

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

December 19, 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 Wednesday, December 13, 2023, to discuss litigation matters
- e. The Public Works Superintendent position is open for application submission(s) due by January 31, 2024. An advertisement has been placed in the daily local and information posted on the Borough Website.
- f. The History Center is open to the public on Saturday, December 23, 2023 from 2PM to 4PM.

g. Council Member Dr. Zoe Warner, Ph.D. has been sworn in to office as required by the Home Rule Charter as it pertains to special elections.

h. The Borough Offices and Library will be closed for Christmas on Monday, December 25, 2023.

2. APPROVAL OF AGENDA:

- a. **MOTION:** To approve the agenda for the December 19, 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, December 5, 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 November 2023, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

The Finance & Administration Sub-Committee is scheduled to meet on Monday, December 18, 2023.

The Public Safety Sub-Committee met on Monday, December 11, 2023 and discussed Fire Marshal Policy, King Street Parking request, parking issues on Miner Street & Valley View Road, crosswalk traffic study, and scheduling the next meeting.

The Public Works Sub-Committee met on Tuesday, December 12, 2023 and discussed the Malvern Post Office, Old Lincoln Highway Infrastructure project, Jennings Lane pipe repair, Randolph Woods Nature Preserve, Paoli Battlefield and Malvern Prep trail connection, Sanitary Sewer Ejector Station, Everett's Alley, and King Street Tree Planting Project.

4. SPECIAL BUSINESS

a. 2024 ADOPTION OF PROPOSED BUDGET

MOTION: To adopt the proposed budget for the Borough of Malvern for fiscal year 2024 as presented.

The proposed budget was advertised in the November 28, 2023 edition of the Daily Local News and posted on the Borough website for public review as required. A public hearing was conducted on December 5, 2023. There is no tax increase proposed for Year 2024

b. ORDINANCE NO. 2023-7: FIXING THE TAX RATE FOR 2024

- **PUBLIC HEARING:** Council President Finkbinder announces that Borough Council will now open a public hearing to consider Ordinance No. 2023-7. This ordinance will fix the tax rate for 2024 as required by the Malvern Borough Home Rule Charter. The proposed rate is the same as 2023. The Notice of Public Hearing was published in the December 10, 2023 edition of the Daily Local News.

- **ADOPTION:** ORDINANCE NO. 2023–7: FIXING THE TAX RATE FOR 2024

MOTION: To adopt Ordinance No. 2023–7, fixing the tax rate for the Borough of Malvern for the year 2024 as follows:

Tax Rate for General Purposes: 4.6700 Mills, 46.700 Cents

Total: 4.6700 Mills, 46.700 Cents

- c. **FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN FOR THE BOROUGH OF MALVERN**

MOTION: To adopt the five-year (2024 – 2028) Capital Improvement Program for the Borough of Malvern as presented.

Pursuant to the Borough’s Administrative Code, the Malvern Borough’s five year Capital Improvement Program has been prepared as part of the 2024 budgeting process. This document is utilized as a budgeting tool and may be revised as Council sees fit. The Capital Improvement Plan was reviewed by the Finance & Administration, Public Works, and Public Safety Sub-Committee(s).

- d. **OFFICER CAPUANO RESIGNATION**

MOTION: To accept the resignation agreement as submitted and executed by Officer Capuano.

Officer Capuano has resigned from his position of employment by Malvern Borough as of January 31, 2024.

5. **UNFINISHED BUSINESS**

- a. **ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCES TASK FORCE**

MOTION: To approve resolution No. 853 as presented.

In order to more completely address current and future land uses and development within the Borough and to continue to enhance the quality of life for and promote the health, safety, and welfare of all residents of the Borough, Borough Council desires to undertake and implement a comprehensive review of and consider potential amendments and updates to the Zoning Ordinance and SALDO through the creation of a Task Force.

- b. **ENVIRONMENTAL ADVISORY COUNCIL ASSOCIATE MEMBERS**

Borough Council will consider the appointment of associate members to the Environmental Advisory Council which include Sid Baglini, Cheryl Tomlinson, Cari Sullivan, Ilija Djordjevic, and Tanisha Saran, as formally recommended by the Environmental Advisory Council to address the needs of Bird Town Pennsylvania..

- c. **MALVERN BOROUGH POLICE DEPARTMENT RENOVATION**

Borough Council will consider a potential authorization of the reallocation of Police Account Funds and pursuant to the Home Rule Charter.

The Mayor will discuss amendments to the current Year 2023 Police Budget totaling \$20,000 of existing remaining funds to be re-allocated to assist with the Malvern Borough Police Department renovation to commence in Year 2023.

- d. **ZONING HEARING BOARD**

There are no new applications before the Zoning Hearing Board.

6. NEW BUSINESS

a. YEAR 2024 MEETING SCHEDULE

MOTION: To authorize advertisement and adopt Year 2024's meeting schedule as presented.

Borough Manager Loomis will review and present the Year 2024 meeting schedule.

b. BRANDYWINE VALLEY SPCA CONTRACT RENEWAL

MOTION: To authorize approval of the Brandywine Valley SPCA contract renewal as presented.

Brandywine Valley SPCA currently provided animal control services for Malvern Borough and the contract is required to be renewed by January 1, 2024. The contract cost is \$5.600 if paid by no later than January 1st of each year. There is a monthly fee for each dog and cat acquired that is billed monthly.

7. PUBLIC FORUM

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

8. ADJOURNMENT

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 Riccetti
Council Member Warner
Zeyn B. Uzman, Mayor

ABSENT:

1. ANNOUNCEMENTS

Council President Finkbiner asked in accordance with Resolution No. 840 if any member of the audience was recording 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 with its legal counsel in Executive Session on Monday, December 4, 2023, to discuss the personnel matters.

Council President Finkbiner announced that Borough Council met with its legal counsel in Executive Session on Tuesday, December 5, 2023, to discuss the collective bargaining agreement and litigation matters.

Council President Finkbiner announced that the History Center is open to the public on Saturday, December 23, 2023 from 2PM to 4PM.

Council President Finkbiner announced that the Borough Office is closed on Monday, December 25, 2023 in honor of Christmas.

Council President Finkbiner announced that the office closed tomorrow, Wednesday, December 6, 2023 due to the Borough heater not working. Staff will be available remotely.

2. APPROVAL OF AGENDA

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

REGULAR MEETING

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by a vote of 7-0, to approve the agenda for the December 5, 2023, meeting as amended, tabling the Dark Skies presentation for a future Borough Council meeting. .

3. MINTUES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Riccetti, seconded by Council Member Niemiec , and carried by a vote of 7-0, to approve the minutes from the Tuesday, November 21, 2023, as presented.

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

The Finance & Administration Sub-Committee has not met since the last Borough Council meeting held on Tuesday, November 21, 2023.

The Public Safety Sub-Committee met on Monday, December 4, 2023 and discussed the Fire Marshal policy, parking on King Street, parking issues on Miner Street and Valley View Road, and crosswalk studies.

The Public Works Sub-Committee has not met since the last Borough Council meeting held on Tuesday, November 21, 2023.

4. SPECIAL BUSINESS

a. ZONING & SALDO OVERHAUL PRESENTATION BY THOMAS COMITTA ASSOCIATES INC.

Council President Finkbiner explained the Malvern Borough Planning Commission unanimously recommended at their Thursday, November 16, 2023 meeting that Thomas Comitta Associates, Inc. perform the analysis and recommendations to amend the Zoning and SALDO Ordinances of Malvern Borough.

Thomas Comitta Associates, Inc. gave a presentation regarding this project.

Council President Finkbiner suggested a five (5) member task force be created to work on this project. Borough Council was in agreement with this approach.

Mr. Joe Lorusso inquired how often a process of this nature is conducted.

Council President Finkbiner explained this process if completed every ten (10) years as per the Pennsylvania Municipalities Planning Code.

A motion was made by Council Vice President Bones, seconded by Council Member Frederick , and carried by a vote of 7-0, to authorize professional services be provided by Thomas Comitta Associated, Inc. for Phase I, not to exceed \$25,000, and authorize the Borough Solicitor to create a resolution for the creation of the five (5) member task force as discussed.

b. AUTHORIZE ADVERTISEMENT FOR BID OF OLD LINCOLN HIGHWAY CAPITAL IMPROVEMENT INFRASTRUCTURE PROJECT

The Borough Engineer provided a summary of the Old Lincoln Highway infrastructure project that is to be awarded in January 2024 and commence work thereafter.

Mr. Joe Lorusso inquired how one gets a placeholder number.

Mr. Dan Daley, P.E. explained the cost estimate and grant obtainment process.

A motion was made by Council Member Riccetti, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize the advertisement for bid of Old Lincoln Highway Capital Improvement Infrastructure Project as presented.

c. AUTHORIZE SEWER LINE REPAIRS FOR OLD LINCOLN HIGHWAY

The Borough Engineer explained that the sewer line repairs proposed are independent of the Old Lincoln Highway project as it is downslope of the work area and it is spot repairs only. The Borough Engineer and Public Works Superintendent recommend the work be completed this Fall.

A motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 7-0, to authorize sewer line repairs for Old Lincoln Highway as presented.

d. AUTHORIZE ADVERTISEMENT FOR ORDINANCE NO. 2023-7 FIXING THE TAX RATE FOR YEAR 2024

Council President Finkbinder explained this ordinance will fix the tax rate for 2024 as required by the Malvern Borough Home Rule Charter. The proposed rate is the same as 2023.

A motion was made by Council Vice President Bones, seconded by Council Member Niemiec, and carried by a vote of 7-0, to authorize the advertisement for Ordinance No.2023-7 fixing the tax rate for Year 2024.

e. 2024 PRELIMINARY BUDGET

Council President Finkbinder opened the Public Hearing on Malvern Borough's 2024 Preliminary Budget. The proposed 2024 Budget was advertised for public review in the November 28, 2023 edition of the Daily Local News and made available on the Borough website. Borough Manager Loomis provided an overview of the proposed 2024 budget for the Borough of Malvern.

The Borough's Home Rule Charter requires adoption of the preliminary budget prior to adoption of the final budget. The final 2024 budget will be considered at the December 19, 2023 meeting of Borough Council.

Spencer Curtis, associated with the Chester County Little League, spoke on behalf of the organization requesting a civic donation of \$2,500 for Year 2024.

Borough Council thanked the Chester County Little League Association for all that they do for the Community.

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Mr. Joe Lorusso commented on the line items for Randolph Woods Nature Preserve requesting a detailed financial breakdown. He further commented on the auditor and legal expenses requesting to meet with the Borough Manager.

Borough Manager Loomis agreed to meet with Mr. Lorusso.

Mrs. Jennifer Chomko commented on the Borough's legal fees, financial processes, and the Right to Know Law expenses.

A motion was made by Council Vice President Bones, seconded by Council Member Niemiec, and carried by a vote of 7-0, to adopt the 2024 preliminary budget for the Borough of Malvern as presented.

5. UNFINISHED BUSINESS

a. DARK SKIES INITIATIVE

Tabled to a future Borough Council meeting.

b. NO MOW MAY MONTH – RESOLUTION NO. 852

Council President Finkbiner explained that No Mow May Month proposes to temporarily suspend enforcement for No Mow May registered participants of Malvern Borough requirements in Section 302.4.1.G, specifically that “No owner or occupant of property described in Subsection A and not exempt pursuant to Subsections B through D shall permit grass, weeds or brush to exceed a height of 10 inches” from May 1 to May 31 of each year while continuing to enforce the mandate in Section 302.4.1.F regarding the management of noxious weed. As well as develop an online form for those interested in participating in this initiative, where participants would be required to register and where interested parties can learn about the importance of creating and maintaining a pollinator friendly landscape.

Mr. Adam Grimes commented on how this will affect real estate values and the code enforcement process regarding unkempt lawns.

A motion was made by Council Vice President Bones, seconded by Council Member Riccetti, and carried by a vote of 7-0, to approve Resolution No. 852 as presented.

c. ZONING HEARING BOARD

There are no new applications before the Zoning Hearing Board.

6. NEW BUSINESS

a. EMPLOYEE GIFT CARDS

Borough Council discussed the purchase of gift cards for the Borough's employees in recognition for their work over the past year. The previous amounts authorized were \$100 for full-time employees and \$50 for part-time employees. Borough Council may make a motion to authorize such for Year 2023.

REGULAR MEETING

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A motion was made by Council Member Frederick, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize the purchase of employee gift cards as presented.

b. MALVERN BOROUGH POLICE DEPARTMENT RENOVATION

Mayor Uzman gave a presentation proposing renovations to the Malvern Borough Police Department splitting the renovation up into three (3) phases. The total renovation will cost approximately \$103,000 renovated over a three (3) year period.

Mrs. Jennifer Chomko is in support of the renovation and MBPD.

Mrs. Pat Marcozzi commented on the police department's flooring suggesting the flooring be replaced first.

Borough Council discussed this matter in detail.

The Mayor will research the current 2023 budget and see what funds can be re-allocated for purchases this year and present such at the next Borough Council meeting.

7. PUBLIC FORUM

Mr. Joe Lorusso commented on the Borough's bills.

Chief Marcelli informed the Community of the Blue Beards fundraising opportunity.

Borough Manager Loomis forward Mr. Frank Ortner's request to Borough Council requesting that the Public Comment period be moved to the beginning of the meeting.

8. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice President Bones, seconded by Council Member Riccetti, and carried by a vote of 6-0, to adjourn the meeting at 9:59 PM.

Respectfully submitted,
Tiffany M. Loomis
Borough Manager/Secretary

TREASURER'S REPORT November 2023			December 19, 2023
<u>GENERAL FUND:</u>			
January 1, 2023 Opening Cash Balance		\$ 2,511,038.11	
2023 General Fund Budget		\$ 5,522,967.00	
Year-to-Date - Revenues		\$ 6,188,707.18	
Year-to-Date - Expenditures		\$ 6,153,575.01	
November 1, 2023 Opening Cash Balance			\$ 2,347,375.74
November Revenues			* 555,470.87
Total Revenues and Opening Cash Balance			\$ 2,902,846.61
November Expenses			** 356,676.33
November 30, 2023 Closing Cash Balance			\$ 2,546,170.28
800,000 Special MM Acct.	National Bank of Malvern	\$ 2,546,170.28	
<u>PLIGT CLASS I</u>			
November Opening Cash Value		\$ 500,000.00	\$ 803,333.07
Deposits			\$ 2,521.56
Interest	PLGHIT PRIME TERM 100K		
November Closing Balance	PLGHIT PRIME TERM 100K	Interest	\$ 805,854.63
<u>1ST RESOURCE BANK</u>			
Opening Cash Balance			\$ 248,433.86
Interest			\$ 584.45
Total Revnes			\$ 249,018.31
November Transfer to CD			
Closing Cash balnace			\$ 249,018.31
	1st Resource Bank CD	\$ 205,000.00	
<u>MERIDIAN BANK CHECKING</u>			
January 1, 2023 Opening Cash balance			\$ 68,080.26
November Revenues			\$ 167.87
November 30, 2023 Closing Cash Balance			\$ 68,248.13
Total Revenues and Opening Cash Balance			\$ 68,248.13
November Expenses			* \$ -
November 30, 2023 Closing Cash Balance			\$ 68,248.13
		\$ 68,248.13	
<u>CAPITAL RESERVE FUND:</u>			
January 1, 2023 Opening Cash Balance		\$ 895,171.74	
2023 Capital Reserve Budget		\$ 3,128,307.00	
Year-to-Date - Revenues		\$ 667,848.68	
Year-to-Date - Expenditures		\$ 569,416.61	
November 1, 2023 Opening Cash Balance			\$ 1,007,537.90
November Revenues			828.07
Total Revenues and Opening Cash Balance			1,008,365.97
November Expenses			14,762.18
November 30, 2023 Closing Cash Balance			\$ 993,603.79
	National Bank of Malvern	\$ 993,603.79	
SEWER PAYROLL SEPTEMBER	\$ 21,100.63		
**	\$ 21,400.63		
<u>LIQUID FUEL FUND:</u>			
January 1 2023 Opening Cash Balance		\$ 216,973.45	
2023 Liquid Fuels Budget		\$ 180,000.00	
Year-to-Date Revenues		\$ 134,580.45	
Year-to-Date Expenditures		\$ 141,477.28	
November 1, 2023 Opening Cash Balance			\$ 173,333.28
November Revenues			36,743.34
Total Revenues and Opening Cash Balance			210,076.62
November Expenses			*
November 30, 2023 Closing Cash Balance			\$ 210,076.62
	Savings Account	\$ 210,076.62	

SEWER FUND:			
January 1, 2023 Opening Cash Balance		\$	2,014,819.89
2023 Sewer Budget		\$	1,056,405.00
Year-to-Date - Revenues		\$	1,150,102.50
Year-to-Date - Expenditures		\$	895,876.83
November 1, 2023 Opening Cash Balance			\$ 2,005,637.27
November Revenue			299,611.11
Total Revenues and Opening Cash Balance			\$ 2,305,248.38
November Expenses			36,202.82
November 30, 2023 Closing Cash Balance			\$ 2,269,045.56
500,000.00 in MM Acct.	National Bank of Malvern	\$	2,269,045.56
SUMMARY ALL FUNDS November 2023			
January 1, 2023 Opening Cash Balance		\$	6,672,736.61
2023 All Budgets		\$	9,887,679.00
Year-to-Date - Revenues All Funds		\$	8,444,655.38
Year-to-Date - Expenditures All Funds		\$	7,975,374.65
November 1, 2023 Opening Cash Balance			\$ 6,653,731.38
November Revenues	All Funds		895,927.27
Total Revenues and Opening Cash Balances All Funds			\$ 7,549,658.65
November Expenses			407,641.33
November 30, 2023 Closing Cash Balance			\$ 7,142,017.32
		\$	7,142,017.32
SIDEWALK FEE-IN-LIEU ACCOUNT:			
November 1, 2023 Opening Cash Balance			\$ 33,294.95
Revenue			82.10
Total Revenues and Opening Cash Balance			\$ 33,377.05
Expenses			
November 30, 2023 Closing Cash Balance			\$ 33,377.05
ARPA 2022 ACCOUNT			
November 1, 2023 Opening Cash Balance			\$ 944,487.57
Revenue			\$ 1,552.58
Total Revenues and Opening Cash Balance			\$ 946,040.15
Expenses			
November 30, 2023 Closing Cash Balance			\$ 946,040.15
CONTINGENCY FUNDS:			
	General Fund Contingencies		\$ 316,171.17
	National Bank of Malvern	Interest	\$779.60
		TOTAL	\$ 316,950.77
	Sewer Fund Contingencies		\$ 440,908.00
	National Bank of Malvern	Interest	\$1,087.17
			\$ 441,995.17
June 6, 2023	National Bk of Malvern CD	6 Month	\$ 200,000.00
6-Aug-23	National Bk of Malvern CD	12 Month	\$ 200,000.00
22-Sep-23	1First Resource Bank CD	15 Month	\$ 205,000.00
TOTAL IN ALL ACCOUNTS			
			\$ 9,485,380.46
	Respectfully Submitted by,		
	Mary Lou Whitcomb		
	Borough Treasurer		

December 19, 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 November.

Bills to be paid from the General Fund for Finance and Administration in the amount of \$ 58,408.41. Bills to be paid for Tax Collection in the amount of \$ -0-. Bills to be paid for Capital Reserve Fund in the amount of \$ 14,762.25 have been examined and approved for payment.

Respectfully submitted,

Amy Finkbiner, Ph.D.

Joe Bones

Zoe Warner, Ph.D.

December 19, 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 November.

Bills to be paid from the General Fund for Police in the amount of
\$ 106,854.72 for Code Enforcement in the amount of \$ 10,728.62 and
for Malvern Fire Company in the amount of \$ 2,176.33 have been
Examined and approved for payment.

Respectfully submitted,

Lynne D. Frederick

Brendan Phillips, Chair

Angela Riccetti

December 19, 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 November.

Bills to be paid from the General Fund for Highways in the amount of \$ 33,235.86. For Trash & Recyclables in the amount \$7,896.41 for Park and Recreation in the amount of \$ 8,390.66, have been examined and approved for payment. Bills to be paid from the Sewer Fund in the amount of \$ 36,202.82, have been examined and approved for payment.

Respectfully submitted,

Joseph Bones, Chair

Mark Niemiec

Angela Riccetti

Malvern Borough Accounts Payable

Report Date 12/12/23

Expenditure Budget Status Report
GL Period 2311

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Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
01		GENERAL FUND						
01400	000	BORO COUNCIL & MAYOR COMPENSATION	9,600.00		5,900.00		3,700.00	39
	001	SALARY - SECRETARY/MANAGER	80,080.00	6,160.00	73,920.00		6,160.00	8
	002	SALARY - TREASURER/ADMIN. ASST.	54,844.00	4,219.22	49,575.65		5,268.35	10
	003	ASSISTANT MANAGER	54,060.00	4,158.72	49,904.68		4,155.32	8
	021	SALARY & WAGES - CLERKS	11,700.00	900.00	9,600.32		2,099.68	18
	033	TELEPHONE & COMMUNICATIONS	7,875.00	948.34	12,531.83		-4,656.83	-59
			218,159.00	16,386.28	201,432.48	0.00	16,726.52	8
01401	000	REAL ESTATE TAX REFUNDS	6,500.00		5,814.94		685.06	11
			6,500.00	0.00	5,814.94	0.00	685.06	11
01402	020	MATERIALS & SUPPLIES	5,000.00	45.99	4,081.91		918.09	18
	021	CONFERENCES, SEMINARS, MEETINGS	9,500.00		4,806.26		4,693.74	49
	022	DUES & MEMBERSHIPS	4,200.00		4,555.33		-355.33	-9
	023	OFFICE EQUIP. MAINTENANCE & EXPENSE	25,000.00	770.59	31,756.03		-6,756.03	-27
	024	GENERAL EXPENSE	24,750.00	1,230.29	20,649.79		4,100.21	17
	025	ADVERTISING & PRINTING	12,000.00	404.57	7,136.20		4,863.80	41
	030	AUDITING SERVICES	15,000.00		39,500.00		-24,500.00	-163
			95,450.00	2,451.44	112,485.52	0.00	-17,035.52	-18
01403	012	COMMISSIONS-EARNED INC. TAX COLL.	25,000.00		12,266.00		12,734.00	51
	013	EIT TAX COLLECTION STUDY GROUP EXP	500.00				500.00	100
	014	GENERAL EXPENSE	500.00		66.66		433.34	87
			26,000.00	0.00	12,332.66	0.00	13,667.34	53
01404	000	LEGAL SERVICES	145,000.00	54,320.50	248,934.94		-103,934.94	-72
	002	LEGAL SERVICES-RIGHT-TO-KNOW	65,000.00	6,068.00	54,305.72		10,694.28	17
			210,000.00	60,388.50	303,240.66	0.00	-93,240.66	-44
01406	200	WORKERS COMPENSATION	12,300.00		11,588.99		711.01	6
	220	INCOME PROTECTION INSURANCE	3,085.00	193.27	2,058.18		1,026.82	33
	221	GROUP LIFE INSURANCE	1,729.00	102.06	1,122.66		606.34	35
	222	HOSPITALIZATION INSURANCE	67,388.00	4,877.18	56,061.45		11,326.55	17
	223	DENTAL CARE INSURANCE	4,055.00		3,835.80		219.20	5
	224	SOCIAL SECURITY TAX- BOROUGH	37,841.00	1,891.40	23,324.63		14,516.37	38
			126,398.00	7,063.91	97,991.71	0.00	28,406.29	22
01407	021	OFFICE SUPPLIES	8,000.00		5,378.76		2,621.24	33
	022	COMPUTER SUPPLIES	5,900.00		4,758.60		1,141.40	19
	025	REPAIRS AND MAINTENANCE	13,100.00	1,487.31	12,652.41		447.59	3
	026	SMALL TOOLS AND MINER EQUIPMENT	3,000.00	18.00	635.90		2,364.10	79
			30,000.00	1,505.31	23,425.67	0.00	6,574.33	22

Malvern Borough Accounts Payable

Report Date 12/12/23

Expenditure Budget Status Report
GL Period 2311

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Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
01		GENERAL FUND						
01408	000	ENGINEERING SERVICES	71,500.00	1,501.25	12,945.43		58,554.57	82
			71,500.00	1,501.25	12,945.43	0.00	58,554.57	82
01409	020	MATERIALS & SUPPLIES	10,000.00		8,656.97		1,343.03	13
	021	UTILITIES	45,500.00	31.49	24,362.54		21,137.46	47
	022	GENERAL EXPENSE	3,500.00		329.72		3,170.28	91
	023	MAINTENANCE & REPAIRS	55,000.00	5,671.08	67,247.24		-12,247.24	-22
	024	ALARM SYSTEM EXPENSE	560.00		560.04		-0.04	
			114,560.00	5,702.57	101,156.51	0.00	13,403.49	12
01410	010	SALARY - CHIEF OF POLICE	142,061.00	10,928.00	130,589.60		11,471.40	8
	011	SALARY & WAGES - PATROLMEN	631,169.00	47,829.11	538,797.47		92,371.53	15
	012	SALARY & WAGES - CLERICAL	68,120.00	5,240.00	60,260.00		7,860.00	12
	015	SALARY & WAGES-PART TIME PATROLMEN	95,000.00	6,809.00	67,389.30		27,610.70	29
	018	SALARY & WAGES -OVERTIME	75,000.00	2,424.40	55,442.78		19,557.22	26
	019	MAINTENANCE - OFFICE EQUIPMENT	8,000.00		2,272.71		5,727.29	72
	020	MATERIALS & SUPPLIES	4,000.00	89.28	1,711.64		2,288.36	57
	021	UNIFORMS	11,000.00	1,519.63	6,979.03		4,020.97	37
	022	AMMUNITION	7,000.00		2,008.76		4,991.24	71
	023	TRAINING - EDUCATION	9,000.00	250.00	5,591.97		3,408.03	38
	024	ADVERTISING & PRINTING	5,000.00		4,417.59		582.41	12
	025	TELEPHONE & COMMUNICATIONS	7,000.00	1,108.94	9,636.56		-2,636.56	-38
	026	VEHICLE MAINTENANCE & REPAIRS	21,000.00	4,583.31	16,975.07		4,024.93	19
	027	MAINTENANCE - TRAFFIC SIGNALS	4,000.00		630.00		3,370.00	84
	029	GAS & OIL	16,500.00	892.40	13,834.10		2,665.90	16
	030	TIRES	3,000.00		326.41		2,673.59	89
	031	ENERGY - TRAFFIC LIGHTS	2,000.00		1,728.77		271.23	14
	032	GENERAL EXPENSE	26,000.00	3,730.27	29,007.84		-3,007.84	-12
	033	GENERAL EXPENSE- OTHER		340.22	933.68		-933.68	
	042	DUES & MEMBERSHIPS	20,000.00		20,604.02		-604.02	-3
	070	CAPITAL EXPENDITURES	72,500.00		56,698.62		15,801.38	22
	071	IT NETWORKING SERVICES & EXPENSES	21,125.00	425.00	6,557.12		14,567.88	69
	072	COMPUTER HARDWARE	13,100.00				13,100.00	100
	200	WORKERS COMPENSATION	11,840.00		11,588.99		251.01	2
	220	INCOME PROTECTION SERVICES	6,500.00	543.85	5,809.31		690.69	11
	221	GROUP LIFE INSURANCE	3,500.00	302.40	3,326.40		173.60	5
	222	HOSPITALIZATION INSURANCE	144,900.00	14,290.78	161,438.64		-16,538.64	-11
	223	DENTAL CARE INSURANCE	9,000.00		9,214.86		-214.86	-2
	224	SOCIAL SECURITY TAX BOROUGH	72,000.00	5,548.13	64,593.40		7,406.60	10
	228	POLICE PROFESSIONAL LIABILITY INSUR	18,002.00		16,937.18		1,064.82	6
			1,527,317.00	106,854.72	1,305,301.82	0.00	222,015.18	15
01411	020	CONTRIBUTION VOLUNTEER FIRE COMPANY	132,250.00		130,000.73		2,249.27	2
	021	COST OF FIRE HYDRANTS	22,000.00		21,756.81		243.19	1
	022	VOL. FIRE CO. - WATER CONSUMPTION	4,000.00	48.33	2,156.20		1,843.80	46

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01		GENERAL FUND						
01411	023	STATE WORKERS INS. FD. (SWIF)	46,574.00	2,128.00	27,789.00		18,785.00	40
	099	FOREIGN FIRE INS. MFC	33,000.00				33,000.00	100
			237,824.00	2,176.33	181,702.74	0.00	56,121.26	24
01414	010	SALARIS & WAGES - CODE ENFORCEMENT	136,888.00	9,756.64	124,105.87		12,782.13	9
	020	GENERAL EXPENSE	4,000.00		4,047.94		-47.94	-1
	021	CONTRIBUTION TO PLANNING COMMISSION	2,500.00		472.50		2,027.50	81
	022	CONTRIBUTION TO ZONING BOARD	6,500.00		276.00		6,224.00	96
	023	CONTRIBUTION TO HISTORICAL COMMISS.	3,000.00	861.45	2,935.15		64.85	2
	024	CONTR. TO THE ENVIORNMENTAL ADV CO	1,000.00	110.53	733.07		266.93	27
	029	DONATION ACCOUNT			418.86		-418.86	
	221	REFUNDS- ZONING HEARINGS	500.00		750.00		-250.00	-50
			154,388.00	10,728.62	133,739.39	0.00	20,648.61	13
01415	000	EMERGENCY MANAGEMENT COORDINATOR	500.00		261.30		238.70	48
			500.00	0.00	261.30	0.00	238.70	48
01427	020	CONTRACTED SERVICES	268,750.00		117,325.29		151,424.71	56
	021	LANDFILL FEES & EXPENSES	106,250.00	7,896.41	77,471.11		28,778.89	27
			375,000.00	7,896.41	194,796.40	0.00	180,203.60	48
01430	010	SALARIES & WAGES - HIGHWAYS	242,919.00	18,685.91	223,058.06		19,860.94	8
	018	SALRIES & WAGES-OVERTIME	50,000.00	27.61	2,814.07		47,185.93	94
	020	MATERIALS & SUPPLIES	12,500.00	995.02	6,952.30		5,547.70	44
	021	UTILITIES	14,300.00	55.75	4,791.74		9,508.26	67
	022	GENERAL EXPENSE	15,000.00	915.04	14,457.68		542.32	4
	023	EQUIPMENT RENTALS	4,000.00		729.32		3,270.68	82
	024	TELEPHONE & COMMUNICATIONS	7,500.00	649.15	6,670.53		829.47	11
	025	VEHICLE MAINTENANCE & REPAIRS	12,000.00	372.42	6,876.79		5,123.21	43
	026	GAS, OIL & TIRES	15,000.00	1,233.54	10,113.79		4,886.21	33
	027	MINOR EQUIPMENT PURCHASES	2,500.00		374.64		2,125.36	85
	200	WORKERS COMPENSATION	11,840.00		11,588.99		251.01	2
	220	INCOME PROTECTION INSURANCE	2,771.00	197.70	2,055.08		715.92	26
	221	GROUP LIFE INSURANCE	1,729.00	108.88	1,197.68		531.32	31
	222	HOSPITALIZATION INSURANCE	94,201.00	8,272.74	86,377.50		7,823.50	8
	223	DENTAL CARE INSURANCE	4,127.00		3,977.59		149.41	4
	224	SOCIAL SECURITY TAX - BOROUGH	24,434.00	1,722.10	20,654.92		3,779.08	16
			514,821.00	33,235.86	402,690.68	0.00	112,130.32	22
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

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01		GENERAL FUND						
01433	020	STREET SIGNS & MARKINGS	10,000.00		7,181.52		2,818.48	28
			10,000.00	0.00	7,181.52	0.00	2,818.48	28
01434	020	STREET LIGHTING	30,000.00		19,582.44		10,417.56	35
			30,000.00	0.00	19,582.44	0.00	10,417.56	35
01436	020	MAINT. & REPAIRS - SEWERS & DRAINS	3,000.00		500.00		2,500.00	83
	053	STORMWATER FEES	2,000.00		2,000.00			
			5,000.00	0.00	2,500.00	0.00	2,500.00	50
01437	020	REPAIRS TO TOOLS & MACHINERY	2,000.00		2,677.33		-677.33	-34
			2,000.00	0.00	2,677.33	0.00	-677.33	-34
01438	020	MAINTENANCE & REPAIRS - STREETS	10,000.00		2,759.61		7,240.39	72
			10,000.00	0.00	2,759.61	0.00	7,240.39	72
01439	070	CAPITAL EXPENDITURES	59,570.00		33,534.00		26,036.00	44
			59,570.00	0.00	33,534.00	0.00	26,036.00	44
01452	020	RECREATIONAL PROGRAMS	15,000.00	1,894.76	14,458.41		541.59	4
	021	MAINTENANCE & REPAIRS	10,000.00	521.96	10,368.81		-368.81	-4
			25,000.00	2,416.72	24,827.22	0.00	172.78	1
01454	010	SALARIES & WAGES - PARKS & REC.	55,867.00	4,297.44	48,120.97		7,746.03	14
	020	MATERIALS & SUPPLIES	6,500.00		6,351.97		148.03	2
	021	GENERAL EXPENSE	6,500.00		6,729.54		-229.54	-4
			68,867.00	4,297.44	61,202.48	0.00	7,664.52	11
01455	020	SHADE TREE MAINTENANCE	17,250.00	1,676.50	5,964.70		11,285.30	65
			17,250.00	1,676.50	5,964.70	0.00	11,285.30	65
01456	020	CONTRIBUTION TO LIBRARY	12,180.00		12,180.00			
			12,180.00	0.00	12,180.00	0.00	0.00	0
01483	020	NON-UNIFORMED PENSION FUND	29,120.00		26,238.84		2,881.16	10
			29,120.00	0.00	26,238.84	0.00	2,881.16	10

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Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
01		GENERAL FUND						
01486	026	CASUALTY - GENERAL LIABILITY	12,967.00		11,848.25		1,118.75	9
	027	AUTOMOBILE LIABILITY INSURANCE	3,763.00		3,774.78		-11.78	-0
	029	PUBLIC OFFICIALS LIABILITY INS.	6,776.00		6,716.70		59.30	1
	030	INLAND MARINE INSURANCE	8,559.00		8,530.21		28.79	0
	032	COMMERCIAL PROPERTY INSURANCE	2,200.00		2,263.53		-63.53	-3
			34,265.00	0.00	33,133.47	0.00	1,131.53	3
01489	010	MILITARY & CIVIC CONTRIBUTIONS	43,500.00		43,500.00			
			43,500.00	0.00	43,500.00	0.00	0.00	0
01492	011	TRANSFER TO CAPITAL RESERVE FUND	1,427,799.00		657,980.00		769,819.00	54
			1,427,799.00	0.00	657,980.00	0.00	769,819.00	54
01	*****	GENERAL FUND	5,517,968.00	264,281.86	4,024,696.52	0.00	1,493,271.48	27

Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
08		SEWER FUND						
08429	010	SALARIES & WAGES - SEWER OP & MAINT	154,585.00	11,891.04	142,342.71		12,242.29	8
	020	MATERIALS & SUPPLIES	2,500.00	705.13	4,183.89		-1,683.89	-67
	021	UTILITIES	35,000.00	491.50	19,819.08		15,180.92	43
	022	MAINTENANCE & REPAIRS	25,000.00	3,131.52	16,979.29		8,020.71	32
	023	VEHICLE MAINTENANCE & REPAIRS	2,500.00		1,101.21		1,398.79	56
	024	GAS & OIL	4,000.00	165.26	2,561.92		1,438.08	36
	026	SEWAGE DISPOSAL VARIOUS	520,000.00		341,717.31		178,282.69	34
	027	MATERIALS & SUPPLIES	3,000.00				3,000.00	100
	028	GENERAL EXPENSE	15,000.00	2,462.21	19,628.95		-4,628.95	-31
	029	ENGINEERING	12,000.00		1,697.65		10,302.35	86
	030	TELEPHONE & COMMUNICATIONS	6,000.00	1,475.60	6,615.56		-615.56	-10
	031	ALARM SYSTEM EXPENSE	2,000.00				2,000.00	100
	101	SALARIES & WAGES - SEWER ADMIN.	99,303.00	7,739.04	90,964.44		8,338.56	8
			880,888.00	28,061.30	647,612.01	0.00	233,275.99	26
08430	070	CAPITAL EXPENDITURES	15,000.00		90.12		14,909.88	99
			15,000.00	0.00	90.12	0.00	14,909.88	99
08484	010	AUTOMOBILE INSURANCE	2,280.00		2,518.76		-238.76	-11
	200	WORKMEN'S COMPENSATION	11,840.00		11,588.99		251.01	2
			14,120.00	0.00	14,107.75	0.00	12.25	0
08486	011	CASUALTY - GENERAL LIABILITY	9,352.00		8,557.07		794.93	9
	013	SOCIAL SECURITY TAX -SEWER - BORO	19,944.00	1,470.55	17,465.25		2,478.75	12
	014	COMMERICAL PROPERTY INSURANCE	6,685.00		7,489.15		-804.15	-12
	015	PUBLIC OFFICIALS LIABILITY INS.	4,312.00		4,412.87		-100.87	-2
	016	DENTAL CARE INSURANCE	5,959.00		4,197.00		1,762.00	30
	017	INCOME PROTECTION INSURANCE	3,904.00	260.65	2,749.30		1,154.70	30
	019	HOSPITALIZATON & PRESCRIPTION INS.	93,937.00	5,382.45	75,642.15		18,294.85	20
	020	GROUP LIFE INSURANCE	2,305.00	140.62	1,546.82		758.18	33
			146,398.00	7,254.27	122,059.61	0.00	24,338.39	17
08	*****	SEWER FUND	1,056,406.00	35,315.57	783,869.49	0.00	272,536.51	26

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20		SEWER CAPITAL RESERVE						
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	887.25	6,772.04		28,227.96	81
	076	CONSTRUCTION FUND-VFSA & TT	50,000.00				50,000.00	100
	077	REPLACE PUMP AT STATION #1 POWELTON	15,000.00		4,100.00		10,900.00	73
			182,000.00	887.25	10,872.04	0.00	171,127.96	94
20	*****	SEWER CAPITAL RESERVE	182,000.00	887.25	10,872.04	0.00	171,127.96	94
30		CAPITAL RESERVE FUND						
30400	001	ZONING ORDINANCE AMENDMENTS UPDATE	100,000.00				100,000.00	100
	002	GENERAL CODE REFORMAT OF CODE ORDIN	17,050.00		14,209.01		2,840.99	17
	004	REVIALIZATION & COMPREHENSIVE PLAN	20,000.00		4,511.20		15,488.80	77
			137,050.00	0.00	18,720.21	0.00	118,329.79	86
30409	000	MUNICIPAL BUILD RENOVATIONS			27,289.00		-27,289.00	
	002	MUNICIPAL BUILDING FENCING & LIGHTI	52,623.00		52,623.00			
			52,623.00	0.00	79,912.00	0.00	-27,289.00	-52
30410	002	POLICE BODY & CAR CAMERAS	15,000.00		14,590.29		409.71	3
			15,000.00	0.00	14,590.29	0.00	409.71	3
30430	001	TRAFFIC ANALYSIS ENGINEER STUDIES	30,000.00	2,480.00	4,527.21		25,472.79	85
			30,000.00	2,480.00	4,527.21	0.00	25,472.79	85
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	4,518.00	41,292.00		208,708.00	84
	012	SIDEWALK IMPROVEMENTS	150,000.00		1,500.00		148,500.00	99
			400,000.00	4,518.00	42,792.00	0.00	357,208.00	89
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	4,419.00	12,769.50		637,230.50	98
	002	TRAFFIC SAFETY IMPROVEMENTS	100,000.00	608.75	3,850.63		96,149.37	96
	070	PAVING BOROUGH STREETS	315,000.00	972.00	215,494.02		99,505.98	32

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			1,065,000.00	5,999.75	232,114.15	0.00	832,885.85	78
30445	001	Parking Facility Improvements			1,594.39		-1,594.39	
			0.00	0.00	1,594.39	0.00	-1,594.39	0
30446	001	STREAMBANK STABILIZATION	844,150.00		12,168.00		831,982.00	99
	002	Drainage Improvements	50,000.00	863.00	13,069.00		36,931.00	74
			894,150.00	863.00	25,237.00	0.00	868,913.00	97
30454	001	Park Improvements	25,000.00		11,865.00		13,135.00	53
	002	QUAN PARK IMPROVEMENTS	326,334.00		95,283.05		231,050.95	71
	003	PUMP TRACK	201,500.00		1,489.00		200,011.00	99
			552,834.00	0.00	108,637.05	0.00	444,196.95	80
30455	001	KING STREET- SHADE TREE PLAN	25,000.00	901.50	9,115.26		15,884.74	64
			25,000.00	901.50	9,115.26	0.00	15,884.74	64
30459	000	SIGNAGE THROUGHOUT THE BOROUGH	50,000.00		103.78		49,896.22	100
	001	Trail Construction	100,000.00				100,000.00	100
			150,000.00	0.00	103.78	0.00	149,896.22	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	3,559,641.00	14,762.25	569,383.66	0.00	2,990,257.34	84

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Acct #	Sub #	Description	Amended Budget	MTD Expended	YTD Expended	Outstanding Encumbered	Unencumbered Balance	Budget% Unused
35		HIGHWAY AID FUND						
35438	020	MAINTENANCE & REPAIRS - STREETS			25,000.00		-25,000.00	
			0.00	0.00	25,000.00	0.00	-25,000.00	0
35492	000	TRANSFER TO GENERAL FUND	50,000.00	-36,590.85	79,886.43		-29,886.43	-60
			50,000.00	-36,590.85	79,886.43	0.00	-29,886.43	-60
35	*****	HIGHWAY AID FUND	50,000.00	-36,590.85	104,886.43	0.00	-54,886.43	-110
			10,366,015.00	278,656.08	5,493,708.14	0.00	4,872,306.86	47

Legend:

Expenditure Budget Status Report Previewing to your screen

Starting at Fund 01400

MARP03 run by Tiffany Loomis 11 : 56 AM

Acct #	Sub #	Description	Amended Budget	MTD Received	YTD Received	Unrealized Balance	Budget % Realized
01		GENERAL FUND					
01301	000	REAL ESTATE TAXES (CURRENT)	1,185,244.00	10,835.78	1,148,844.59	36,399.41	97
	001	REAL ESTATE TAXES (PRIOR YEARS)			597.53	-597.53	
	002	REAL ESTATE TAXES (DELINQUENT)	8,000.00	2,137.59	12,442.62	-4,442.62	156
	003	INTERIM REAL ESTATE TAXES	3,500.00	1,945.08	3,818.80	-318.80	109
			1,196,744.00	14,918.45	1,165,703.54	31,040.46	97
01310	000	PER CAPITA TAX (CURRENT)	11,500.00	132.00	19,250.01	-7,750.01	167
	001	PER CAPITA TAX (PRIOR YEARS)	3,000.00		836.00	2,164.00	28
	010	REAL ESTATE TRANSFER TAX	184,000.00	20,203.20	324,350.28	-140,350.28	176
	020	EARNED INCOME TAX (CURRENT)	1,600,000.00	373,246.30	1,870,694.87	-270,694.87	117
	021	EARNED INCOME TAX (PRIOR YEARS)	500,000.00	14,300.00	604,866.38	-104,866.38	121
	051	LOCAL SERVICE TAX (CURRENT)	75,000.00	28,145.35	93,717.45	-18,717.45	125
	052	LOCAL SERVICE TAX (PRIOR)	50,000.00		53,996.17	-3,996.17	108
			2,423,500.00	436,026.85	2,967,711.16	-544,211.16	122
01320	001	BUILDING PERMITS & REGISTRATION	35,000.00	694.00	35,300.06	-300.06	101
	002	PLUMBING PERMITS & REGISTRATIONS	3,000.00	64.50	2,791.00	209.00	93
	003	STREET PERMITS	3,000.00		2,000.00	1,000.00	67
	004	ZONING & SUBDIVISION PERMITS	5,000.00	75.00	4,950.00	50.00	99
	006	FRANCHISE FEE - COMCAST	82,000.00	18,505.12	76,864.79	5,135.21	94
	007	HOUSING & PROPERTY MAINTENANCE FEES	38,000.00	300.00	39,925.00	-1,925.00	105
	071	INSPECTION FEES	10,000.00	650.00	7,750.00	2,250.00	78
			176,000.00	20,288.62	169,580.85	6,419.15	96
01321	033	PARKING PERMITS	2,000.00		1,876.00	124.00	94
			2,000.00	0.00	1,876.00	124.00	94
01330	000	VIOLATIONS OF ORDINANCES	3,000.00	175.00	4,670.19	-1,670.19	156
	001	MOTOR VEHICLE CODE VIOL./ CRIMINAL	15,000.00	2,011.17	17,782.44	-2,782.44	119
	002	FALSE ALARM PENALTIES	1,000.00		593.90	406.10	59
			19,000.00	2,186.17	23,046.53	-4,046.53	121
01341	000	EARNINGS ON INVESTMENTS	12,000.00	9,491.13	92,240.00	-80,240.00	769
			12,000.00	9,491.13	92,240.00	-80,240.00	769
01342	000	RENTS OF PROPERTY	78,750.00	12,861.84	70,767.09	7,982.91	90
			78,750.00	12,861.84	70,767.09	7,982.91	90
01354	000	STATE CONTRIBUTIONS TO PENSION FUND	25,000.00		26,238.84	-1,238.84	105
			25,000.00	0.00	26,238.84	-1,238.84	105

Acct #	Sub #	Description	Amended Budget	MTD Received	YTD Received	Unrealized Balance	Budget % Realized
01		GENERAL FUND					
01355	001	GRANTS FROM STATE/COUNTY GOVERNMENT	1,228,626.00	34,672.37	62,076.37	1,166,549.63	5
	002	GRANTS FROM COUNTY FOR SPECIAL PROJ			767,454.87	-767,454.87	
	003	PURTA	3,541.00		3,504.08	36.92	99
	006	DONATION GRANTS	5,000.00		3,300.00	1,700.00	100
	041	BEVERAGE LICENSES (LIQUOR LICENSE)	600.00	600.00	600.00		100
			1,237,767.00	35,272.37	836,935.32	400,831.68	68
01362	000	POLICE SPECIAL DUTY	10,000.00	3,200.00	17,737.50	-7,737.50	177
			10,000.00	3,200.00	17,737.50	-7,737.50	177
01364	030	SANITATION SERVICES RECYCLE REBATE	1,426.00		737.24	688.76	52
			1,426.00	0.00	737.24	688.76	52
01379	000	MISCELLANEOUS INCOME	35,000.00	710.35	24,491.50	10,508.50	70
	002	PD AUTO. PROT. DEVICE ALARM REGIST.	3,000.00	50.00	1,933.89	1,066.11	65
	003	PD COPIES OF ACCIDENT/MISC. REPORTS	400.00	15.00	630.00	-230.00	158
	004	MISCELLANEOUS TAX CERTIFICATION & D	4,500.00	205.00	4,090.00	410.00	91
	005	LIBRARY RENOVATIONS	12,180.00		12,180.00		100
			55,080.00	980.35	43,325.39	11,754.61	79
01391	001	SALE OF PICK-UP TRUCK	20,000.00		25,800.01	-5,800.01	129
			20,000.00	0.00	25,800.01	-5,800.01	129
01392	001	HIGHWAY AID FUND	180,000.00	-36,590.85	79,886.43	100,113.57	44
			180,000.00	-36,590.85	79,886.43	100,113.57	44
01395	000	REFUNDS	3,500.00		44,585.51	-41,085.51	1274
			3,500.00	0.00	44,585.51	-41,085.51	1274
01	*****	GENERAL FUND	5,440,767.00	498,634.93	5,566,171.41	-125,404.41	102

Acct #	Sub #	Description	Amended Budget	MTD Received	YTD Received	Unrealized Balance	Budget % Realized
08		SEWER FUND					
08341	000	EARNINGS FROM INVESTMENTS	9,000.00	3,853.84	38,298.03	-29,298.03	426
			9,000.00	3,853.84	38,298.03	-29,298.03	426
08364	010	SEWER RENTS	1,018,180.00	255,569.44	974,306.35	43,873.65	96
	011	TAPPING & SEWER CONNECTION FEES	5,717.00		5,170.90	546.10	91
	012	OTHER INCOME - PENALTIES & INTEREST	40,000.00	41,275.00	41,975.00	-1,975.00	105
			1,063,897.00	296,844.44	1,021,452.25	42,444.75	96
08	*****	SEWER FUND	1,072,897.00	300,698.28	1,059,750.28	13,146.72	99

Acct #	Sub #	Description	Amended Budget	MTD Received	YTD Received	Unrealized Balance	Budget % Realized
30		CAPITAL RESERVE FUND					
30340	000	EARNINGS FROM INVESTMENTS	2,500.00	828.07	9,835.66	-7,335.66	393
			2,500.00	828.07	9,835.66	-7,335.66	393
30392	001	TRANSFER FROM GENERAL FUND	1,427,799.00		657,980.00	769,819.00	46
			1,427,799.00	0.00	657,980.00	769,819.00	46
30	*****	CAPITAL RESERVE FUND	1,430,299.00	828.07	667,815.66	762,483.34	47
35		HIGHWAY AID FUND					
35341	000	EARNINGS FROM INVESTMENTS	1,000.00	152.49	2,453.80	-1,453.80	245
			1,000.00	152.49	2,453.80	-1,453.80	245
35355	005	STATE MOTOR LICENSE FUND GRANT	84,646.00		95,535.80	-10,889.80	113
			84,646.00	0.00	95,535.80	-10,889.80	113
35	*****	HIGHWAY AID FUND	85,646.00	152.49	97,989.60	-12,343.60	114
			8,029,609.00	800,313.77	7,391,726.95	637,882.05	92

PUBLIC WORKS SUPERINTENDENT REPORT

November 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

11 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.

Cleaned up leaves at all parks.

Installed Christmas Banners on light poles for Christmas on King Street.

Installed lights around pavilion at Burke park for Christmas on King Street.

Blocked off parking lot for Christmas on King Street.

Picked up 90 truck loads of leaves and filled 15 40 yd dumpsters.

SEWER DEPT:

Pump stations were checked daily.

Pumped 9,904,800 gallons to Valley Forge Sewer Authority.

Installed new air compressor in Ejector Station # 1.

Cleaned out wet well at pump stations.

SHOP:

Service and inspection on Police vehicles.

Service on Leaf machine.

Installed salt spreader on trucks.

Serviced all trucks.

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

Louis M. Marcelli
Chief of Police

MALVERN BOROUGH POLICE DEPARTMENT



Date: December 4, 2023
To: Mayor Uzman
Members of Borough Council
From: Louis M. Marcelli, Chief of Police
Subject: MONTHLY REPORT – November 2023

During the month of November 2023, Members of the Police Department received 277 calls for service. Of the 324 calls, there was 1- Part I Crime and 3-Part II Crimes. The Members of the Department made 2 Criminal arrest for the month.

Traffic Enforcement:

Traffic Citations –5; Warnings –2; Parking Tickets – 15 and Ordinances – 0.

Alarms:

There were 2 police, 1 fire alarms and 1 EMS alarm.

EMS, Medical and Ambulance:

There was a total of 14 calls.

Accidents:

There were 7 property, 2 hit and run, 0 vehicle versus pedestrian, and 2 reportable crash for the month.

Assistance to Malvern Police Department:

The Police Department received assistance from other Departments on 4 occasions.

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

Louis M. Marcelli
Chief of Police

MALVERN BOROUGH POLICE DEPARTMENT



Assistance to Other Departments:

Members of the Department responded to assist other Departments on 6 occasions for miscellaneous police related issues.

House Checks:

There were 7 house checks for the month.

Fingerprinting:

No fingerprints were requested.

Training:

November 6th- November 17th- Corporals Dougherty and Walker attended Police Executive Leadership (POLEX) Training.

November 21- Corporal Walker and Officer Keating attended Child Abuse Training, Multi-Discipline Team for First Responders.

[Redacted area]

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

RTKL LOG

Case #	Request Date	Date Received	Requestor	Records Requested	Borough Responder	Response	
						Date	Extension
RTK-2023-001	1/12/2023	1/12/2023	Ed Gallagher	151/153 Old Lincoln Hwy File	Corinne Badman	1/12/2023	N
RTK-2023-002	1/13/2023	1/13/2023	Jeffrey Dill	147 Monument Ave File	Corinne Badman	1/13/2023	N
RTK-2023-003	1/15/2023	1/16/2023	Timothy J. Browne	Year 2022 Permit Log	Tiffany Loomis	1/20/2023	N
RTK-2023-004	1/18/2023	1/18/2023	Danny Fruchter	Sub-Committee Reports given at 1/17/23 Borough Council meeting and Eli Kahn commujnications with the Borough which led to the discussions by the Sub-Committee(s)	Tiffany Loomis	1/20/2023	N
RTK-2023-005	1/20/2023	1/20/2023	Richard Breuer	All written communications with the Chester County Board of Elections or any official of Chester County regarding the Initiative Petition submitted to the Borough on October 20, 2022.	Tiffany Loomis	1/30/2023	N
RTK-2023-006	1/23/2023	1/23/2023	Jennifer Chomko	How much Danny Fructner has cost the Borough on RTK Requests and if any request has yielded any information?	Tiffany Loomis	2/16/2023	Y
RTK-2023-007	1/23/2023	1/23/2023	Chris Buckley	Any report(s), emails, meeting notes, presentations, presentation notes, calendar invites, known communications, physical mail, contracts, agreements regarding Rockwell Associates and/or other known arborist or tree "experts" pertaining to the plot of land for the first ave bike trail or formally known as the pump park.	Tiffany Loomis	3/1/2023	Y
RTK-2023-008	1/24/2023	1/25/2023	Keith Barclay	Any floorplans/building files for 30-32 E. King Street.	Corinne Badman	1/25/2023	N
RTK-2023-009	1/30/2023	1/30/2023	Chris Buckley	Any and all information regarding communication between Chester County Parks and Preservation and any Borough official pertaining to the First Ave Bike Trail, Pump Park, or anything to do regarding that particular parcel of land from September 2022 to present.	Tiffany Loomis	3/1/2023	Y
RTK-2023-010	2/1/2023	2/1/2023	Ali Hart	5/192023 Shooting Incident Report that occurred at Charleston Green	Tiffany Loomis	2/8/2023	N
RTK-2023-011	2/2/2023	2/2/2023	Joe Lorusso	All emails from 1/1/19 thru 2/3/2023 any Malvern Borough officials/ employees to Dan Daley, Shelly Georgopoulos, Mark Hinckley, Keri Hinckley, Amanda Snyder, Erika Gross, Bob O'Neil, Melissa Kiely, Jonathan Georgopoulos, Scott Snyder, Suzanne Lowe, Suzanne Clancy, Chris Scott, Samuel Song, Soo Park, Greater Valley Mountain Bike Team, Wendy Dembrak, Matthew Mcquire, Corrine Badman.	Tiffany Loomis	2/24/2023	y
RTK-2023-012	2/3/2023	2/3/2023	Joe Lorusso	Provide all contracts over the prior 3 year period beginning January 1, 2020 that did not require advertising in one newspaper in general circulation and executed by the Borough and signed by the Borough Manager and/or the council president. Including all email or other correspondence before and after the contract was signed with the company. Provide all records related to the above described contracts as to the requirement that the Borough Manager and council reward contracts to the the lowest qualified and responsible bidder.	Tiffany Loomis	2/24/2023	Y
RTK-2023-013	2/3/2023	2/3/2023	Joe Lorusso	All documents describing the purchasing system established under Section 25-19 of the Malvern Administrative Code, including all regulations, policies and procedures covering the acquisition of goods and services by the Borough. It is not necessary to produce portions of the Home Rule Charter, the Administrative Code, or any Pennsylvania statutes.	Tiffany Loomis	3/10/2023	y
RTK-2023-014	2/8/2023	2/8/2023	Kenneth Graham	All police reports filed between 5/2019 and 8/2021 by Jane Graham 1012 Charleston Greene	Corinne Badman	2/10/2023	N
RTK-2023-015	2/12/2023	2/15/2023	Jojo Miller	Body Camera Footage of 5/19/2022 shooting that involved MBPD at Charleston Greene	Tiffany Loomis	2/23/2023	N
RTK-2023-016	2/15/2023	2/15/2023	Frank Ortner	Tidewater SALDO File	Tiffany Loomis	2/15/2023	N
RTK-2023-017	2/21/2023	2/21/2023	Chris Buckley	The total amount the Borough has spent on the Pump Track and Bike Trail concepts, from when the idea was first spoke about/brought up through Feruary 2023. This should include all and any expenses incurred by the Borough (internal expenses and third party/contractors/vendors/etc). Asked in the form of a question.	Tiffany Loomis	2/24/2023	N
RTK-2023-018	2/21/2023	2/21/2023	Timothy J. Browne	Copies of all Commercial and Residential electrical permits issue from 1/1/2023 to 1/31/2023 in electronic format.	Tiffany Loomis	2/24/2023	N
RTK-2023-019	2/24/2023	2/24/2023	Chris Buckley	A copy of all invoices received and/or paid by Malvern Borough from 2015 until February 24, 2023 related to the Pump Park and/or Bike Trail Project.	Tiffany Loomis	3/31/2023	Y
RTK-2023-020	3/8/2023	3/8/2023	Danny Fruchter	For the Year 2023: The accounting including all sources of income and receivers of all expenditures, for each Charity campaign in which the Malvern Police participated.	Corinne Badman	4/13/2023	Y
RTK-2023-021	3/8/2023	3/8/2023	Joe Lorusso	All emails and documented communications between SHELLY GEORGOPULOS and Members of the Malvern Borough Council including Malvern Borough Employees and the Malvern Borough Manager (Tiffany Loomis) and the time period requested is from January 1, 2019 to March 6, 2023.	Corinne Badman	4/14/2023	Y
RTK-2023-022	3/20/2023	3/20/2023	Michael Romano	Residential building permits filed for February 2023	Tiffany Loomis	3/27/2023	N
RTK-2023-023	3/21/2023	3/21/2023	Danny Fruchter	All documents, affidavits and attachments filed with the Borough during 2022 and 2023 regarding or connected to the appointment and nomination for election of Lynne Frederick for Borough Councilor.	Tiffany Loomis	4/24/2023	Y
RTK-2023-024	3/23/2023	3/23/2023	Danny Fruchter	Commonwealth of PA Ethics Commission's Official Statement of Financial Interests filed in 2022 and 2021 by Lentz, Cantor, the Borough's Appointed Solicitor.	Tiffany Loomis	3/28/2023	N

RTKL LOG

Case #	Request Date	Date Received	Requestor	Records Requested	Borough Responder	Response	
						Date	Extension
RTK-2023-025	3/29/2023	3/29/2023	Janis Faris	An electronic file (ie Excel, PDF, Word) of any and all employees including part-time, temporary, seasonal employees and elected officials for year of 2022 (fiscal or calendar year). Each employee record should contain the year of compensation, first name, middle initial, last name, hire date (mm-dd-yyyy), base salary amount, bonus amount, overtime amount, gross annual wages and position title.	Corinne Badman	5/2/2023	Y
OOB AP 2022-2803	3/6/2023	3/6/2023	OOB	Breuer appeal granted in part for all grant information to be provided digitally on a thumb drive for the specified time frame starting January 1, 2019 through March 31, 2023 pertinent to and	Tiffany Loomis	4/5/2023	N/A
RTK-2023-027	3/31/2023	3/31/2023	Joseph Lorusso	solely about the "subject matter" of the Pump Park and/or Bike Path proposed to be built on the parcel 2-4-316 also known as the First Avenue Pump Park or Bike Trail Park (name used by the Malvern Borough Council in numerous Agendas). Requesting Email communications between Amy Finkbiner, Mark Niemiec, Brendan Phillips, Manager Tiffany Loomis and Assistant Manager Corrine Badman and the following individuals and or group: Dan Daley, Shelly Georgopoulos, Mark Hinckley, Keri Hinckley, Amanda Snyder, Erika Gross, Bob O'Neil, Melissa Kiely, Jonathan Georgopoulos, Scott Snyder, Suzanne Lowe, Suzanne Clancy, Chris Scott, Samuel Song, Soo Park, GV Mountain Bike Team, Wendy Dembrak, Matthew McGuire.	Corinne Badman	5/5/2023	Yes
OOB AP 2023-0442	3/31/2023	3/31/2023	OOB	Lorusso appeal granted in part to provide all professional services contracts from January 2020 onward. Borough filed Appeal.	Tiffany Loomis	4/30/2023	N/A
RTK-2023-028	4/1/2023	4/3/2023	Danny Fruchter	Body Camera Footage of 5/19/2022 shooting that involved MBPD at Charleston Greene	Tiffany Loomis	4/10/2023	N
RTK-2023-029	4/4/2023	4/4/2023	Reva Alderman	Any and All property records for 3 Pennsylvania Avenue identified as UPI# 2-3-8.1A consisting of 1.3 acres of land, including but no limited to building permits, license and inspection records, U&O records, storage tank permits, emergency spill response records, and any building diagrams.	Corinne Badman	4/20/2023	Yes
RTK-2023-030	4/14/2023	4/14/2023	Danny Fruchter	For the Year 2022: The accounting, including all sources of income and receivers of all expenditures, for each Charity campaign in which the Malvern Police participated	Corinne Badman	4/20/2023	No
RTK-2023-031	4/24/2023	4/24/2023	Allium Data	A copy of the last property and casualty renewal summary for all lines of insurance purchased by the city (general liability, auto, workers comp, professional, directors and officers, etc). This document summarizes the insurance terms, limits, deductibles, premiums, and exclusions. 2. A copy of the last employee benefits insurance renewal summary for health, dental, and vision plans sponsored by the city. This document shows plan options available to the city's employees and the pricing for employee, employee plus spouse, and employee plus family.	Corinne Badman	5/18/2023	Yes
RTK-2023-032	5/8/2023	5/9/2023	Janis Faris	An electronic copy of all payment transactions for fiscal year 2022. This could be considered one of the following reports: <i>Vendor Payment Checkbook Report, Checkbook Register, Expenditure Data, Transactional Detail Payments, Online Checkbook, or Disbursements</i> . We would accept any existing report which contains a minimum of the Payee Name, Amount and Date of each transaction.	Corinne Badman	5/23/2023	No
RTK-2023-033	5/11/2023	5/11/2023	Richard Breuer	1) All reports of the Finance & Administration Committee/Subcommittee, Public Safety Committee/Subcommittee, and Public Works Committee/Subcommittee as approved by Borough Council from April 19, 2022 through the present date. 2) All written materials provided to members of the Finance & Administration Committee/Subcommittee, Public Safety Committee/Subcommittee, and Public Works Committee/Subcommittee with respect to matters coming before those committees/subcommittees from January 1, 2021 through the present date. 3) All written communications to or from members of the Finance & Administration Committee/Subcommittee, Public Safety Committee/Subcommittee, and Public Works Committee/Subcommittee with respect to matters coming before those committees/subcommittees from January 1, 2021 through the present date. 4) The following documents, with respect to any litigation matter in which the Borough was a party at any time from January 1, 2016 to the present date. For 2 the purposes of this request, "litigation matter" shall mean any case in any court or any administrative or quasi-judicial body. (a) All papers filed as of record with the court or administrative or quasi-judicial body. (b) All papers whereby the matter was settled or terminated.	Tiffany Loomis	6/15/2023	YES
RTK-2023-034	6/19/2023	6/19/2023	David Cohen	Conditional Use Permit and Site Plan for 207 Pennsylvania Avenue	Corinne Badman	6/20/2023	No

RTKL LOG

Case #	Request Date	Date Received	Requestor	Records Requested	Borough Responder	Response	
						Date	Extension
				All communications (including e-mails and letters) and documents exchanged with the Borough's insurance carrier (the "insurer") regarding the "stormwater capital improvement project" at the Malvern Post Office (the "Project") as that Project is referenced in the Borough's 2023 Summer Newsletter. 1 This request includes, but is not limited to, any claim(s) submitted by the Borough to the Insurer relating to the Project and responses given to the Borough. 2. A copy of the insurance policy pursuant to which the Borough received \$41,984.74 as referenced on page 1 of the Borough's 2023 Summer Newsletter. 3. A copy of all communications regarding the Project, including communications with third parties, hired by the Borough to perform the Project. 4. A copy of all documents the Borough relied upon in writing that the "flooding" at the Malvern Borough Post Office "was occurring due to failing stormwater infrastructure" in its 2023 Summer Newsletter. 5. A copy of all documents reflecting the bidding process for the Project. 6. Copies of any bonds, letters of credit, other security provided to the Borough by any contractors hired to perform work on the Project. 7. All communications among Borough employees between January 1, 2020 to the present relating to the Malvern Post Office (including flooding at the Malvern Post Office), the renewal of the lease for the Malvern Post Office, work to be performed to alleviate flooding at the Malvern Post Office, stormwater management infrastructure at the Malvern Post Office, and the Project.			
RTK-2023-055	9/27/2023	10/2/2023	Joseph Catuzzi	RESPONSE DUE WEDNESDAY, 11/8/2023	Tiffany Loomis	11/8/2023	YES
RTK-2023-056	10/17/2023	10/19/2023	Andrew Stoll	Any and all permits or approvals for the property located at 207 Pennsylvania Avenue, Malvern, PA from 2002 until the present, including any zoning, use, or development decisions, as well as the transcript from the prior conditional use hearing which occurred in or around the year 2004.	Corinne Badman	10/20/2023	No
RTK-2023-057	10/18/2018	10/19/2023	Kyle Eckley	EnviroSure is conducting a Phase I ESA at 207 Pennsylvania Avenue. In that regard, we are requesting a search of all files pertaining to the property. Especially, underground storage tanks, environmental concerns, building permits and ownership records. Thank you.	Corinne Badman	10/20/2023	No
RTK-2023-058	10/24/2023	10/24/2023	David Mackey	Permit and construction plans for 18 and 22 E King Street	Corinne Badman	10/24/2023	No
RTK-2023-059	11/2/2023	11/2/2023	Joe Lorusso	Borough Agreements from \$1k to \$9,999 excluding sewer maintenance agreements, BMP agreements, Developer Agreements, Financial Security Agreements, and Contracts for purchasing supplies the the PA COSTARS Program. RESPONSE DUE FRIDAY, 12/8/2023	Tiffany Loomis	12/8/2023	YES
RTK-2023-060	11/8/2023	11/8/2023	Tobias Pilachowski	August Mack Environmental is conducting an environmental study of the following property: 18 E. King Street, Malvern, PA 19355 I am requesting information regarding any environmental spills/incidents within the vicinity of the site, records of wells/septic tanks, underground storage tanks (USTs), and aboveground storage tanks (ASTs) at the site.	Corinne Badman	11/9/2023	No
RTK-2023-061	11/20/2023	11/21/2023	Peter Simone	List of firms/ teams submitting proposals for the rewrite of Malvern's Zoning and SALDO Ordinances including fees proposed	Tiffany Loomis	11/21/2023	No
RTK-2023-062	11/22/2023	11/22/2023	Helen Jesse	August Mack Environmental is conducting an environmental study of the following property: 18 E. King Street, Malvern, PA 19355. I am requesting information regarding any underground storage tanks (USTs) at 16 or 18 E. King Street. Historical records indicate these properties were historically identified as 35 and 36 E. King Street, respectively.	Corinne Badman	11/27/2023	No
RTK-2023-063	11/27/2023	11/27/2023	Jennifer Chomko	I would like to know if the Borough has paid any invoices late, which companies, and the amount of the late fees that have been paid since July 2022.	Corinne Badman	11/29/2023	No
RTK-2023-064	11/27/2023	11/27/2023	David Mackey	Copy of ZHB decision ref: Crumdale Partners, East King Street in 2017. Applicant ZMC Partners, LP.	Corinne Badman	11/27/2023	No
RTK-2023-065	11/30/2023	11/30/2023	Helen Jesse	August Mack Environmental is conducting an environmental study of the following property: 18 E. King Street, Malvern, PA 19355 I am requesting information regarding any underground storage tanks (USTs) at 16 or 18 E. King Street. Historical records indicate these properties were historically identified as 715 and 716 E. King Street, respectively. Sanborn maps depict a gasoline tank in this area from at least 1919 to 1925.	Corinne Badman	12/4/2023	No
RTK-2023-066	11/30/2023	11/30/2023	Jennifer Chomko	AQUA Bills from June 2023 onward RESPONSE DUE THURSDAY, 12/7/2023	Tiffany Loomis	12/7/2023	No
RTK-2023-067	12/14/2023	12/14/2023	Lauren Shission	All records regarding contracts, bid proposals and any and all information relating to insurance (casualty, liability, worker's compensation, etc.) regarding Highway Materials Inc. for roadway maintenance, construction, or supply of asphalt from 1950-1980. RESPONSE DUE THURSDAY, 12/21/2023	Tiffany Loomis	In Process	No

ARPA COMMITTEE RECOMMENDATIONS & EXPENDITURE STATUS AS OF DECEMBER 15, 2023

CATEGORY	TOTAL AMOUNT DESIGNATED TO BE RELEASED	TRANSACTIONS	REMAINING BALANCE	NOTES
<p>Borough Hall Renovations including but not limited to: Fence in Police Rear Access - COMPLETED Lighting of Police Area - COMPLETED Upgrade 3 Police Cars w/ Charging Capabilities - COMPLETED Charging Station for Police Cars - COMPLETED Sound System Upgrade - COMPLETED LED Lighting for all Borough Buildings -COMPLETED Upgrade Sound System - COMPLETED</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 & Camera including electrical work 6/7/2022 (\$4,081.20 & \$2,453.34 processed for payment in August 2022 for electrical work)</p> <p>(Fence Purchase & 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) THE REMAINDER TO BE PAID FROM WORKERS COMPENSTATION INSURANCE GRANT & BUILDING MAINTENANCE IN THE GENERAL FUND.</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 has been installed and the invoice will be received shortly totaling \$23,449 - Sound System approved by Borough Council on 6/21/2022</p>	\$ 707.24	NONE
<p>Library Renovations including but not limited to: Carpet Tiles Painting the Library Foyer Renovations Shared Bathroom Renovations AC System to be repaired</p>	\$ 40,000.00	<p>Borough Council approved COSTAR flooring quotes totaling \$37,670.47 at their October 3, 2023 meeting. Funds will be released when work is completed.</p>	\$ 2,329.53	NONE
<p>Economic Revitalization including but not limited to: Main Street Manager for King Street Potential WIFI Hot Spots Craft & Mercantile Event - Scheduled for 9/16/22 - COMPLETED Craft & Mercantile Event - Scheduled for 9/15/23 - PENDING</p>	\$ 106,600.00	<p>\$5,000 - Craft & Mercantile Event - 4/5/2022 \$6,000 - MBPA for Lighting Installation - 10/18/2022 \$3,000 - POLICE DETAIL for SURFIN' USA event scheduled for 5/6/2023 ESTIMATE = 5 Hours w/ 6 Police Officers \$5,550 - Craft& Mercantile Event - 9/15/2023</p> <p>\$5,000 - Derck & Edson - Grant Preparation- Authorized by Borough Council on 11/8</p>	\$ 82,050.00	<p>\$400 deducted from spending account total due to Composting Program costing an additional \$800. Split additional cost between two (2) remaining available categories.</p> <p>WORKING ON MAIN STREET MANAGER INITIATIVE</p>
<p>Public Works Capital Improvement Program including but no limited to: Stormwater Issues - ON GOING 2022 Road Program - COMPLETED</p>	\$ 106,600.00	<p>\$25,000 - 2022 Road Program - 6/7/2022 - PAID IN AUGUST 2022 POST OFFICE STORMWATER PIPE - \$9,500 - INVOICES RECEIVED & PAID WORK COMPLETED ON OCTOBER 11, 2022</p> <p>Borough Council authorized \$72,100 on September 19, 2023 to be spent towards the Jennings Lane Storm Sewer Capital Improvement Project</p>	\$ -	<p>\$400 deducted from spending account total due to Composting Program costing an additional \$800. Split additional cost between two (2) remaining available categories.</p> <p>COMPLETED</p>
<p>Quann Park - COMPLETED</p>	\$ 20,000.00	<p>\$20,000 - Park Improvements for DCNR Grant Match - 4/19/2022 PAID IN AUGUST 2022</p>	\$ -	COMPLETED
<p>Composting Program - Originally \$10k was budgeted for this item. \$800 additional funds were needed. \$400 each was deducted from Storwater and Economic Revitalization to balance the funds that are allowed to spent.</p>	\$ 10,800.00	<p>Borough Council approved the composting pilot program at their January 3, 2023 meeting - \$10,800 Authorized from ARPA Funds</p>	\$ 5,400.00	COMPLETED
<p>Malvern Fire Company - Purchase of EMS Gear COMPLETED</p>	\$ 36,883.00	<p>\$36,883 - EMS GEAR - 10/19/2022</p>	\$ -	COMPLETED

ORDINANCE NO. 2023-7

TAX LEVY ORDINANCE

**AN ORDINANCE OF MALVERN BOROUGH, CHESTER COUNTY,
COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR
2024.**

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of Malvern Borough, County of Chester, Pennsylvania:

That a tax and the same is hereby levied on all property within the said municipality; subject to taxation for the fiscal year 2024 as follows:

Tax rate for General purposes, the sum of 4.6700 mills on each dollar of assessed valuation, or the sum of 46.70 cents on each One Hundred Dollars of Assessed Valuation,

The same being summarized in tabular form as follows:

Mills on Each Dollar of Assessed Valuation, Cents on Each One Hundred Dollars of Assessed Valuation, respectively:

Tax Rate for General Purposes	-	4.6700 Mills, 46.70 Cents
Total:	-	4.6700 Mills, 46.70 Cents

That any ordinance, or part of ordinance, conflicting with this ordinance be, and the same is hereby repealed, insofar as the same affects this ordinance.

Passed by Borough Council,
this 19th day of **December, 2023**.

Amy Finkbiner, PhD, President

Approved by the Mayor,
this 19th day of **December, 2023**.

Zeyn B. Uzman, Mayor

Enacted,
this 19th day of **December, 2023**.

Tiffany M. Loomis, Interim Secretary

RESOLUTION NO. 853

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF BOROUGH COUNCIL, OF THE BOROUGH OF MALVERN,
CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING
THE ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCES TASK
FORCE.**

WHEREAS, the Borough of Malvern (“Borough”) adopted, in 2003, its Borough of Malvern Zoning Ordinance of 2003 (the “Zoning Ordinance”), which is codified at Chapter 220 of the Code of Ordinances of the Borough of Malvern, Pennsylvania (the “Malvern Borough Code”); and

WHEREAS, the Borough adopted, in 2006, The Malvern Borough Subdivision and Land Development Ordinance (the “SALDO”), which is codified at Chapter 181 of the Malvern Borough Code; and

WHEREAS, since their adoption, the Zoning Ordinance and SALDO have been amended from time to time; and

WHEREAS, in order to more completely address current and future land uses and development within the Borough and to continue to enhance the quality of life for and promote the health, safety, and welfare of all residents of the Borough, Borough Council (“Council” or “Borough Council”) of the Borough desires undertake and implement a comprehensive review of and consider potential amendments and updates to the Zoning Ordinance and SALDO; and

WHEREAS, in furtherance of the comprehensive review of the Zoning Ordinance and SALDO, the Borough has engaged the firm of Thomas Comitta Associates, Inc. (“TCA”), to provide planning and consulting services related to the comprehensive review of the Zoning Ordinance and SALDO; and

WHEREAS, Borough Council is authorized, pursuant to §§25-11 and 25-29.M of the Administrative Code of the Borough, as codified at Chapter 25 of the Malvern Borough Code, to establish ad hoc committees; and

WHEREAS, such ad hoc committees shall be created for only specific and temporary purposes; and

WHEREAS, Borough Council believes the establishment of an ad hoc committee to work with TCA to undertake and implement a comprehensive review of the Zoning Ordinance and SALDO; to consider and review such amendments and/or updates to the Zoning Ordinance and SALDO to address current and future land uses and development, while preserving and enhancing the Borough’s natural resources; and to make recommendations to Borough Council regarding said review and amendments and updates; and

WHEREAS, the Borough desires to establish an ad hoc committee pursuant to §25-11 of the Administrative Code of the Borough to guide this process.

NOW THEREFORE, it is hereby **RESOLVED** by the Borough Council of the Borough as follows:

1. **Creation and Termination.** An *ad hoc* committee, known as the “Zoning and Subdivision and Land Development Ordinance Task Force” (the “Task Force”), is hereby established by Borough Council. Except as may be extended by Borough Council via subsequent resolution, the Task Force shall continue until, and expire automatically upon, thirty (30) days after delivery to Borough Council of its final recommendation(s).
2. **Purpose(s).** The purpose(s) of the Task Force shall be to work with TCA and other Borough consultants to undertake and implement a comprehensive review of the Zoning Ordinance and SALDO; to consider and review such amendments and/or updates to the Zoning Ordinance and SALDO to address current and future land uses and development, while preserving and enhancing the Borough’s natural resources and enhancing the quality of life for and promoting the health, safety, and welfare of all residents of the Borough; and to make recommendations to Borough Council regarding said review and amendments and updates.
3. **Task Force Composition and Presiding Officers.**
 - a. **Membership.** The Task Force shall be comprised of five (5) members who shall be appointed, by formal motion, by Borough Council, at its sole discretion. Members of the Task Force shall be residents of the Borough.
 - b. **Ex Officio (Non-Voting) Members.** The Borough Council President shall be authorized to appoint *ex officio*, non-voting members of the Task Force who shall be entitled to attend any meeting of the Task Force or any subcommittee thereof. The following individuals shall be *ex officio*, non-voting members of the Task Force unless otherwise appointed by the Borough Council as a voting member of the Task Force:
 - i. the Mayor; and
 - ii. the Borough Manager (or her designee).
 - c. **Removal.** Any member of the Task Force may be removed by Borough Council prior to the submission of the Task Force’s final recommendation(s) to Borough Council and in accordance with laws of the Commonwealth of Pennsylvania.
4. **Progress Reports.** The Task Force shall submit periodic, written, interim progress and status reports to the Borough Council, via the Borough Manager, on a monthly basis.

5. Task Force Meetings and Operations.

- a. The Task Force shall conduct any in-person deliberations of a quorum of the Task Force at public meetings (as defined by, and pursuant to, applicable law).
- b. The Borough Council President shall designate, from the voting Task Force members, a Chairperson of the Task Force who shall preside at all meetings. The Task Force itself shall, from among its members, appoint at least one of each of the following:
 - i. Vice Chairperson, who shall preside in the absence of the Chairperson; and
 - ii. Secretary, who shall be responsible for the taking of minutes at all meetings.
- c. The Borough Manager shall be authorized to advertise for the Task Force's meetings as required by law.
- d. Requests for access to, or services from, the Borough Engineer, Borough Solicitor, or any other professional or member of Borough Staff shall be made by the presiding officer of the Task Force through the Borough Manager. The Borough Manager, at his or her discretion, in consultation with Borough Council, and subject to reasonable limitations and conditions, may provide for the benefit of the Task Force such resources, professional services, accommodations, or actions as may be required by law, expedient, or advisable for the purposes and requirements described herein.
- e. The Task Force shall be authorized, at the discretion of the Task Force's Chairperson, to conduct business in any reasonable manner, provided that such business is conducted in accordance with applicable law.
- f. The Task Force, on behalf of the Borough Council, shall be authorized to solicit and receive written or verbal comments from any municipality, property owner, or other interested party in relation to the matters which are the subject of the Task Force's work.
- g. Nothing herein shall prohibit the members of the Task Force from circulating proposed drafts, revisions, or comments regarding the same via electronic or other means, with the express intention of the Borough Council that such drafts, revisions, or comments of any voting or *ex officio* member of the Task Force be treated as the pre-decisional deliberations of the Borough, such that they shall not be a public record pursuant to Section 708(b)(10)(i)(A) of the Right-To-Know Law, 65 PS § 67.708.
- h. The Task Force shall be authorized to establish one or more subcommittees at the discretion of the Task Force's Chairperson, provided that the membership of such

subcommittee(s) shall be limited so as to avoid the presence of a quorum of voting members of the Task Force as a whole at any subcommittee meeting.

Resolved by Borough Council this **19th** day of **December, 2023**.

Amy Finkbiner, Ph.D., President

Approved by the Mayor this **19th** day of **December, 2023**.

Zeyn B. Uzman, Mayor

Enacted this **19th** day of **December, 2023**.

Tiffany M. Loomis, Manager/Secretary

NOTICE

NOTICE IS HEREBY GIVEN – By Malvern Borough Council that the 2024 REGULAR MONTHLY MEETINGS will be held on the 1st and 3rd Tuesdays of the month (unless where otherwise noted) and will be conducted according to the following schedule:

January 2, 2024	July 16, 2024
January 16, 2024	August 6, 2024
February 6, 2024	August 20, 2024
February 20, 2024	September 3, 2024
March 5, 2024	September 17, 2024
March 19, 2024	October 1, 2024
April 2, 2024	October 15, 2024
April 16, 2024	November 6, 2024 (Wednesday due to Election)
May 7, 2024	November 19, 2024
May 21, 2024	December 3, 2024
June 4, 2024	December 17, 2024
June 18, 2024	
July 2, 2024	

The public is cordially invited to attend these meetings, which will be held at 7:30PM, prevailing time, at the Malvern Borough Municipal Building, 1 East First Avenue, Malvern, PA 19355. BY ORDER OF BOROUGH COUNCIL, TIFFANY M. LOOMIS, SECRETARY- MANAGER.

The public is cordially invited to the January 2, 2024 organizational and regular meetings, which will be held at 7:30PM, prevailing time, at the Malvern Borough Municipal Building, 1 East First Avenue, Malvern, PA 19355. BY ORDER OF BOROUGH COUNCIL, TIFFANY M. LOOMIS, SECRETARY- MANAGER.

NOTICE IS HEREBY GIVEN – By the Borough of Malvern PLANNING COMMISSION that the 2024 REGULAR MONTHLY MEETINGS will be held on the 1st and 3rd Thursdays of the month (unless where otherwise noted) and will be conducted according to the following schedule:

January 4, 2024	July 18, 2024
January 18, 2024	August 1, 2024
February 1, 2024	August 15, 2024
February 15, 2024	September 5, 2024
March 7, 2024	September 19, 2024
March 21, 2024	October 3, 2024
April 4, 2024	October 17, 2024
April 18, 2024	November 7, 2024
May 2, 2024	November 21, 2024
May 16, 2024	December 5, 2024
June 6, 2024	December 19, 2024
June 20, 2024	

The public is cordially invited to attend these meetings, which will be held at 7:30PM, prevailing time, at the Malvern Borough Municipal Building, 1 East First Avenue, Malvern, PA 19355.
CARROLL SINQUETT, CHAIR

NOTICE IS HEREBY GIVEN – By the Borough of Malvern Zoning Hearing Board that the 2024 REGULAR MONTHLY MEETINGS will be held on the 4th Monday of the month (unless where otherwise noted) and will be conducted according to the following schedule:

January 22, 2024	July 22, 2024
February 26, 2024	August 26, 2024
March 25, 2024	September 23, 2024
April 22, 2024	October 28, 2024
May 20, 2024	November 25, 2024
June 24, 2024	December 23, 2024

The public is cordially invited to attend these meetings, which will be held at 7:00PM prevailing time, at the Malvern Borough Municipal Building, 1 East First Avenue, Malvern, PA 19355.
A. JOSEPH RUBINO, CHAIR

NOTICE IS HEREBY GIVEN – By the Borough of Malvern Historical Commission that the 2024 REGULAR MONTHLY MEETINGS will be held on the 2nd and 4th Tuesday of the month and will be conducted according to the following schedule:

January 9, 2024	July 23, 2024
January 16, 2024	August 13, 2024
February 13, 2024	August 27, 2024
February 20, 2024	September 9, 2024
March 12, 2024	September 23, 2024
March 26, 2024	October 8, 2024
April 9, 2024	October 22, 2024
April 23, 2024	November 12, 2024
May 14, 2024	November 26, 2024
May 28, 2024	December 10, 2024
June 11, 2024	December 24, 2024
June 25, 2024	
July 9, 2024	

The public is cordially invited to attend these meetings, which will be held at 7:30PM, prevailing time, at the Malvern Borough Municipal Building, 1 East First Avenue, Malvern, PA 19355.
HUGO SCHMITT, CHAIR

NOTICE IS HEREBY GIVEN – By the Borough of Malvern Parks & Recreation Committee that the 2024 REGULAR MONTHLY MEETINGS will be held on the 1st Wednesday of the month (unless otherwise noted) and will be conducted according to the following schedule:

January 3, 2024	August 7, 2024
February 7, 2024	September 4, 2024
March 6, 2024	October 2, 2024
April 3, 2024	November 13, 2024 (Second Wednesday of the Month)
May 1, 2024	December 5, 2024
June 5, 2024	
July 10, 2024 (Second Wednesday of the Month)	

The public is cordially invited to attend these meetings, which will be held at 7:00PM, prevailing time, at the Malvern Borough Municipal Building, 1 East First Avenue, Malvern, PA 19355.
HELISE BICHEFSKY-REILLY, CHAIR

NOTICE IS HEREBY GIVEN – By the Borough of Malvern Shade Tree Commission that the 2024 REGULAR MONTHLY MEETINGS will be held on the 3rd Monday of the month and will be conducted according to the following schedule:

January 22, 2024 (Due to Holiday on 15th)	July 15, 2024
February 26, 2024 (Due to Holiday on 19th)	August 19, 2024
March 18, 2024	September 16, 2024
April 15, 2024	October 21, 2024
May 20, 2024	November 18, 2024
June 17, 2024	December 16, 2024

The public is cordially invited to attend these meetings, which will be held at 3:00PM, prevailing time, at the Malvern Borough Municipal Building, 1 East First Avenue, Malvern, PA 19355.
LINDA BURTON, CHAIR

NOTICE IS HEREBY GIVEN – By the Borough of Malvern Environmental Advisory Council that the 2024 REGULAR MONTHLY MEETINGS will be held on the 4th Thursday of the month and will be conducted according to the following schedule:

January 25, 2024	August 22, 2024
February 22, 2024	September 26, 2024
March 28, 2024	October 24, 2024
April 25, 2024	November 27, 2024 (Wednesday due to Holiday on 28th)
May 23, 2024	December 26, 2024
June 27, 2024	
July 25, 2024	

The public is cordially invited to attend these meetings, which will be held at 7:00PM, prevailing time, at the Malvern Borough Municipal Building, 1 East First Avenue, Malvern, PA 19355.
HELISE BICHEFSKY-REILLY, CHAIR



bvspca.org

West Chester Shelter

1212 Phoenixville Pike
West Chester, PA 19380
PHONE 484.302.0865
FAX 610.436.4630

Animal Health Center

9 Coffman Street
Malvern, PA 19355
PHONE 610.482.4289
FAX 610.296.2820

RECEIVED

NOV 03 2023

BY: _____

To Whom It May Concern,

Thank you for your continued partnership with the Brandywine Valley SPCA in providing efficient and effective animal control services for your township or municipality's residents. We are grateful for your shared commitment in ensuring the animals and residents of Chester County are safe and well cared for.

We have mailed out the 1st version of the 2024 Brandywine Valley SPCA Animal Protective Services contract and have received valuable feedback from our municipal partners. We have applied the requested changes to the updated contract attached to this letter. A summary of the revisions is bulleted below.

- **Contract Fee and Monthly Fee Due Dates:** The Contract Fee and the lump sum Monthly Fee are due by January 1st of each year. If the fees are paid after January 1st but before January 14th, the township/municipality is only subject to a \$100 late fee. Fees paid after the 14th are subject to a \$875 late fee.
 - o Completed contracts are still due on or before the 1st of the month but payment does not need to accompany the contract.
- **Other Updates and Provisions:**
 - o Removed the added indemnity waiver.
 - o Updated the liability insurance requirements.
 - o Other minor grammatical or error changes and updates.

As we plan for the upcoming fiscal year, we respectfully ask that all townships and municipalities notify us of their intent to renew by returning a signed contract on or before December 15th of 2023. If the municipality or township will not be renewing their contract, please notifying us no later than December 15th of 2023 and complete the new provider form. If a township or municipality does not provide a completed contract by January 1st, we will consider the contract cancelled and services will not be provided.

Again, we appreciate your township/municipality's continued partnership and we look forward to continuing to provide your constituents with the highest level of quality service.

With respect,
Adam Lamb, CEO
(484) 302-0025



**ANIMAL PROTECTIVE SERVICES DIVISION
FULL SERVICE CONTRACT
5 YEAR AGREEMENT**

- Baseline Contract Fee (\$2,000) + Upfront Monthly APS Maintenance Fee (\$3,600) if paid **by January 1st** of each year. \$5,600.00
- Baseline Contract Fee (\$2,000) + Upfront Monthly APS Maintenance Fee (\$3,600) if paid **after January 1st** of each year. \$5,700.00
- Baseline Contract Fee (\$2,000) + Upfront Monthly APS Maintenance Fee (\$3,600) if paid **after January 15th** of each year. \$6,475.00

To be paid thereafter by January 1st of each successive year in the term of this agreement.

Billing for animal acquisition and housing stray animals from Malvern Borough will be calculated on a monthly basis at a rate of \$400.00 per acquired dog and \$200.00 per acquired cat or other non-dog domesticated species. Documentation will accompany billing.

Authorized signature for:

Date

Unless other specific arrangements are made, signed contract must be received by December 15th, 2023 to initiate the Full Animal Protective Services Agreement.

Please sign and return this page and signed contract to:

Brandywine Valley SPCA
Attn: Manager, Animal Protective Services
1212 Phoenixville Pike, West Chester, PA 19380



This agreement (the "Agreement") is made this ___ day of _____ 20___, by and between the Brandywine Valley Society for the Prevention of Cruelty to Animals, 1212 Phoenixville Pike, West Chester, Pennsylvania, a Pennsylvania non-profit corporation (the "BVSPCA"), and _____, the "Municipality").

WHEREAS, the Municipality is statutorily charged with the obligation to care for and control stray dogs within the Municipality's boundaries;

WHEREAS, the BVSPCA has the means to provide that care and control for stray dogs and stray cats, including the requisite knowledge, expertise, personnel, equipment, and legal capacity; and

WHEREAS, in order to humanely, efficiently, and cost-effectively discharge its legal duties to care for and control stray dogs within its boundaries, the Municipality wishes to engage the services of the BVSPCA which includes care and control for both stray dogs and stray cats.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and intending to be legally bound, the parties hereto agree that:

A. Term of the Agreement

1. The BVSPCA shall commence providing the services specified in this Agreement on the 1 day of January, 2024 at 12:01am and shall continue providing said services for period of five (5) calendar years until 31 day of December, 2029 at 11:59pm (the "Term").

B. The Services

1. Statutes to be enforced: The BVSPCA will take all reasonable actions necessary to enforce within the Municipality's boundaries the following laws:
 - a. the Pennsylvania Dog Law, Act of Dec. 7, 1982, P.L. 784, No. 225, Art. 1, s. 101. *et. seq.*, 3 P.S. § 459-101, *et. seq.* (the "Dog Law");
 - b. the Rabies Prevention and Control in Domestic Animals and Wildlife Act, Dec. 15, 1986, P.L. 1610, No. 181 §1 *et. seq.*, 3 P.S. §455.1 *et. seq.*;
 - c. 18 Pa. C.S. §5531 - §5549, relating to Cruelty to Animals; and
 - d. such other statutes or regulations which may impose certain duties with respect to any municipal animal control ordinances, which statutes and regulations the reasonable enforcement of which the Municipality shall delegate in writing to the BVSPCA, and which upon the latter's written acceptable shall also become part of this Agreement.
2. The BVSPCA will not enforce 3 P.S. §459-504 A. related to "Control of Dangerous Dogs" and defers all enforcement of this statute to the local police or State Dog Warden.



3. Assignment of APS Officers: The BVSPCA will assign Animal Protective Services Officers (the "APS Officer") to respond and provide services to the Municipality. It will be at the sole discretion of the BVSPCA how shifts and personnel are assigned. The Municipality acknowledges and that the APS Officer will be responsible for providing services to other municipalities during that shift. The Municipality also understands and acknowledges and agrees that while the BVSPCA will make every effort to respond expeditiously, there is no guarantee as to the time of such response.
4. Acceptance of Stray Animals: The BVSPCA agrees to accept and care for stray dogs, cats, and other domestic species (the "Stray Animals") originating from within the Municipality's municipal borders. The BVSPCA shall pick up and transport the Stray Animals to the BVSPCA facility between the hours of 9:00am and 5:00pm seven (7) days per week. The Municipality will assure that such animals will be confined or restrained in a humane and effective manner prior to the BVSPCA's response to transport said animal(s). Stray Animals accepted will also include those brought to the BVSPCA facility by BVSPCA Animal Protective Services Officers, by the Municipality's designated representative(s), by police officers, by its dog wardens, and by private citizens. Fees collected by the BVSPCA as a provision of reclaim for stray animals shall be the sole property of the BVSPCA.
5. Investigation of Complaints: The BVSPCA shall investigate all complaints of violations of the Dog Law received from the Municipality, its police force or its residents, seven (7) days per week, twenty-four (24) hours per day. The method of this investigation shall be at the sole discretion of the BVSPCA.
6. Emergency Services: The BVSPCA shall provide the Municipality with twenty-four (24) hours per day, seven (7) days per week emergency services, including telephone access to an APS Officer to answer any questions that may arise or to assist with an unexpected emergency. Any calls on Federally recognized holidays will be billed as Emergency Service Fees. An APS Officer reasonably will respond during non-business hours for animal emergencies and to pick up confined stray animals between the hours of 5:01pm and 8:59am. Emergency calls for service must be initiated by the Municipality, its police officers, or a designated representative of the Municipality. The Municipality understands and acknowledges and agrees that while the BVSPCA will make every effort to respond expeditiously, there is no guarantee as to the time of such response.
7. Resident Calls: The BVSPCA will respond to calls for service from residents originating within the borders of the Municipality. The Municipality will make all appropriate efforts to advise its residents to contact the assigned APS Officer directly to ensure the proper handling of such calls and to provide continuity of service to the Municipality. Contact information for the BVSPCA must be listed on the Municipality's website as the point of



contact for animal control services. Calls for service are not to be sent through County dispatch channels.

8. Issuance of Citations and Warrants: The BVSPCA and its APS Officers will work diligently to be pro-active in response to the enforcement of State and local laws. The BVSPCA and its APS Officers will, at their sole discretion, issue non-traffic citations, Criminal Complaints and warrants for violations of State and local animal control laws, including dog laws, animal control ordinances, and animal cruelty prosecution. To the extent permitted by law, all fines and penalties collected as the result of any service provided by the BVSPCA under this Agreement shall be the property of and transferred to the Municipality. The only exception to the foregoing shall be if the state, county, or local law enforcement authorities request that the BVSPCA shall hold an animal for the duration of a criminal prosecution involving such animals, in which case the BVSPCA shall be entitled to apply only such fines or penalties to the cost of maintenance or care of such animal(s) by the BVSPCA, with the balance of said fines and penalties being forwarded to the Municipality in question.
9. Abandoned Animals: The BVSPCA will respond to all requests from local police, state constables, and sheriff's deputies of the Municipality, and shall take custody of any animal(s) left inside a residence upon eviction, special circumstances, or other absence of its residents. Said animals will be treated/billed as Stray Animal(s).
10. Community Outreach: In an effort to proactively address the systematic problem of animal neglect and homelessness, the BVSPCA and the Municipality will, from time to time and at their mutual convenience, work together to: (a) educate the public about the value and advantages of spaying and neutering; (b) provide educational outreach programs that seek to enhance relationships between pet owners and their pets and reduce the numbers of animals in distress; (c) educate the public on how to responsibly care for a pet and how to develop a strong owner – animal bond through proper training and behavior modification techniques; (d) raise public awareness of the BVSPCA's services and goals; and (e) participate in community meetings and other public events.

C. Fees

1. Annual APS Fee: Beginning with the month of January 2024, and thereafter by January 1st of each successive year in the Term, the Municipality shall pay the BVSPCA an Annual APS Fee of \$2,000.00 for each contract year. The Municipality understands and acknowledges that the Annual APS Fee guarantees the retainment of BVSPCA's service regardless of the service volume. The BVSPCA shall have no obligation to provide any service until it has received the Annual APS Fee in full.



2. Monthly APS Maintenance Fee: The Municipality shall pay a monthly APS Maintenance fee in the sum of \$300 for the maintenance of services to be provided within the local governing bodies' municipal borders. This fee is to be paid in one lump sum for the full twelve (12) months of each contract year with the Annual APS Fee. The Municipality understands and acknowledges that the APS Maintenance Fee includes the cost of APS Officer staffing, and field services equipment care and maintenance. The Municipality shall pay the BVSPCA by the first of the month in question.
 - a. Animal Acquisition Fee: The Municipality shall pay the BVSPCA the sum of \$400 for each acquired Dog and \$200 for each acquired Cat or other non-dog domesticated species received by the BVSPCA's APS Officers, the Municipality's police officers, code enforcement officers, dog wardens, and residents of the Municipality. The Municipality understands and acknowledges that the Animal Acquisition Fee includes the cost of care for each received Animal, including intake, veterinary examinations, medication, vaccinations, boosters, behavioral assessment, food, bedding, sanitation, utilities, and the per diem cost of shelter staff. The Municipality shall pay the BVSPCA foregoing amount(s) within thirty (30) days of being invoiced by the BVSPCA.
3. Activity Fee: The Municipality shall pay an Activity Fee to the BVSPCA in the sum of \$65.00 for addressing the Municipality's animal control services including the actual pick up of Stray Animals. The Activity Fee will be assessed for each "Call for Service" received by the BVSPCA and its APS Officers, including those directly related to the capture of Stray Animals. A "Call for Service" is defined as an assignment given to an APS Officer that requires the APS Officer's presence to investigate, resolve, correct, or assist in a particular situation, including but not limited to each Stray Animal transport; health and welfare checks; animal attacks/bite investigations; enforcement of State/local laws and ordinances; animal cruelty complaints and investigations; addressing resident calls for animal control services other than the actual pick up of Stray Animals including in-field follow up; agency assist; court appearances; and dispute resolution. The Municipality shall pay the BVSPCA the foregoing amount(s) within thirty (30) days of being invoiced by the BVSPCA.
4. Emergency Fee: The Municipality shall pay the BVSPCA the sum of \$250.00 for each after-hours emergency service call. The Municipality shall pay the BVSPCA the foregoing amount(s) within thirty (30) days of being invoiced by the BVSPCA.
5. Annual Fee Increase: Each of the fees named in paragraphs C.1 – C.5 above shall be subject to an annual increase of four percent (4%) as of every January 1st after the first-year subsequent year of the Agreement.

D. Other Provisions



1. BVSPCA Employees: The BVSPCA is an independent contractor to the Municipality and none of its agents, officers, or employees shall be construed as, or represent themselves as, employees of the Municipality. The BVSPCA shall be responsible for workers compensation insurance for its employees, including the APS Officers, as well as insurance for its vehicles and equipment. A certificate of insurance coverage for the foregoing shall be provided by the BVSPCA to the Municipality within thirty (30) days of acceptance and execution of this Agreement and payment in full.
2. General Liability Insurance: For the purpose of this Agreement, the BVSPCA shall obtain and maintain, at no charge to the Municipality, the following insurance coverages in not less than the following amounts and terms:
 - a. Comprehensive General Liability Insurance on a broad form occurrence basis with a limit of not less than \$1,000,000 per occurrence, and for not less than the Life of this Agreement;
 - b. The policy of insurance shall name the Municipality as a named additional insured;
 - c. Not later than the execution of this Agreement, the BVSPCA shall provide proof of insurance to the Municipality, evidencing the coverage of the Municipality under the policy described above and according to the above terms.
3. Termination in the event of circumvention of the Agreement: The Municipality understands and acknowledges that the BVSPCA has the right to terminate this Agreement if it learns that Stray Animals are being taken to a different location other than a BVSPCA facility in an attempt to circumvent calling the BVSPCA and/or incurring the fees outlined in Section C above.
4. Removal of Dead Animals: The BVSPCA shall have no responsibility or obligation to remove dead animals, domestic or wild, from roadways or private property.
5. Billing: The BVSPCA shall submit monthly invoices to the Municipality for services rendered and Stray Animal(s) acquired. Appropriate documentation will accompany billing. All invoices must be paid within thirty (30) days of the date of the invoice. Failure to timely pay any invoice may result in suspension of services or termination of the Agreement, at the sole discretion of the BVSPCA.
6. Payment upon termination by the Municipality: The Municipality understands and acknowledges that in order to voluntarily terminate this Agreement before its normally-scheduled ending date, the Municipality must pay a total of amount twelve (12) months of service fees, based on the average monthly fees of that Municipality within the last twelve (12) months of services provided by the BVSPCA.



7. Notices: Any notice given under this Agreement shall be in writing and shall be sent by registered mail, certified mail, postage prepaid, return receipt requested, or by guaranteed overnight delivery service. Notices shall be addressed as follows:

If to the BVSPCA:

Adam Lamb, Chief Executive Officer
Brandywine Valley SPCA
1212 Phoenixville Pike
West Chester, PA 19380

If to the Municipality:

Name: _____

Title: _____

Street: _____

City, St, Zip: _____

8. Non-Assignability: This Agreement may not be assigned or transferred to either Party without the written consent of the other. All assignments of rights are prohibited under this subsection, whether they are voluntary or involuntary, by merger (of any kind), consolidation, dissolution, operation of law, or any other manner. Notwithstanding the foregoing, either Party may assign its rights under this Agreement without the prior written consent of the other in connection with a sale of its business as a whole or substantially all of the assets of its business. Any purported assignment of rights in violation of this Section is void.
9. Entire Agreement: This Agreement contains the entire Agreement of the Parties with respect to its subject matter and supersedes all existing and all other oral, written, or other communications between the Parties concerning this subject matter.
10. Counterparts: This Agreement may be executed in one or more counterparts, each of which shall constitute an original, and all of which together shall constitute one and the same instrument.
11. Modifications only in writing: This Agreement may be modified only by a subsequent writing signed by both Parties.



12. Invalidity of any provision: If any provision of this Agreement (or any portion thereof) is invalid, illegal, or unenforceable, the validity, legality, or enforceability of the remainder of this Agreement will not be affected or impaired.
13. Headings: The headings in this Agreement are intended for convenience of reference and will not affect interpretation.
14. Waiver: Any waiver by a Party in writing of any of that Party's obligation hereunder, or any failure to insist upon strict compliance with any obligation shall not operate as a waiver of, or estoppel with respect to any subsequent or other failure.
15. Governing Law; Venue: This Agreement, its validity, construction, and performance shall be governed by, and construed in all respects under, the laws of the Commonwealth of Pennsylvania without regard to the laws that would otherwise apply under applicable choice-of-law principles.
16. Dispute Resolution: If there is any dispute regarding this Agreement that cannot be amicably resolved by the undersigned Parties, then said dispute shall be resolved by a mandatory binding arbitration pursuant to the rules of the American Arbitration Association, with the locale of said arbitration to be in West Chester, Chester County. The substantially prevailing party in such arbitration shall be awarded its reasonable counsel fees and its share of the AAA filing fees. The arbitration award may be thereafter entered in any county, state, or federal court.
17. Authorization to Bind: The undersigned officer, agent, or employee of the Municipality represents and warrants that s/he has the authority to contract and bind the Municipality.



IN WITNESS WHEREOF, the undersigned Parties, intending to be legally bound herby, have hereunto set their hands and seals as of the date first set forth above.

FOR THE BRANDYWINE VALLEY SPCA:

FOR THE MUNICIPALITY:

signature

signature

printed name

printed name

title

title

date

date