

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

August 1, 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 Niemiec
Council Member Phillips
Council Member Riccetti
Mayor Uzman

1. 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. Please check out the Borough's website calendar regularly for all up and coming events located throughout the Community.

2. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the August 1, 2023 meeting of Borough Council as presented.

3. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the regular meeting held on Tuesday, July 18, 2023 as presented.

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

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

4. SPECIAL BUSINESS

a. OATH OF OFFICE FOR NEWLY APPOINTED COUNCIL MEMBER DR. ZOE WARNER, PH.D.

The Honorable District Justice Mackenzie Smith will administer the Oath of Office for the newly appointed Council Member, Dr. Zoe Warner, Ph.D.

b. RE-ORGANIZATION OF BOROUGH SUB-COMMITTEE(S)

Council President Finkbiner announces that Borough Council will discuss the re-organization of the Finance & Administration, Public Works, and Public Safety Sub-Committees.

5. UNFINISHED BUSINESS

a. MAYORS MONARCH BUTTERFLY PROCLAMATION

Mayor Uzman will present a proclamation authorizing that the month of May each year shall be designated as "Nurture Gardens for Monarch Butterflies Month" in order to encourage and motivate Malvern Borough residents, local businesses, schools and public and civic officials to cultivate, nurture and protect food sources such as native milkweed and nectar plants and natural habitat, so that resources for healthy and sustainable pollinator gardens throughout the borough are accessible to promote native plant conservation and restoration for the monarch butterfly's continued yearly growth and epic migration.

b. CURBSIDE PICKUP & RECYCLABLES RESOLUTION NO. 847

MOTION: To approve Resolution No. 847 as presented.

Resolution No. 847 sets and determines the day of the week for curbside pickup and municipal solid waste (refuse) and recyclables. The Borough has enacted an Ordinance for the collection and disposal of solid waste, codified at Chapter 173, Section 173-4 authorizing the Borough Council to establish, by resolution, the days of the week when certain types of solid waste shall be collected throughout the Borough; and

The Borough recently entered into a new agreement for collection and disposal of solid waste, including municipal solid waste (refuse) and recyclables, which provides for collection of municipal solid waste (refuse) and recyclables once per week.

c. ORDINANCE NO. 2023-01: AMENDMENT TO CHAPTER 200 (VEHICLES AND TRAFFIC)

PUBLIC HEARING: Council President Finkbinder announces that Borough Council will now open a public hearing to consider Ordinance No. 2023-01. This ordinance amends Chapter 200 of the Code of Ordinances of the Borough of Malvern, Pennsylvania, entitled "Vehicles and Traffic" at Article III, Parking Regulations, to limit parking at certain times on a part of East Broad Street. The proposed ordinance was advertised for public review in the July 25, 2023 edition of the Daily Local News.

ADOPTION: ORDINANCE NO. 2023-01: AMENDMENT TO CHAPTER 200 (VEHICLES AND TRAFFIC)

MOTION: To adopt Ordinance No. 2023-01 to limit parking at certain times on a part of East Broad Street, as presented.

d. ORDINANCE NO. 2023-02: AMENDMENT TO CHAPTER 25, SECTION 25-29 (CODE OF ORDINANCES OF MALVERN BOROUGH)

PUBLIC HEARING: Council President Finkbinder announces that Borough Council will now open a public hearing to consider Ordinance No. 2023-02. This ordinance amends Chapter 25, Section 25-29, of the Code of Ordinances of the Borough of Malvern, Pennsylvania, being the Administrative Code, providing for an alternate member for the Parks and Recreation Committee. The proposed ordinance was advertised for public review in the July 25, 2023 edition of the Daily Local News.

ADOPTION: ORDINANCE NO. 2023-02: AMENDMENT TO CHAPTER 25, SECTION 25-29 (CODE OF ORDINANCES OF MALVERN BOROUGH)

MOTION: To adopt Ordinance No. 2023-02 to Chapter 25, Section 25-29, of the Code of Ordinances of the Borough of Malvern, Pennsylvania, being the Administrative Code, providing for an alternate member for the Parks and Recreation Committee, as presented.

e. BIRD TOWN PENNSYLVANIA COMMITTEE

In the Spring of 2023, Malvern Borough made application for and was accepted as a "Bird Town Pennsylvania" community. The Borough's Environmental Advisory Council was named as the initial responsible committee for this initiative. Borough Council has received a request to consider, and will consider this evening, establishing a formal standing "Bird Town Committee." Council may consider a motion authorizing the solicitor to prepare an ordinance, as required under the Borough's Administrative Code, to establish this new standing committee.

f. ANNUAL REPORTS FOR MALVERN BOROUGH COMMITTEES AND COMMISSIONS

The Parks & Recreation Committee, Malvern Historical Commission, Environmental Advisory Council, and Shade Tree Commission will present their Annual Year 2022 reports this evening. All reports will be placed on the Borough website.

g. ZONING HEARING BOARD

There are no new applications before the Zoning Hearing Board.

6. NEW BUSINESS

7. PUBLIC FORUM

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

8. ADJOURNMENT

REGULAR MEETING

Page 1

MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

July 18, 2023
7:30 PM

PRESIDING: President Finkbiner

INVOCATION: Mayor Uzman

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

PRESENT

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

ABSENT:

1. ANNOUNCEMENTS

President Finkbiner asked in accordance with Resolution No. 840 if any member of the audience was recording the meeting. Mr. Chris Buckley recorded the meeting.

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

President Finkbiner announced that Borough Council met with its legal counsel in Executive Session on Tuesday, July 18, 2023 to discuss legal matters related to the Borough.

Mr. John Buckley asked what matters were discussed in Executive Session and Borough Solicitor McLean explained that legal matters related to the Borough were discussed.

President Finkbiner announced to please check out the Borough's website calendar regularly for all up and coming events located throughout the Community.

Council Member Riccetti announced that the Malvern Community Choir is meeting on Sunday, July 23, 2023 at 6PM and seeking new members.

Mr. Hugo Schmitt announced that the Historical Commission is opening the History Center to the public on Saturday, July 22, 2023 from 2PM to 4PM.

2. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Niemiec, seconded by Council Member Phillips, and

carried by a vote of 6-0, to approve the minutes from the Tuesday, June 20, 2023 as presented.

b. APPROVAL OF REPORTS

A motion was made by Council Member Riccetti, seconded by Council Member Phillips, and carried by a vote of 6-0, 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 June 2023, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

Borough Manager Loomis reported that the Finance & Administration Sub-Committee met on Wednesday, July 12, 2023 to discuss the following:

- Failing air conditioning unit located on South side of Malvern Public Library
- 2024 Budget Matters – Succession Planning
- Bi-Annual Budget Analysis for Year 2023
- Home Rule Charter Amendment Discussion regarding Mayor's Attendance

Mr. John Buckley commented on the Home Rule Charter Amendment regarding the Mayor's attendance and the Mayor offered further explanation that the amendment is not required.

Mr. Danny Fruchter asked for a further explanation of succession planning. Borough Manager Loomis explained that there may be retirements occurring over the next few years and succession planning is needed to the stability of Malvern Borough's work force.

Council Member Niemiec reported that the Public Works Sub-Committee met on Friday, June 30, 2023 to discuss Randolph Woods Nature Preserve with the Borough Engineer. He explained that a presentation will be forthcoming at a Borough Council meeting to inform the public.

Council Member Phillips reported that the Public Safety Sub-Committee has not met since the last Borough Council meeting and will schedule a meeting in the near future.

3. APPROVAL OF AGENDA

A motion was made by Council Member Niemiec, seconded by Council Member Riccetti, carried by a vote of 6-0, to approve the agenda for the July 18, 2023 meeting as presented.

4. SPECIAL BUSINESS

a. PATRICK McGUIGAN DEDICATION PRESENTION

Council President Finkbiner introduced Mr. Henry Briggs, a former Council Member, and he gave a presentation requesting a formal dedication for Mr. Patrick McGuigan to be installed at Borough Hall (McGuigan Hall).

Borough Council and the Mayor discussed the request and agreed this is an excellent idea. The Borough will fund the cost to create and install the dedication. They thanked Mr. Briggs for his hard work and dedication to the memorial for Mr. McGuigan.

Mr. McGuigan is turning ninety (90) years of age soon and it would be ideal to have the dedication as soon as possible to be present for such.

Mr. Henry Briggs offered a donation in the amount of the cost to produce the dedication materials.

Mr. John Buckley commented that all projects and parks throughout the Borough need to be memorialized.

President Finkbiner asked Mr. Hugo Schmitt from the Historical Commission to have explanations created for each project and/or park created throughout Malvern Borough.

Mr. Hugo Schmitt will discuss this matter with the Historical Commission in the near future.

Ms. Cathy Raymond, Esq. commented on the level of contribution Mr. McGuigan made to Malvern Borough.

A motion was made by Council Member Phillips, seconded by Council Member Frederick, and carried by a vote of 6-0, to authorize the McGuigan dedication as presented.

The presentation will be posted on the Borough website and the Borough Manager will process the ordering of the plaque with Mr. Henry Briggs.

5. UNFINISHED BUSINESS

a. AUTHORIZE TO ADVERTISE PARKING SIGNAGE ORDINANCE AMENDMENT RELATED TO EAST BROAD STREET

Council President Finkbiner explained that the Public Safety Sub-Committee discussed a complaint and suggestion received from a local resident at their June 5, 2023 meeting regarding installing parking signage on Broad Street, near Rubino Park, limiting two (2) parking spots to parking for two (2) hours at a time.

Borough Council directed the Solicitor to prepare an Ordinance Amendment to address accordingly at their June 20, 2023 meeting. The ordinance amendment proposes amending Chapter 200 of the Code of Ordinances of the Borough of Malvern, Pennsylvania, entitled "Vehicles and Traffic" at Article III, Parking Regulations, to limit parking at certain times on a part of East Broad Street.

A motion was made by Council Member Frederick, seconded by Council Member Phillips, and carried by a vote of 6-0, to authorize advertisement of the proposed ordinance amendment amending Chapter 200 of the Code of Ordinances of the Borough of Malvern, Pennsylvania, entitled "Vehicles and Traffic" at Article III, Parking Regulations, to limit parking at certain times on a part of East Broad Street.

The hearing will be held at the August 1, 2023 Borough Council meeting.

b. AUTHORIZE TO ADVERTISE PARK & RECREATION COMMITTEE ALTERNATE MEMBER ORDINANCE AMENDMENT

Council President Finkbiner explained that the Parks & Recreation Commission recommended unanimously at their June 7, 2023 meeting to create an alternate member for appointment to the

REGULAR MEETING

Page 4

Parks and Recreation Committee. An ordinance amending the Administrative Code pursuant to Section 25-29(J) is required.

Borough Council directed the Solicitor to prepare an Ordinance Amendment to address accordingly at their June 20, 2023 meeting. The ordinance amendment proposes amending Chapter 25, Section 25-29, of the Code of Ordinances of the Borough of Malvern, Pennsylvania, being the Administrative Code, providing for an alternate member for the Parks and Recreation Committee.

A motion was made by Council Member Frederick, seconded by Council Member Phillips, and carried by a vote of 6-0, to authorize advertisement of the proposed ordinance amendment amending Chapter 25, Section 25-29, of the Code of Ordinances of the Borough of Malvern, Pennsylvania, being the Administrative Code, providing for an alternate member for the Parks and Recreation Committee, as presented.

The hearing will be held at the August 1, 2023 Borough Council meeting.

c. ZONING HEARING BOARD

There are no new applications before the Zoning Hearing Board.

6. NEW BUSINESS

a. FAILING AIR CONDITIONING UNIT LOCATED AT MALVERN PUBLIC LIBRARY

Council President Finkbiner has Borough Manager explain that the Finance & Administration Sub-Committee discussed the failing air conditioning unit located at the South side of Malvern Public Library. The air conditioning unit has been repaired temporarily, however needs to be replaced with the next three (3) months. The air conditioning system located in the Borough building was installed in Year 2004.

Three (3) quotes are in the process of being obtained, one (1) of which is a COSTARS Vendor quote totaling \$27,289 recommended by the Superintendent of Public Works to move forward with the work accordingly. COSTARS Vendors are exempt from the public bidding process by virtue of being in the Pennsylvania Department of General Services Cooperative Purchasing Program. Borough Council will further discuss and may consider authorizing this work to be completed this evening.

Borough Solicitor McLean explained the library's current lease and how American Rescue Planning Act funding may be spent.

Mr. John Buckley asked for clarification on the replacement regarding the request. Borough Manager Loomis confirmed the a/c unit needs to be replaced.

Dr. Danny Fruchter asked how many a/c units service the library and the BTU's of the of the replacement air conditioning unit. Borough Manager Loomis will look into this information and be in touch the following day.

Council President Finkbiner requested that Public Works create a Borough Hall capital plan for Year 2024 to be presented during budget season. Borough Manager Loomis confirmed she is working with the Public Works Superintendent to create such.

Vice President Bones referenced that the library is holding off on their renovations until the replacement air conditioning unit is installed.

Borough Council and the Mayor discussed various options and agreed the work needs to be completed now for cost saving purposes, inventory shortages, and the library's renovation timeline.

Mr. John Buckley commented on three (3) quotes being obtained.

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 6-0, to authorize the purchase and replacement of the library's air conditioning unit located on the South side of the library.

Council President Finkbiner called a five (5) minute break at 8:27PM.

7. PUBLIC FORUM

Mayor Uzman conveyed a resident's compliment on the paving work that recently occurred on First Avenue.

Mr. Hugo Schmitt commented the Borough's park signage and confirmed only names are located on the signage versus an explanation.

Council Member Niemiec welcomed Borough Solicitor McLean back.

Assistant Borough Manager Badman reported on composting program. 4,638 lbs pounds of compost was collected in the first quarter equating to 2.3 tons. Great news for the Borough.

Mr. John Buckley asked what day is trash pick-up. Council President Finkbiner confirmed Friday is trash pickup day.

Council Member Niemiec commented and complimented the stormwater infrastructure project completed by the Borough for the Malvern Borough Office referencing they renewed their lease for five (5) years.

Mr. Danny Fruchter complimented Borough Manager Loomis and Borough Assistant Manager Badman.

Mr. John Buckley complimented Borough Manager Loomis and Borough Assistant Manager Badman.

Mr. Jason LeBresco requested that the private drive located at the Fire House be named after his grandfather Mr. LeBresco. Borough Council and the Mayor think this is a wonderful idea and directed the Borough Solicitor and Management to move forward with renaming the road after Mr. LeBresco.

Police Chief Marcelli gave an update on the recent break-ins that occurred in Malvern Borough. He asked the Community to keep their vehicles locked.

Mr. Danny Fruchter asked the name of the suspect regarding the robberies. Police Chief Marcelli responded that Willistown Police Department has this information. He indicated that the

Delaware County incident may or may not be related.

Mr. Adam Grimes commented on the bulk trash dates and yard waste. He requested the dates for the bulk trash pickup. Assistant Manager Badman confirmed this information will be provided to the Community in the near future.

Police Chief Marcelli announced that Warren Avenue is closed from 9AM to 4PM daily and this information is posted accordingly.

8. BOROUGH COUNCIL APPOINTMENT

Council President Finkbiner explained that the Borough Council will appoint one of the nominated candidates pursuant to the Borough's Home Rule Charter. The individual appointed to fill the vacancy will be entitled to hold the office until a successor is elected at the November 7, 2023 municipal general election and the certified election results are received. The notice of vacancy was published in the June 9, 2023 edition of the Daily Local News, as required, as well as on the Borough website.

Ms. Cathy Raymond, Esq. reviewed the Home Rule Charter asked for further clarification on this process and Section 204A of the Home Rule Charter.

The Borough Solicitor, Borough Council, and the Mayor discussed the requirements of this appointment as directed in the Home Rule Charter and agreed that Section 204A of the Home Rule Charter needs to be cleaned up.

Mr. Adam Grimes accepted his nomination and introduced himself to Borough Council and the Community via ZOOM presenting his qualifications for the vacancy seat. He stated that he would not run in the election due to be a Federal Employee and his employment restricting such.

A motion was made by Council Member Niemiec, and carried by a vote of 4-2, to appoint Dr. Zoe Warner, Ph.D. with the following vote by each Council Member:

Vice President Bones – Yes
Council Member Niemiec – Yes
Council Member Phillips – Yes
Council President Finkbiner – No
Council Member Riccetti – Yes
Council Member Frederick - No

8. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 6-0, to adjourn the meeting at 9:08PM.

Respectfully submitted,
Tiffany M. Loomis
Borough Manager/Secretary

BOROUGH OF MALVERN, PENNSYLVANIA

PROCLAMATION BY THE MAYOR REGARDING THE NATIONAL WILDLIFE FEDERATION’S MAYORS’ MONARCH PLEDGE AND NUTURE GARDENS FOR BUTTERFLIES MONTH

WHEREAS, through the National Wildlife Federation’s Mayors' Monarch Pledge™, cities, municipalities, and other communities across North America are committing to create healthy, sustainable habitat for the monarch butterfly and pollinators while educating residents about how they can make a difference at home and in their community; and

WHEREAS, a request has been made that, within the Borough of Malvern, Chester County, Pennsylvania (the “Borough”), the month of May each year be designated as “Nurture Gardens for Monarch Butterflies Month” to encourage and motivate Borough residents, local businesses, schools, and public and civic officials to cultivate, nurture and protect food sources such as native milkweed and nectar plants and natural habitat, so that resources for healthy and sustainable pollinator gardens throughout the Borough are accessible to promote native plant conservation and restoration for the monarch butterfly’s continued yearly growth and epic migration; and

WHEREAS, the monarch butterfly (*Danaus plexippus*) conveys an inspirational sign of strength and endurance; and

WHEREAS, the monarch butterfly is an iconic North American species that travels over 3,000 miles during its tri-national multigenerational migration period; and

WHEREAS, each monarch butterfly weighs less than one gram, but travels between 50 and 100 miles a day; and

WHEREAS, the monarch butterfly is facing extinction, with the population decreasing by greater than 85% in the past two decades due to a reduction of breeding habitat and native food sources, obstructions to healthy migratory paths, and climate change; and

WHEREAS, Borough residents, landowners, and leaders can play a critical role in protecting and saving the monarch butterfly from extinction by executing “Nurture Gardens for Monarch Butterflies Month”, encouraging planting milkweed and other native nectar plants, providing habitat and pollinator gardens, promoting educational programs and demonstration gardens, changing ordinances for promotion of conservation and restoration, among other items; and

WHEREAS, Malvern Borough Council, in partnership with the Malvern Environmental Advisory Council, the Malvern Parks and Recreation Committee, Malvern Public Library, local schools and businesses and many local, national, and international organizations, desires to help preserve the vanishing population of the Monarch butterfly.

NOW, THEREFORE, I, Zeyn B. Uzman, Mayor of the Borough of Malvern, Chester County, Pennsylvania, do hereby proclaim that I signed the National Wildlife Federation’s Mayors’ Monarch Pledge™, to lead the way to urge all citizens to recognize and observe the importance of taking a proactive role in creating and protecting habitats for monarch butterflies and further do hereby proclaim the Month of May as “Nurture Gardens for Monarch Butterflies Month” in Malvern Borough, Chester County, Pennsylvania.

Given under my hand and causing to be affixed hereto the seal of Malvern Borough, Chester County, Pennsylvania, this 1st day of August, 2023.

Zeyn B. Uzman, Mayor

[Seal of Borough of Malvern]

RESOLUTION NO. 847

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION SETTING AND DETERMINING THE DAY OF THE
WEEK FOR CURBSIDE PICKUP OF MUNICIPAL SOLID WASTE
(REFUSE) AND RECYCLABLES.**

WHEREAS, the Borough Council ("Council") of the Borough of Malvern ("Borough"), has heretofore enacted an Ordinance for the collection and disposal of solid waste, codified at Chapter 173 of the Code of Ordinances of the Borough of Malvern; and

WHEREAS, Section 173-4 authorizes the Borough Council to establish, by resolution, the days of the week when certain types of solid waste shall be collected throughout the Borough; and

WHEREAS, the Borough recently entered into a new agreement for collection and disposal of solid waste, including municipal solid waste (refuse) and recyclables, which provides for collection of municipal solid waste (refuse) and recyclables once per week.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Municipal solid waste (refuse) shall be collected on Fridays.
2. Recyclables shall be collected on Fridays.
3. The foregoing schedule shall be effective until such time as it is amended, changed, or rescinded by the Borough Council.

RESOLVED this 1st day of August, 2023, by Borough Council:

This 1st day of **August, 2023**.

Amy Finkbiner, PhD, President

Approved by the Mayor,

This 1st day of **August, 2023**.

Zeyn B. Uzman, Mayor

Enacted,

This 1st day of **August, 2023**.

Tiffany M. Loomis, Secretary

BOROUGH OF MALVERN,
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-01

**AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF
ORDINANCES OF THE BOROUGH OF MALVERN, PENNSYLVANIA,
ENTITLED "VEHICLES AND TRAFFIC" AT ARTICLE III, PARKING
REGULATIONS, TO LIMIT PARKING AT CERTAIN TIMES ON A
PART OF EAST BROAD STREET.**

WHEREAS, the Borough of Malvern (“Borough”) is a municipality in the Commonwealth of Pennsylvania organized and governed according to its Home Rule Charter; and

WHEREAS, Article I, Section 103, of the Borough’s Home Rule Charter grants the Borough any power or function not denied it by the Constitution of the Commonwealth of Pennsylvania, by the Pennsylvania General Assembly, or by its own Home Rule Charter; and

WHEREAS, the Pennsylvania General Assembly has granted unto boroughs certain powers as enumerated under the Borough Code, 8 Pa. C. S. A. Section 101, et seq.; and

WHEREAS, the Borough Code authorizes Borough Council to regulate, among other things, the following: (1) streets [Section 1202 (12)]; (2) parking [Section 1202(31)(iii)]; (3) the general regulation of nuisances and protections for health, safety, and general welfare of the public [Sections 1202 (4) and 1202(5)]; and (4) such other authority generally granted under the Borough Code, 8 Pa.C.S.A. Section 101, et seq.; and

WHEREAS, the Borough has been granted broad powers under its Home Rule Charter at Article I, Section 103.B, and under the Borough Code at Section 1202, 8 Pa. C.S.A. Section 1202, generally, to act for the benefit of the public welfare; and

WHEREAS, in order to provide for a comprehensive and consistent means of regulation of traffic, parking, and use of streets within the Borough, Borough Council has provided for a comprehensive and consistent means of regulation of traffic, parking, and use of the streets which has been enacted by ordinances under Chapter 200, Vehicles and Traffic, of the Code of Ordinances of the Borough of Malvern, Pennsylvania (the “Malvern Borough Code”); and

WHEREAS, Borough Council has determined that regulations of traffic, parking, and street usage are matters that require frequent revision to address changes in traffic patterns, parking patterns, street usage, development, and other natural reoccurring circumstances; and

WHEREAS, Borough Council, in order to protect the health, safety, and welfare of the citizens of the Borough and of the public generally, desires to amend the Malvern Borough Code at Chapter 200, Vehicles and Traffic, Article III, Parking Regulations, by amending section 200-25, *Parking time limited in certain locations, certain days and hours*, and to specifically to limit parking at certain times on the west side of East Broad Street from the intersection of Old Lincoln Highway along the property boundary for Borough-owned property located at UPI No.2-4-95 and being more commonly known as “Rubino Park”; and

WHEREAS, Article III, Section 301.A(8) of the Borough’s Home Rule Charter requires that amendments to ordinances to promote, benefit, and protect the health, safety, and welfare of the citizens shall be by ordinance; and

WHEREAS, Borough Council has determined that the adoption of this Ordinance is necessary to further promote, benefit, and protect the public’s health, safety, and welfare.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE BOROUGH AS FOLLOWS:

Section 1. Chapter 200, Vehicles and Traffic, Article III, Parking Regulations, Section 200-25, *Parking time limited in certain locations, certain days and hours*, of the Malvern Borough Code is hereby amended to add the following street and location:

Section 200-25, Parking time limited in certain locations, certain days and hours.

Name of Street	Side	Days	Hours	Parking time limit	Location
East Broad Street	West	Every day	6:00 a.m. to 8:00 p.m.	2 hours	from intersection of Old Lincoln Highway along Boundary of Parcel UPI No. 2-4-95

Section 2. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared the intent of Borough Council that

this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

Section 3. Repealer. All ordinances or parts of ordinances conflicting with any provision(s) of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective upon enactment as provided by law and Article III, Section 304, of the Borough's Home Rule Charter.

ORDAINED by Borough Council

this 1st day of **August**, 2023

Amy Finkbiner, PhD, President

APPROVED by the Mayor

this 1st day of **August**, 2023

Zeyn Uzman, Mayor

ENACTED,

this 1st day of **August**, 2023

Tiffany M/ Loomis,
Secretary/ Borough Manager

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE BOROUGH OF MALVERN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 25, SECTION 25-29, OF THE CODE OF ORDINANCES OF THE BOROUGH OF MALVERN, PENNSYLVANIA, BEING THE ADMINISTRATIVE CODE, PROVIDING FOR AN ALTERNATE MEMBER FOR THE PARKS AND RECREATION COMMITTEE.

WHEREAS, the Borough of Malvern (the “Borough”) is a borough located within the Commonwealth of Pennsylvania governed by its duly enacted Home Rule Charter, as amended; and

WHEREAS, the Borough has established a Parks and Recreation Committee to provide support and guidance to Borough Council; and

WHEREAS, Borough Council deems it to be in the best interests of the Borough to provide for an alternate member for the Parks and Recreation Committee.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE BOROUGH OF MALVERN AS FOLLOWS:

Section 1. Amendment to Section 25-29. Chapter 25, Section 25-29. J (1) of the Code of Ordinances of the Borough of Malvern, Pennsylvania, being the **Administrative Code, Advisory commissions and committees**, is hereby deleted in its entirety and amended to state the following:

- (1) (a) The Parks and Recreation Committee shall consist of nine (9) members and one (1) alternate member. The members shall be residents of the Borough; serve without compensation; and be appointed by the Borough Council to five-year terms.

- (b) Borough Council shall appoint one (1) alternate member of the Parks and Recreation Committee. The alternate member shall be a resident of the Borough and serve without compensation. The term of office for the initial alternate member shall expire December 31, 2027, and, upon expiration of the initial term, the alternate member shall be appointed to serve for a term of five (5) years. When seated, an alternate member shall be entitled to participate in all proceedings and discussions of the Parks and Recreation Committee to the same and full extent as provided by law for the Parks and Recreation Committee members, including, specifically, the right to cast a vote as a voting member during the proceedings.

Section 2. This Ordinance shall become effective five (5) days from enactment.

PASSED by Borough Council,

this 1st day of **August**, 2023

Amy Finkbiner, PhD, President

APPROVED by the Mayor,

this 1st day of **August**, 2023

Zeyn B. Uzman, Mayor

ENACTED,

this 1st day of **August**, 2023

Tiffany M. Loomis,
Borough Manager/Secretary

Malvern Borough Parks and Recreation Committee

FY2022 End of Year Report

COMMITTEE MEMBERS

Helise Bichefsky-Reilly, DO – Chairperson

Tiffanie Quinn- Vice Chairperson

Brendan Phillips

John Finkbiner

Gail Newman

Angela Riccetti

Emalie Zinni

Sebastian Ieradi

2 vacant seats

COMMITTEE CHANGES

Resignations- Angela Lewis, Andy Johnson

New Appointments- Tiffanie Quinn- Vice Chair, Sebastian Ieradi-Youth Advocate

COMMUNITY DECORATIONS – Burke Park, Message Boards

Winter Wonderland

Valentines Day

St Patrick's Day

Pride Month

Seasonal message board and gazebo deco- Fall, winter, spring and summer

BUDGET

Opening Budget FY2022- \$15,000

End balance FY2022- \$12,882

There were permanent re-usable items to be purchased that would have utilized some of the remaining funds, but for various reasons, the purchases did not happen prior to end of year.

DONATIONS

Food Bank- donated nonperishable items collected from events

Fire House- donated cash collected from events

COMMUNITY EVENTS- ON LINE

Exercise/work out videos

Valentine Snacks

COMMUNITY EVENTS- IN PERSON

S'Mores in the Park

WinterCraft

Spring Break Scavenger Hunt

CRC Cleanup- co-sponsor with CRC

Perennial Party and Plant Give-Away
GOWilMa- participant
Community Wide Yard Sale
Annual Egg Hunt
Sunrise Yoga
Qigong in the Park
1st Annual SummerFest
Weekly Game Night
Memorial Day Parade- participant
Malvern On Ice
Movie Night in the Park
Quann Park Rain Garden co-sponsor with EAC
Monster Mash
Winter On King- participant

NON-EVENT HAPPENINGS:

Purchase and installation of Permanent Recycle Bins- working along with EAC
Opened discussion for ADA Park Compliant Equipment
Quarterly Newsletter articles
Participation in the monthly Event Steering Committee Discussions
Creation of QR Codes for use with advertising events
Investment in event signage, investment in multiple reusable indoor/outdoor items
Switch over to Borough email
Randolph Woods entrance sign placement

CONCLUSION

The P&R committee was very active 2022 year. In addition to the committee changes previously listed, we've added a Youth Advocate to our roster. This has proved a valuable resource for the committee. P&R added several new events to the agenda, such as Wintercraft, Monster Mash, S'mores in the Park and Game Night. We were able to stay under budget for each event. This is due, in part, to the addition of permanent reusable items that are now stored in the P&R shed. Some events had very large turnouts, such as the Monster Mash, Egg Hunt and WinterCraft. Other events saw smaller turnouts, such as Movie Night, Perennial Party and Game Night. A discussion regarding each event occurred at the next meeting to brainstorm changes that would improve the event and turn out. We had issues with our social media and communications due to changes within borough hall but were able to work around it as best we could. Our biggest limiting factor with any of our events is volunteerism. Understanding that each of the committee members are strictly volunteers and their time is dependent on work/family/personal obligations has always been a challenge. We have not been able, thus far, to develop a list of non-P&R volunteers to help with events, though we now have availability of student volunteers through our Youth Advocate and the library. We have been working along with other borough committees to expand our outreach programs, such as the library, EAC and MBPA. Being involved with the Event Steering Committee has opened the door to co-sponsor or participate with other programs. Closing the chiasm between the individual committees and businesses will certainly create a more cohesive and balanced Malvern Borough.

Overall, it has been a very productive and positive year for Parks and Recreation, keeping old traditions and starting some new ones.

Submitted by:
Helise Bichefsky, DO
Chairperson
Parks and Recreation

2022 was again a productive year for the Historical Commission. With a few exceptions, we held bi-monthly public meetings. Major topics of discussion were the completion of our woven blankets for sale, the recommendation to appoint Jonathan Hoppe to fill our open commission seat (which Borough Council accepted), and the renovation project for the George C. Highly Malvern History Center, which was to be completed in the first quarter of 2023.

We chose 5 (five) residential recipients for our annual Preservation Awards, plus 1 (one) Chairman's Award, and made a presentation of the winners at a Council meeting in October.

Our annual training session, hosted by the Chester County Historic Preservation Network, was held in November of 2022. Our Vice Chair Barbara Rutz and past Chair Lynne Frederick attended, and learned about implementing and choosing design guidelines for preservation.

We hosted a *Town Tour & Village Walk* in August, with the tour theme as *Founding Mothers and Fathers*. The First Baptist Church graciously permitted our use of their grounds, where we, civilian volunteers, and our friends from the Paoli Battlefield Preservation Fund (PBPF) staged 5 (five) vignettes on some of the Malvernites buried in their graveyard. Approximately 200 persons from around Chester County attended. We also thank our donors (Wegmans, Kimberton Whole Foods, and Wawa), whose contributions kept our attendees hydrated and fed.

Other events we participated in as a commission included the 154th Malvern Memorial Parade in June, where we marched with the Borough Council and volunteers. In July, we attended the Fire Company Fair in lieu of one of our Tuesday meetings and enjoyed fried oreos and playing bingo. In September, Lynne invited the commission to share her Malvern School of Music tent at Craft & Mercantile, where we debuted a sample of our woven blankets for presale. The very next day, we were one of the tables set up at the PBPF's Battlefield Heritage Day. In November, Lynne again invited us (along with the PBPF) to set up a table with our items for sale at Malvern School of Music for MBPA's Christmas on King.

Barbara Rutz gets all the credit for her hard work on the woven blankets that we have available. The commission chose the 9 scenes on the blanket, and Barbara was the point contact with the production

company. After going through 3 (three) digital samples and 1 (one) tactile sample, we accepted presales for the blankets and received the orders the week after Christmas on King. In December, we had multiple open houses in the History Center for people to pick up their preorders. Several orders were hand-delivered by commissioners, as well.

We were invited by Borough Manager Tiffany Loomis to refresh the History Center. Fourth-quarter meetings were spent choosing wall paint and carpeting, and after-meetings and other available times were spent boxing up our entire room so the Public Works crew would empty the room and remove the carpet.

Our social media pages on Facebook and Instagram continue to be popular, with Catherine Raymond doing the bulk of posting with photos and stories multiple times per week.

Respectfully submitted,
Hugo Schmitt, chairman

EAC END OF YEAR REPORT FY2022

COMMITTEE MEMBERS

Helise Bichfsky-Reilly, DO Chairperson
Brian Walker, Vice Chairperson
Zoe Warner, PhD, Secretary
Brendan Phillips
Tiffany Brouillet
New Appointment- Joanne Zhou
New Appointment- Christine Hafer

BUDGET FY2022

FY2022 Annual Budget- \$1000
End Balance FY2022- \$225.00

RECOMMENDATIONS FOR CONSIDERATION TO MBC

- ARPA (American Rescue Plan Act) Grant Funding - recommended sustainability projects within the borough - EV Charging stations, LED lighting in Borough Hall and curbside composting.
- Permanent Recycling Bins- Dual recycling/trash bins placed in Burke and Quann Parks as a pilot program. Potential future bins throughout the borough
- Community Composting Pilot Program- 100 participants for 1 year. Curbside compost pail pickup weekly. Trial to spark interest in composting, healthier gardens, and more sustainable way of life within the borough
- Quann Park Rain Garden- rain garden development, planting, and educational placard placement completed

SUSTAINABILITY ISSUES DISCUSSED

- Energy efficient borough holiday lighting- LED, solar- discussions ongoing
- Solar panels for borough hall- cost ineffective at this time, will continue to reevaluate
- National Solar Tour- would like to get more borough families involved in the project, so far one family is actively involved
- Homegrown National Park- initiatives discussed to encourage HNP. Joint effort with P&R, MPL, Shade Tree, Borough Hall- encourage and promote individual actions through community wide programs. Opened the discussion regarding native trees and other plantings for new construction, borough owned property
- Stormwater Master Plan- work along with the Planning Commission to review ordinance and revise as needed to protect against the current detrimental effects of stormwater in the borough. Plan to present to MBC when complete
- Rainwater issue at TideWater - recommended a rain garden, other changes to improve water flow, including "No Mow" zone
- Comprehensive Plan 2020- continued reevaluation of how well we/EAC is adopting the ideas on the plan as they relate to this committee

ON GOING INITIATIVE DISCUSSIONS

- Dark Skies- EAC to develop an ordinance and have MBC adopt such ordinance. Put on hold due to time constraints. To be brought forward in 2023
- PA Bird Town Initiative- program application, goal is to adopt its initiatives and present to MBC for future ordinance. Promotes community-based conservation actions to create healthier environments for birds and wildlife.
- Shade Tree Code Enforcement- implement fines as per ordinance for tree removal/non-replacement on borough properties

EVENTS

- Tree Sapling Give-Away- Bartlett Tree Experts donated 100 sapling trees for distribution. Event did not go well. Poor turnout was partly due to bad weather. Remainder saplings planted around Borough Hall
- Rain Garden Demonstration- good turnout of participants for the morning long event. Only part of the basin was able to be planted during the event due to contractor issues
- Memorial Day Parade- participant
- Perennial Party- Co-sponsor with P&R
- Christmas on King- participant; joint effort with P&R- make your own recycled decorations. Excellent turn out
- Cabin Fever- participant in P&R event- used recycled paper to make origami figures

NON-EVENT PROJECTS

- Joint committee consortium- work along with other committees, businesses, etc in projects, initiatives for a more holistic approach toward sustainability, conservation, and green initiatives
- Quarterly Newsletter Article submissions
- Social Media- working on expanding our social media presence, increasing our visibility. Christine Hafer volunteered to be the PR go-to person for EAC.

DONATIONS

CRC- \$500

CONCLUSION

EAC was very busy FY2022. We had some very important changes to the roster. Committee members involved in EAC actively contribute and have been initiating and working on programs that are consistent with the 10-year Comprehensive Plan. We have opened the door to several new environmentally healthy enterprises, including the Rain Garden and PA Bird Town. The EAC hopes to involve the borough residents in their effort to make Malvern more environmentally sustainable and wildlife friendly by enacting programs such as the Community Composting Program, Home Grown National Park and the National Solar Tour. More comprehensive action items on the horizon include reevaluation of stormwater in the borough, creating a more efficient borough hall and other public spaces, and regeneration of biodiversity of native plants and invasives. Further work with the Borough to increase its use of native plants and trees will continue to be discussed.

EAC is looking forward to a successful FY2023 with many more initiatives and programs, utilizing our neighbors and the borough itself to put Malvern Borough on the map as a place that

recognizes the negative and positive impact of human activities and works to restore changes that have triggered climate change, soil erosion, air quality, and wildlife habitats.

Submitted by:
Helise Bichefsky, DO
Chairperson
EAC

SHADE TREE COMMISSION - ANNUAL YEAR 2022 REPORT

The Shade Tree Commission would like to take this opportunity to reflex back on our accomplishments in 2022. These activities help insure our town's urban forest will stay strong for future generations.

First and most importantly with the help of our residents and public works department the STC oversaw the addition of 54 new trees planted throughout our town. It is important to note that 80% of these new tree are native plants that will support a healthier urban eco system. Last fall the STC finalized plans to implement Phase I of the King Street reforestation project. This plan calls for the Spring 2023 planting of 17 new trees along West King Street. The STC also planned and oversaw the planting of a selection of native plants that will help screen the Battlefield Park from neighboring homes.

Members of the Shade Tree Commission were also busy this year conducting over 85 site visits, some to our neighbor's homes to offer tree selection, planting and tree maintenance advice. Other visits involved meeting with developers to evaluate tree protection and replacement needs. A number of additional visits were made to our town's parks to determine and schedule tree maintenance needs. A couple of significant items resulting from these visits was identifying pruning needs in Rubino Park and the recognition of a number of very large dead trees located along the trails in the Battlefield Park. These trees have been removed for reasons of safety. Other dead trees located deeper in the woods have been left to serve as wild life habitat.

Last but certainly not least with the assistance of our Borough Manager we were able to save 6 large trees along 2nd Avenue from the chopping block. These mature trees were to be removed as part of a PECO project to upgrade their electrical system. While we had hoped to save a few more, to preserve 6 mature trees from removal was still a big win.

A total of \$15,000 was spent towards dead tree removal, tree and buffering plantings, and overall tree health in Year 2022.