  
Tiffany M. Loomis, Secretary