

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

November 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

ROLL CALL:
Council President Finkbiner
Council Vice-President Bones
Council Member Frederick
Council Member Niemiec
Council Member Phillips
Council Member Riccetti
Council Member Warner
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.
- d. Borough Council met with its legal counsel in Executive Session on Tuesday, November 21, 2023, to discuss the collective bargaining agreement.
- e. The Borough Offices and Library will be closed for Thanksgiving on Thursday, November 23, 2023 and Friday, November 24, 2023.
- f. Christmas on King hosted by the Malvern Business and Professional Association is scheduled for Saturday, November 25, 2023 from 12PM to 6PM.

2. APPROVAL OF AGENDA:

- a. **MOTION:** To approve the agenda for the November 21, 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, November 8, 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 October 2023, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

The Finance & Administration Sub-Committee met on Friday, November 17, 2023 to discuss the Malvern Borough 2024 proposed budget and the Public Works Superintendent's Retirement.

The Public Safety Sub-Committee is scheduled to meet on Monday, December 4, 2023.

The Public Works Sub-Committee met on Tuesday, November 14, 2023 and discussed the Public Works Superintendent retiring, Ejector Station #1, flushing and analyzing the Borough's sewer system, Randolph Woods Nature Preserve, Everett's Alley, and the trail connection for the Paoli Battlefield and Malvern Prep.

4. SPECIAL BUSINESS

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

MOTION: To authorize the advertisement of the proposed 2024 budget for the Borough of Malvern for public review.

The Borough Manager will review revisions to the proposed 2024 budget to date for the Borough of Malvern. The proposed 2024 budget does not propose a tax increase. A public hearing on the 2024 budget will be held at the December 5, 2023 meeting and the final budget will be considered at the December 19, 2023 meeting.

b. AUTHORIZE BID ADVERTISEMENT FOR THE MALVERN LIBRARY LED LIGHTING PROJECT

MOTION: To authorize the bid advertisement for the Malvern Library LED Lighting project as presented.

The Malvern Public Library received a grant through Keystone Grants for Public Library facilities to upgrade their lighting system. The lighting upgrade is part of the overall library renovation planned. The contract requires that the lighting be publically bid and advertised accordingly.

c. ORDINANCE NO. 2023-05: AMENDMENT TO CHAPTER 200 TO MAKE PERMANENT PARKING AREA ON WOODLAND AVENUE FOR ST. PAT'S CHURCH

PUBLIC HEARING: Council President Finkbinder announces that Borough Council will now open a public hearing to consider Ordinance No. 2023-05. This Ordinance 2023-05 proposes to amend Chapter 200 of the code of Ordinances of the Borough of Malvern, entitled "Vehicles and

Traffic, and Article III Parking Regulations”, to prohibit parking at certain times on part of Woodland Avenue. The proposed ordinance was advertised for public review in the November 14, 2023 edition of the Daily Local News.

ADOPTION: ORDINANCE NO. 2023–05: AMENDMENT TO CHAPTER 200 TO MAKE PERMANENT PARKING AREA ON WOODLAND AVENUE FOR ST. PAT’S CHURCH

MOTION: To adopt Ordinance No. 2023–05 prohibiting parking at certain times on part of Woodland Avenue.

5. UNFINISHED BUSINESS

a. 209 OLD LINCOLN HIGHWAY

The Borough Manager will give a brief update to Borough Council regarding Habitat for Humanity’s interest in potentially developing this parcel, UPI No.: 2-4-11., owned by the Borough located across from Herzak Memorial Park located at 200 Old Lincoln Highway.

b. MONARCH GARDEN PLANTING AREA REQUEST BY THE ENVIRONMENTAL ADVISORY COUNCIL

The Environmental Advisory Council is recommending an additional Monarch Garden planting area located along the fence line by the stairs leading to the police side entrance. This area is a strip of grass which is difficult to mow, and would be a good area for planting. Borough Council will discuss this recommendation and may authorize accordingly.

c. ZONING & SALDO OVERHAUL PROPOSAL RECOMMENDATION BY MALVERN BOROUGH PLANNING COMMISSION

The Malvern Borough Planning Commission unanimously recommended at their Thursday, November 16, 2023 meeting that Thomas Comitita Associates, Inc. perform the analysis and recommendations to amend the Zoning and SALDO Ordinances of Malvern Borough. Borough Council will discuss how best to move forward.

d. ZONING HEARING BOARD

There are no new applications before the Zoning Hearing Board.

6. NEW BUSINESS

a. CHESTER COUNTY MAIN STREETS KIOSK PROGRAM GRANT AUTHORIZATION

MOTION: To authorize the Borough Manager to enter into an agreement with the County of Chester, to acquire grant funding for the Main Streets Kiosk Program and participate in the program upon securing funding.

Chester County’s Brandywine Valley and the Chester County Conference and Visitors Bureau is spearheading a program to have kiosks installed in prominent locations on core “Main Streets” in the county. Countywide data will be integrated throughout the network of kiosks to connect visitors to information about Chester County’s heritage sites, main streets, county parks, as well as amenities including restaurants, shops, and hotels. They will be working with the Chester County Planning Commission and Historic Tourism Commission to apply for grant funding through the PA Department of Community and Economic Development for the “Main Streets” which would like to participate. To date, Kennett Collaborative, Coatesville, Phoenixville, Oxford, and West Chester are joining this initiative.

7. PUBLIC FORUM

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

8. ADJOURNMENT

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MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

November 8, 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
Council Member Frederick
Council Member Phillips
Council Member Niemiec
Council Member Warner
Zeyn B. Uzman, Mayor

ABSENT:

Council Member Riccetti

1. ANNOUNCEMENTS

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

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

Council President Finkbiner announced that the Malvern Borough Police Department is hosting the Blue Beards Charity Event this year. Please check out the Borough website for further information.

Council President Finkbiner announced that the Borough Office is closed on Friday, November 10, 2023 in honor of Veteran's Day.

Council President Finkbiner announced that the History Center is open to the public on Saturday, November 11, 2023 from 2PM to 4PM.

2. APPROVAL OF AGENDA

A motion was made by Council Member Niemiec, seconded by Council Member Phillips, carried by a vote of 6-0, to approve the agenda for the November 8, 2023, meeting as amended.

3. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 6-0, to approve the minutes from the Tuesday, October 3, 2023, as presented.

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A motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 6-0, to approve the minutes from the Tuesday, October 17, 2023, as presented.

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

The Finance & Administration Sub-Committee met on Monday, October 30, 2023 to discuss the Borough's pension, Derck & Edson grant proposal for the Main Street Revitalization Initiative, Zoning & SALDO Overhaul proposals received, IT Service proposals received, 2024 proposed budget, and five (5) year capital plan.

The Public Safety Sub-Committee met on Monday, October 30, 2023 to discuss making Broad Street one-way, crosswalk placement at Broad and Bridge Streets, East Whiteland Township's weight limit restriction for the Warren Avenue bridge, AMTRAK Warren Avenue signal light(s), five (5) Year Capital Plan, crosswalk traffic study reports that are forthcoming, and the next meeting is scheduled for Monday, December 4, 2023.

Police Chief Marcelli and Borough Council discussed the AMTRAK Warren Avenue signal lights.

Mr. John Buckley commented on East Broad Street and crosswalks.

Ms. Stacie McShane commented on East Whiteland Townships bridge weight limit. Borough Council confirmed they have been in discussions with East Whiteland Township regarding this matter.

The Public Works Sub-Committee is scheduled to meet Tuesday, November 14, 2023.

4. SPECIAL BUSINESS

a. MALVERN HISTORICAL COMMISSION – 10th ANNUAL HISTORIC PRESERVATION STEWARDSHIP AWARDS\

Mr. Hugo Schmitt, on behalf of the Malvern Historical Commission, recognized 222 E. King Street and 42 Monument Avenue in the Borough that have made a positive contribution to the fabric of the community and are maintained in good repair by the owners. Awards were presented to those who could not able to attend the presentation on Tuesday, September 19, 2023 and Tuesday, October 17, 2023.

b. OLD LINCOLN HIGHWAY CAPITAL IMPROVEMENT INFRASTRUCTURE PROJECT STATUS UPDATE

The Borough Engineer provided a status update regarding the upsizing of the piping needed to complete this infrastructure project.

Borough Council discussed with the Borough Engineer rain peak events, green areas throughout Malvern Borough, overall infrastructure, grant funding, and how the project needs to move forward.

The Borough Engineer explained in detail a potential plastic liner to be placed within the pipe project. Mr. Rehab is the contracts and is a CoStars vendor.

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Ms. Joyce Pettit commented on the Rain Tree Community and inquired about the trees and overall process.

Mr. Adam Grimes inquired about when the grant funds are required to be spent.

The Borough Engineer requested direction from Borough Council and commented on how this will be a challenging project.

Borough Council directed the Borough Engineer to move forward with the liner option for Old Lincoln Highway, as well as directed the Public Works Sub-Committee to look into future green infrastructure projects for this area.

c. PAOLI MEMORIAL GROUNDS – PICKLE BALL COURT PROPOSAL

Mr. Frank Ortner, on behalf of the Paoli Memorial Grounds, requested assistance from Malvern Borough to apply for grant funding to install Pickle Ball courts on the Paoli Memorial grounds that will be available for residents of the Borough without any charge. He explained that the pickle ball courts will have the same usage as the swing sets that and will be open to the public.

Borough Council discussed if grant funding can be successfully obtained, pickle ball being the fastest growing sport in the U.S., the timeline to obtain grant funding, and would there be a match required by the Borough for the grant funding.

Mr. Frank Ortner clarified that this project is separate from the \$30,000 civic donation requested from the Parks and Civic Association from Malvern Borough. He also stated that this project would work with the Parks and Recreation Committee.

Dr. Helise Bichesky, DO commented on insurance and liability regarding the potential pickle ball courts.

Mr. John Buckley commented on the Paoli Memorial Grounds property being opened to the public for public use and the cost of the proposed project.

Mr. Frank Ortner clarified that much of the property is open for public use already.

Mr. Tim Hepp requested that stormwater issues and noise from pickle ball courts being created be looked into.

Assistant Manager Badman will follow up with various municipalities and the Borough Engineer regarding various grant funding opportunities to report back to Borough Council.

d. MALVERN FIRE COMPANY GRANT FUNDING REQUEST – RESOLUTION NO. 850

The Malvern Fire Company is eligible for grant funding through the Local Share Account Statewide program to obtain a tanker that will enable the Fire Company to assist with fires where a fire hydrant is not accessible.

Senator Comitta's office has encouraged the Borough to apply for this funding on behalf of

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Malvern Fire Company. Mr. Jim Rapp, Fire Chief for the Malvern Fire Company presented the details and financial outline regarding this grant funding opportunity this evening. The Malvern Fire Company is requesting \$489,000 to purchase a new water tanker to service fires throughout the Community.

Mr. John Buckley commented on the banquet hall.

Mrs. Jennifer Chomko commented on the Borough's AQUA bills and fire hydrants.

The Borough Solicitor advised on the cooperation agreement that is required to be submitted with the grant submission by November 30, 2023.

A motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 6-0, to approve Resolution No. 850, as presented.

e. CHRISTMAS ON KING HOSTED BY THE MALVERN BUSINESS & PROFESSIONAL ASSOCIATION

The Malvern Business and Professional Association is hosting the "CHRISTMAS ON KING" event on Saturday, November 25, 2023 from 12PM TO 6PM, and is requesting approval to have alcoholic drinks available for purchase in the municipal lot adjacent to Wolfe Brass and in the Burke Park parking lot. The providers will be Locust Lane, Dressler Estate, and Anthony's.

Borough Council discussed providing more trash cans for this event.

A motion was made by Council Member Phillips, seconded by Council Member Frederick, and carried by a vote of 6-0, to authorize Locust Lane, Dressler Estate, and Anthony's to utilize the municipal lot for serving alcohol, adjacent to Wolfe Brass and the Burke Park parking lot, for the "CHRISTMAS ON KING" event scheduled for Saturday, November 25, 2023 from 12PM TO 6PM, pursuant to the Borough Solicitor's conditions and approval by the Pennsylvania Liquor Control Board.

f. CRAFT & MERCANTILE EVENT FOR YEAR 2024

Christy Campli of Growing Roots Partners requested Malvern Borough's support and participation for the Craft & Mercantile event in Year 2024 through funding and in-kind contributions from Malvern Borough staff.

Borough Council discussed how best to fund the event through the general fund for Year 2024 and how this event fits into the Main Street Manager initiative.

The cost of the event will be \$5,550 and \$2,000 approximately for the Malvern Borough Police detail service provided.

Public Works will provide the in-kind services they have in the past.

Dr. Helise Bichefsky, DO is in the support of the event and the event being budgeted for by the Borough.

Ms. Joyce Pettit commented on the enjoyable event and requested more variety among the vendors

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be provided for next year.

Council Member Frederick gave examples how the event will encourage surrounding businesses to stay open during the event.

Council Vice President Bones commented on how this event supports the quality of life in the Community and has positive outcomes for all involved.

Mr. John Buckley commented on business cards being located in businesses.

Borough Council will address adding this event to the 2024 budget.

5. UNFINISHED BUSINESS

a. CIVIC ORGANIZATION REQUESTS FOR YEAR 2024

All civic organizations that receive funding from the Borough have been invited to attend the 10/3, 10/17, and 11/8 Borough Council meeting to present and discuss their funding request with Borough Council.

Mr. Neil Vaughn, on behalf of the Malvern Fire Company, gave a presentation regarding their request for Year 2024 totaling \$152,088; a 15% increase from Year 2023's request.

Borough Council thanked the Fire Company for all that they do to serve the Community.

b. MAIN STREET REVITALIZATION TASK FORCE GRANT FUNDING REQUEST – RESOLUTION NO. 851

The Main Street Revitalization Task Force held their last meeting on Thursday, October 26, 2023 moving to approve the creation of a non-profit entity comprised currently of a four (4) member Board that will assist in appointing a Main Street Manager.

The Main Street Revitalization Task Force recommended hiring Derck & Edson to apply for grant funding through the LSA grant opportunity with the services not to exceed Five Thousand Dollars (\$5,000), which is proposed to come out of the funds previously authorized for the Main Street Revitalization effort.

The Borough Solicitor explained that this is a two (2) part application process.

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 6-0, to approve Resolution No. 851 as presented

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 6-0, to authorize Derck & Edson to assist with the grant application.

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c. MALVERN LIBRARY – AUTHORIZE PAINTING & FLOORING CONTRACTS AND INSTALLATION OF CABINETS

Russ Robinson, on behalf of the Malvern Borough Library, explained the library is moving forward with their renovation plans, starting with the painting, flooring, and the installation of built in cabinets. The renovation will be completed in three (3) phases.

Borough Council at their October 3, 2023 meeting approved Commercial Flooring Professionals, with a quote totaling \$37,670.47 to complete the flooring renovation accordingly utilizing the American Rescue Plan Act funding allocated for their use. COSTARS Vendors are exempt from the public bidding process by virtue of being in the Pennsylvania Department of General Services Cooperative Purchasing Program. The quote is finalized and is ready for approval by Borough Council.

The Borough's lease with Malvern Library outlines that the Borough is responsible for painting. The Borough requested three (3) quotes and obtained two (2) bids. Painter1 was the lowest bid received totaling \$11,200 for all materials and labor. The quote is finalized and is ready for approval for by Borough Council.

The Public Works Superintendent and Borough Manager met with Board Member Russ Robinson and Director of the Library, Maggie Stanton to understand where built in cabinets are proposed. A brief presentation will be given this evening showing the location of the built in cabinets. The Public Works Superintendent and Borough Manager recommend approval as required by the lease.

Mrs. Jennifer Chomko commented on the Malvern Library's programs.

Dr. Helise Bichfsky, DO asked Mrs. Chomko to submit program ideas to the Library for future programs.

The Borough Solicitor explained facility operations and that the Borough is a separate entity from the Malvern Library.

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 6-0, to approve Resolution No. 851 as presented

d. YEAR 2024 BUDGET PRESENTATION

The Borough Manager will present the Year 2024 budget for discussion.

Borough Council discussed with Mayor Uzman and the Police Chief how the Police Budget numbers were calculated, the police vehicle request, the public works vehicle request, the sewer department equipment request, the professional and community development line item for Administration, and the overall budget.

Mrs. Jennifer Chomko commented on legal fees, merit raises, the Police Budget, police officer salaries, the Borough Manager, her support of the Police Department and the Police Chief, the former First Avenue Bike Trail, and the overall budget process.

Mrs. Frances Biondi commented on her support and appreciation of the Police Department.

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Mr. John Buckley commented on the Police Department cars.

e. FIVE YEAR CAPITAL PLAN & ZONING AND SALDO ORDINANCE OVERHAUL – PLANNING COMMISSION DIRECTION

The five (5) year capital plan is in the process of being revised for Years 2024 through 2028. Borough Council the Borough Manager and Borough Assistant Manager to designate the sections of the 2022 Comprehensive Plan for each project and a deadline for the information to be received.

The Borough received four (4) proposals for the Zoning and SALDO Overhaul project proposed to start in Year 2024. Borough Council directed the Planning Commission to review the proposals and make recommendation(s) accordingly at their Thursday, November 16, 2023 meeting.

f. ZONING HEARING BOARD

There are no new applications before the Zoning Hearing Board.

6. NEW BUSINESS

a. 11 GRIFFITH AVENUE ESCROW RELEASE

Renehan Building Group has requested a final release of the escrow funds for 11 Griffith Avenue. All work has been completed. Funding was being held since the required street trees were planted but were not of sufficient caliper. The Borough Engineer has re-inspected the street trees and found them to be acceptable, and has recommend approval of the final escrow release in the amount of Eight Thousand, and Seventy-Three dollars and Fifty-Six cents (\$8,073.56).

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 escrow release for 11 Griffith Avenue, in the amount of Eight Thousand, and Seventy-Three dollars and Fifty-Six cents (\$8,073.56), as presented.

7. PUBLIC FORUM

The Mayor addressed Ed Chicowski and his contribution to the Community. Assistant Manager Badman will further look into this matter and report back to Borough Council.

Dr. Helise Bichesky, DO commented on the Police Department to think about fund raising and inquired if there is a return on vehicle purchases. Police Chief Marcelli answered yes.

Mr. John Buckley commented on donations, the election, and voter intimidation.

8. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Niemiec, seconded by Council Member Frederick, and carried by a vote of 6-0, to adjourn the meeting at 11:45 PM.

Respectfully submitted,
Tiffany M. Loomis
Borough Manager/Secretary