

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

May 2, 2023
7:30 PM

Virtual Meeting Participation Option

This evening's meeting of Malvern Borough Council allows for a virtual meeting option via Zoom. The information on how to participate virtually via telephone or video conferencing is provided below.

Borough Council Meeting Dial-In Information: 1-877-853-5247 (toll-free)

Meeting link: <https://us02web.zoom.us/j/84197019623>

When prompted, enter the following meeting ID, followed by the “#” symbol: 841 9701 9623. You will be placed in the waiting room and admitted by the host.

To unmute if using audio via telephone, please enter *6.

Malvern Borough is not liable for any computer security problems that participants may experience.

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: Zeyn B. Uzman, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:
Council President Finkbiner
Council Vice-President Bones
Council Member Frederick
Council Member Laney
Council Member Niemiec
Council Member Phillips
Council Member Riccetti
Mayor Uzman

1. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the May 2, 2023 meeting of Borough Council as presented.

2. ANNOUNCEMENTS

- a. Anyone present who is recording the meeting is asked to announce so at this time, in accordance with Resolution No. 840.
- b. As a courtesy, if you are participating via Zoom, please turn your camera on while speaking.
- c. Both Surfin' USA located on King Street and Burke Park from 12PM to 6PM and the Parks & Recreation Community Yard Sale from 9AM to 2PM are scheduled for Saturday, May 6, 2023.

- d. Public Works painted the Rubino Park chain link fence to spruce up the park. Make sure to check out all the upgrades that have occurred over the past few weeks!

3. MINUTES & REPORTS

a. APPROVAL OF MINUTES

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

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

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

The Public Safety Sub-Committee is meeting on Monday, May 1, 2023 and will provide a report accordingly.

4. SPECIAL BUSINESS

a. RESOLUTION NO. 843 – FINANCIAL INSTITUTION DESIGNATION TO TRANSFER FUNDS

MOTION: To approve Resolution No. 843 as presented.

Borough Council desires to designate First Resource Bank, of Exton, Pennsylvania, as a depository institution for funds of the Borough designating First Resource Bank as a depository of funds and to provide other financial accommodations as may be offered. Borough staff and the Finance & Administration Sub-Committee are suggesting to Borough Council to diversify the Borough's assets depositing \$250,000 into First Resource Bank.

b. CITIZEN COMMITTEE APPOINTMENT CONSIDERATIONS

MOTION: To reappoint the following members to the Malvern Planning Commission for a four (4) year term to expire on January 1, 2027:

- David Knies, Ph.D.
- Geoffrey Rubino

MOTION: To reappoint the following member to the Malvern Zoning Hearing Board for a three (3) year term to expire on January 1, 2026:

- Joseph Rubino

MOTION: To reappoint the following member to the Malvern Shade Tree Commission for a five (5) year term to expire on January 1, 2028:

- Bobbi Tower

c. PRELIMINARY/ FINAL CONDITIONAL APPROVAL – RESOLUTION NO.844

MOTION: To approve Resolution No. 844 as presented.

Malvern Preparatory School submitted a revised Preliminary/ Final Land Development Application on March 13, 2023. The application is for an addition to Tolentine Hall. The plan proposes a 5,600 square feet addition that will be placed at the south end of the courtyard situation between Stewart Hall and Tolentine Hall. The building addition will internally connect to the south of Tolentine Hall and a covered walkway will connect the western edge of the proposed building addition to Stewart Hall. There will be a proposed plaza seating area on the north side of the proposed building addition along with modified pedestrian ways to provide connectivity with "Our Mother of Good Counsel" Chapel. As part of the proposed plan, the existing "Good Counsel Hall" building is being demolished. The Planning Commission reviewed this land development project at their Thursday, April 20, 2023 meeting recommending Preliminary/ Final Conditional approval pursuant to all waivers to be approved as requested requiring trees planted will include native species and subject to any continuing requirements by the Borough Engineer prior to the recording of the plans. Please click on the following link to access the proposed plans and refer to the below document list to access the Borough Engineer's review: <https://personal.filesanywhere.com/fs/v.aspx?v=8e6d6b8a5f656fa76e9e>

5. UNFINISHED BUSINESS

a. MAIN STREET REVITALIZATION INITIATIVE – RESOLUTION NO. 845

MOTION: To approve Resolution No. 845 as presented.

Borough Council per their April 18, 2022 meeting has directed to create the Main Street revitalization task force/ steering committee. Resolution No. 845 creates such.

b. ZONING HEARING BOARD

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

6. NEW BUSINESS

7. PUBLIC FORUM

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

8. ADJOURNMENT

REGULAR MEETING

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MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

April 18, 2023
7:30 PM

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: Zeyn B. Uzman, Mayor

1. ROLL CALL

PRESENT

Council President Finkbiner
Council Vice-President Bones
Council Member Laney
Council Member Niemiec
Council Member Phillips
Council Member Riccetti
Zeyn B. Uzman, Mayor

ABSENT:

2. ANNOUNCEMENTS

Council President Finkbiner asked in accordance with Resolution No. 840 if any member of the audience was recording the meeting. Mr. Danny Fruchter and Mr. Hugo Schmitt recorded the meeting.

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

Council President Finkbiner announced that Borough Council met in executive session on April 18, 2023 prior to this evening's meeting discuss matters related to collective bargaining, personnel and legal matters of the Borough..

Council President Finkbiner announced that the Parks & Recreation Committee had a wonderful successful Egg Hunt Event on Saturday, April 8, 2023.

Council President Finkbiner announced Public Works has been working hard around town. They recently painted the Rubino Park Pavilion. Please make sure to thank them for all that they do for Malvern Borough.

Mayor Uzman announced that the he and Council Members Laney and Frederick, including Mr. Hugo Schmitt, welcomed the First Baptist Church merging their congregation with Valley Creek Church on Sunday, April 16, 2023.

3. APPROVAL OF AGENDA

A motion was made by Council Vice President Bones, seconded by Council Member Niemiec, carried by a vote of 7-0, to approve the agenda for the April 18, 2023 meeting as presented.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Laney, seconded by Council Member Riccetti, and carried by a vote of 7-0, to approve the minutes from the Tuesday, April 4, 2023 regular meeting of Borough Council as presented.

b. APPROVAL OF REPORTS

A motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve the Treasurer's Report, the Sub-Committee Reports for Finance and Administration, Public Safety, Public Works, the Chief of Police Report, the Code Enforcement Department Reports, the Superintendent of Public Works Report, the Assistant Manager's Report, and the Manager's Report for the month of March 2023, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

The Finance & Administration Sub-Committee met on April 12, 2023 and discussed the following:

- Body and Car Cameras for the MBPD
- Main Street Revitalization Initiative
- Rate of Return Opportunities regarding Borough Funds

The Public Works Sub-Committee met on April 11, 2023 and discussed the following:

- Road Paving Program
- Old Lincoln Highway Infrastructure Improvement Project
- Jennings Lane Bid
- North Warren Avenue Streambank Stabilization Project
- Malvern Prep Trail
- Randolph Woods Nature Preserve Project – Phases I, IA, and 2
- EV Charging Station Grant Opportunity through PennDot
- Everett's Alley

The Public Safety Sub-Committee has not met since the last Borough Council meeting and is scheduled to meet on May 1, 2023.

5. SPECIAL BUSINESS

a. MALVERN BOROUGH POLICE DEPARTMENT CAPITAL RESERVE BUDGET AMENDMENT FOR BODY AND POLICE CAR CAMERAS - HEARING

Council President Finkbiner explained in accordance with the Malvern Borough Home Rule Charter, Borough Council will conduct a public hearing this evening to consider adoption of the proposed Capital Reserve Budget Amendment regarding the purchase of body and police car cameras for the Malvern Borough Police Department.

Mayor Uzman gave a presentation and breakdown of the costs regarding this purchase. The presentation has been posted on the Borough website.

Assistant Manager Badman explained how grants may be obtained to support this initiative on an annual basis.

The Borough Council inquired if the Police Department's policies required body and dashboard cameras.

Mayor Uzman and Assistant Manager Badman explained that this is a policy requirement and other municipalities are experiencing the same issues in having to purchase new equipment with a secure provider.

Borough Solicitor Yaw explained that there is no bidding requirement due to this purchase being completed through CO-STARS.

Mayor Uzman explained it would take six (6) to (8) eight weeks to install the dash cameras.

Mr. John Buckley commented on the number of police vehicles currently in use by the Police Department and inquired what will happen to the existing technology.

Mayor Uzman explained he is looking into if the existing technology can be sold.

Mr. Dave Knies, Ph.D. inquired if this is the same manufacture as now and is the Borough has a current service contract.

Mayor Uzman explained there is not a current service contract and this is not the same manufacture.

Mr. Danny Fruchter commented on the police budget.

A motion was made by Council Member Laney, seconded by Council Member Niemiec, and carried by a vote of 7-0, to adopt the proposed Capital Reserve Budget Amendment not to exceed fifteen thousand dollars (\$15,000) in additional funds to purchase the equipment as presented.

b. MALVERN HISTORICAL COMMISSION APPOINTMENT CONSIDERATIONS

Council President Finkbiner explained that the Malvern Historical Commission met on April 11, 2023 and recommended:

- Hugo Schmitt be re-appointed to a five (5) year term, motioned by Lynne Frederick, seconded by Barbara Rutz, passed 5-0 unanimously.
- Barbara Rutz be re-appointed to a five (5) year term, motioned by Lynne Frederick, seconded by Cathy Raymond, passed 5-0 unanimously.

Borough Council is in support of these re-appointments to the Malvern Historical Commission.

A motion was made by Council Vice President Bones, seconded by Council Member Riccetti, and carried by a vote of 7-0, to reappoint Mr. Hugo Schmitt and Mrs. Barbara Rutz to the Malvern Historical Commission for a (five) 5 year term to expire on January 1, 2028.

6. UNFINISHED BUSINESS

a. ZONING HEARING BOARD

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

7. NEW BUSINESS

a. MAIN STREET REVITALIZATION INITIATIVE

Council Member Frederick gave a presentation on the Main Street Revitalization Initiative based on research that was performed with the Borough Management Team. The presentation is posted on the Borough website.

Borough Council discussed that the main street manager/ executive director not be a Borough Employee.

Assistant Manager Badman explained the grant process for a Main Street Manager.

Mr. Bill Arrowood with the PA Downtown Center explained the BID process and overall processes that communities have enacted to create a successful downtown.

Mr. Mark Evans with Durkin Edison recommended that a committee and/or committees be formed to further advise on this process.

Ms. Christy Campli inquired as to the timeline and hiring process, as well as who would appoint the management position.

Borough Council explained that initially they would have a decision in this matter and the American Rescue Planning Act funds are required to be spent by December 31, 2024.

Mr. Gary Kochanski commented on new signage, cross walk lights be in working order, infrastructure improvement upgrades to Main Street, and a survey being conducted as to what the Community needs regarding responding to this process.

Council Member Frederick explained that process of the Malvern Business Professional Association and Malvern business requesting that a management system be implemented to support business on King Street and in Malvern Borough.

Mr. Eli Kahn commented on eliminating parking requirements on King Street and restricting first floor office space to the second floor

Ms. Barbara Casey supports first floor office space being restricted and expressed the need for a full time person for this position.

Mr. John Buckley commented on the Holiday Lights and requested a better solution for next year.

Ms. Cathy Raymond suggested to continue research this matter and hiring a strategic planner.

REGULAR MEETING

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Mr. Ryan Miller commented on creating a Borough Committee to address this matter and starting off with a part-time executive director.

Mr. David Campli commented on the structure of the management process being proposed and is in support of a Main Street Manager.

Mrs. Sid Baglini commented that parking meters discourage shopping and restaurant activity.

Mr. Danny Fruchter commented on the 2022 Comprehensive Plan update and that the Borough needs to implement a vision to figure out who we are. He then suggested hiring a consultant.

Mr. Eric Rea commented on creating an Economic Development Committee and offered to be on the Committee.

Borough Council discussed the timeline to get something of this nature off the ground and directed the Borough Solicitor to create a Resolution for a five (5) person Steering Committee to make recommendations to Borough Council by early September of this year. The resolution will be prepared for approval at the Tuesday, May 2, 2023 Borough Council meeting.

Borough Council further discussed that anyone may apply to be appointed to the Steering Committee and that there is not a resident requirement. Borough Council was in agreement with this approach as well as the Community in attendance

8. PUBLIC FORUM

Mr. John Buckley commented on road condition of Everett's Alley, the Malvern Prep Trail, and road projects through the Borough.

Ms. Barbara Casey commented on obtaining more art themed venues permanently for Malvern Borough, including music venues.

Council Member Riccetti explained that PorchFest is held annually and Council Member Frederick explained there is a jam band that plays in town on Tuesday nights.

Ms. Cynthia Ercole commented on Malvern Borough's strong sense of community.

Mrs. Jennifer Chomko complimented the Police Department on catching vandals in the Community and Borough Council Members conduct in previous meetings.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice President Bones, seconded by Council Member Phillips, and carried by a vote of 7-0, to adjourn the meeting at 10:07PM.

Respectfully submitted,
Tiffany M. Loomis Borough
Manager/Secretary

RESOLUTION NO. 843

A RESOLUTION DESIGNATING FIRST RESOURCE BANK AS A DEPOSITORY OF FUNDS FOR THE BOROUGH OF MALVERN

WHEREAS, the Borough of Malvern, Pennsylvania (the “Borough”), is authorized pursuant to Pennsylvania law to arrange for depository accounts to hold the funds and investments of the Borough; and

WHEREAS, Borough Council of the Borough desires to designate First Resource Bank, of Exton, Pennsylvania, as a depository institution for funds of the Borough.

NOW, THEREFORE, IT SHALL BE RESOLVED AS FOLLOWS:

Section 1. This Borough hereby designates First Resource Bank as a depository of funds and to provide other financial accommodations as may be offered by said institution and agreed upon by the Borough.

Section 2. The Borough Manager is hereby authorized and directed to complete, execute, and submit any and all documents or other information as may be required or efficient and in accordance with applicable laws and policies, in order to effect the foregoing establishment of First Resource Bank as a depository for the Borough.

Section 3. This Resolution shall become effective at the earliest date permitted by law.

Resolved by Borough Council this **2nd** day of **May**, 2023.

Amy Finkbiner, Ph.D., President

Approved by the Mayor this **2nd** day of **May**, 2023.

Zeyn B. Uzman, Mayor

Enacted this **2nd** day of **May**, 2023.

Tiffany M. Loomis, Borough
Manager/Secretary

RESOLUTION NO. 844

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

WHEREAS, a Resolution of the Borough Council (“Council”) of the Borough of Malvern (the “Borough”), Chester County, Commonwealth of Pennsylvania, approving, subject to conditions, the plan entitled “Malvern Preparatory School Tolentine Building Addition”, prepared by Nave Newell, Inc., dated December 6, 2022, last revised March 13, 2023, consisting of twelve (12) sheets (the “Plan”).. The applicant, Malvern Preparatory School (“Applicant”), is proposing an addition to the parcel 2-7-34, 418 S. Warren Avenue (the “Property”), Malvern, Pennsylvania, known as Malvern Preparatory School, to the Tolentine Hall Building. The Applicant has submitted the Plan to build a multi-story addition to Tolentine Hall, an open sided, covered walkway, connecting the building addition and Stewart Hall, and associated improvements to the space between Tolentine Hall and Stewart Hall. The Plan proposed is pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006 (“Land Development Ordinance”) for the development of the Property located in the Borough in the I1- Institutional District.

BACKGROUND

WHEREAS, Applicant has filed an application (the “Application”) with the Borough for approval of the Plan. This Resolution No. 844 is the Borough’s written decision on the Application and Plan.

WHEREAS, the Plan proposes the addition of a multi-story building and covered walkway to be constructed on the existing 99.63-acre lot. The Applicant has demolished Good Counsel Hall and will construct a building addition to Tolentine Hall of approximately 5,573 square feet (footprint), along with a covered walkway connecting the Tolentine Hall addition to Stewart Hall. The Applicant has also outlined various asphalt and concrete walkway improvements around the building addition.

WHEREAS, The Plan was reviewed by the Borough Engineer and the Borough Planning Commission. At its meeting on April 20, 2023, the Planning Commission recommended that the Plan be approved as a preliminary/final plan conditioned upon compliance with the comments contained in the Borough Engineer’s review letter dated March 13, 2023, including the revised requested waivers referenced in the Applicant’s March 9, 2023, letter. Revised plans (included within the Plan) were submitted on March 13, 2023, and reviewed by the Borough Engineer with comments contained in the Borough Engineer’s review letter dated March 13, 2023.

MATTERS RESOLVED

WHEREAS, Borough Council hereby RESOLVES that the Plan is approved, as a preliminary/final plan, pursuant to the Land Development Ordinance and subject to the waiver relief and conditions set forth herein below.

WAIVERS

WHEREAS, Borough Council determines that the following waivers from the Land Development Ordinance are in the public interest and will, subject to the conditions imposed herein, substantially secure the objectives of the standards or requirements so modified:

1. Section 300.B and 300.C to waive the requirement to submit the Plan as a preliminary/final application. **GRANTED**
2. Section 301.E to waive the need for the four-step design process. **GRANTED**
3. Section 400.B.(14) to approve relief for the submittal of photographs of the site including views of the proposed development site from all abutting public records. **GRANTED**
4. Section 400.B.(17) to approve relief of the requirement for an analysis of the site related to the orientation of the sun for use of solar resources. **GRANTED**
5. Section 400.B.(19) to approve relief to submit locations of viewsheds and scenic roads. **GRANTED**
6. Section 402.B.(2)(k) to approve relief of the requirement to show the locations and dimensions of all existing streets, railroads, sewers and sewage systems, water mains and feeder lines, fire hydrants, gas, electric, and oil transmission lines, watercourses, sources of water supply, easements, and other significant features within the property, or such driveways, intersections, and utilities, within 100 feet of any part of the subject lot of tract. **GRANTED**
7. Section 515.D.(4) to approve relief from the requirement that sidewalks shall be laterally pitched at a slope not less than 3/8 inch per foot to provide for adequate surface drainage. **GRANTED**
8. Section 517, the Stormwater Management Ordinance- 2014-6, adopted May 20, 2014, Section 177-311.C.12, to approve relief from the requirement to provide a minimum pipe size of eighteen (18) inches. **GRANTED**

WHEREAS, this approval is also subject to the following conditions, which shall bind the Applicant, the property owners and their heirs, successors, and assigns:

1. Compliance with the Borough Engineer's review letter dated March 13, 2023.
2. Prior to Plan recordation, Applicant shall execute a Stormwater Controls and Best Management Practices Operations and Maintenance Agreement (which shall be recorded with evidence thereof provided to the Borough), a Developer's Agreement, and a Financial Security Agreement, together with the posting of adequate escrow to guarantee the required public improvements, in form satisfactory to the Borough Solicitor.

Applicant shall ensure recording of the final Plan, consisting of twelve (12) plan sheets. with evidence thereof provided to the Borough.

RESOLVED this 2nd day of **May, 2023**, by Borough Council:

this 2nd day of **May, 2023**.

Amy Finkbiner, PhD, President

Approved by the Mayor,

this 2nd day of **May, 2023**.

Zeyn B. Uzman, Mayor

Enacted,

This 2nd day of **May, 2023**.

Tiffany M. Loomis, Secretary

I, Tiffany M. Loomis, duly qualified Secretary of the Borough of Malvern, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Borough Council of the Borough of Malvern, Pennsylvania, at a regular meeting held May 2nd, 2023, and said Resolution has been recorded in the Minutes of the Borough of Malvern and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Malvern, this 2nd day of **May, 2023**.

Tiffany M. Loomis, Secretary



EDWARD B. WALSH & ASSOCIATES, INC.
Complete Civil Engineering Design / Consultation Services
Whiteland Business Park
855 Springdale Drive, Suite 202
Exton, PA 19341

March 13, 2023

Ms. Tiffany Loomis, Borough Manager
Malvern Borough
1 E. 1st Avenue - Suite 3
Malvern, PA 19355

Re: Malvern Preparatory School
Tolentine Building Addition project
EBWA Project #2780-5
Review #3 – Preliminary / Final Plan

Dear Ms. Loomis:

In accordance with Malvern Borough's request, I have reviewed the above referenced project for compliance with the Borough's Zoning, Subdivision and Stormwater Management Ordinances. The following information was submitted for review:

1. Preliminary / Final Land Development Plan for Malvern Preparatory School Tolentine Building Addition, prepared by Nave Newell, dated December 5, 2022, last revised March 8, 2023, sheets 1-12.
2. Post Construction Stormwater Management Report for Malvern Preparatory School, Tolentine Hall, prepared by Nave Newell, Issued December 5, 2022, last revised March 8, 2023.
3. PA DEP letter dated November 30, 2022 related to Sewage Facilities Planning waiver.
4. Preliminary / Final Land Development Waiver Request List dated March 9, 2023.
5. Nave Newell response letter dated March 13, 2023.

Malvern Prep is proposing improvements to their campus at 418 South Warren Avenue including the following:

- Demolish Good Counsel Hall.
- Construct a building addition to Tolentine Hall (5,573 sf)
- Construct a covered walk connecting the building addition to Stewart Hall.
- Construct various asphalt / concrete walkway improvements around the building addition.

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The following comments and recommendations are offered from my February 20, 2023 letter required further consideration (new comments in **bold**):

Zoning Ordinance

3. Section 1602.E – *Distance between buildings: the horizontal distance between buildings shall not be less than twice the height of the taller building, but shall, in all cases, be a minimum of 75-feet.*

Per the October 10, 2022 letter from Malvern Borough, the Borough Zoning Officer has provided clarification that if a roofed structure connects the new building addition and Stewart Hall, the 75-foot building separation is not applicable. EBWA recommends an architectural rendering of the connection be provided for the Borough's review.

An architectural rendering has been provided for the south elevation but there is limited information for the roofed structure connection. EBWA recommends a more details elevation plan of the connection be provided for review.

The submitted renders should be reviewed with the Planning Commission and the Borough Council. EBWA has no objections to the plans as presented.

4. Section 1602.F – The applicant must submit the necessary documentation to show compliance with the maximum building height.

The definition of Building Height per the Borough Zoning Ordinance is:

A building's vertical measurement from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof, provided that chimneys, spires and similar projections on structures shall not be included in calculating the height; where the roof is of mansard-type construction, the lowest point of the roof shall be measured at the ceiling of the top floor. Chimneys, spires, and similar projections shall not rise more than 10 feet from the highest point of the roof.

The design engineer has noted the height is shown on sheet A3.01. The land development plan notes the height to be less than 35-feet and the architectural rendering does not provide clear information as to this height per the above definition.

A detailed analysis of the mean level of ground and the height to the midway point between the highest and the lowest points of the roof must be submitted for review and approval.

The architect has prepared a summary sheet indicating the average height is less than the maximum permitted 35-feet (proposed 31.75-feet). EBWA recommends the architect contact EBWA to review the analysis as I have a few minor questions about the submitted worksheet and elevations.

Subdivision Ordinance

1. **Section 300.B&C** –

- a. The applicant has noted this project to be a Major Land Development application per the application package. Applicant has submitted the plans under a preliminary / final application. A waiver to allow the project to be submitted as a preliminary / final application in lieu of separate applications must be requested by the Applicant.

The applicant has requested a waiver of this requirement.

- b. The Borough Fire Marshal must review the application.

This item is pending. The application should follow up with the Fire Marshall regarding any comments that maybe pending.

3. **Section 301.E** – The Applicant shall submit maps indicating the findings of each step of the Four-Step Design Process, if so requested by the Planning Commission or the Borough Council. Based upon the scope of the project, I recommend the applicant discuss a waiver request with the Planning Commission.

The applicant has requested a waiver of this requirement.

4. **Section 400** – Waivers have been requested for the following items related to the Existing Resources and Site Analysis Plan (ERSAP):

- a. **Section 400.B.14** – Photographs of the site including views of the proposed development site from all abutting public roads.
- b. **Section 400.B.17** - Orientation of site to sun for use of solar resources.
- c. **Section 400.B.19** – Locations of viewsheds and scenic roads.

Approval of the waivers are pending.

6. **Section 402.B.2.k** – A waiver has been requested for relief of the requirement to show the locations and dimensions of all existing streets, railroads, sewers and sewage systems, water mains and feeder lines, fire hydrants, gas, electric, and oil transmission lines, watercourses, sources of water supply, easements, and other significant features within the property, or such driveways, intersections and utilities, within 100 feet of any part of the subject lot or tract. Based upon the size of the lot and the proposed scope of work, I have no objection to not requiring these items be depicted.

Approval of the waiver is pending.

10. Section 402.B.4.h & i - The location of all existing sanitary sewers and water supply facilities must be shown on the plan.
- b. If applicable, the proposed water service must be noted on the plan.
The revised plan indicates a 6-inch domestic and fire service line to be installed for the proposed building addition. The applicant must review this with the fire marshal to ensure this is adequate.
13. Section 515.D.4 - Sidewalks. A waiver has been requested for relief of the following requirement that sidewalks shall be laterally pitched at a slope not less than 3/8 inch per foot to provide for adequate surface drainage. I have no objection to this waiver request.

Approval of the waiver is pending.

14. Section 517 – Stormwater Management Ordinance – 2014-61, Adopted May 20, 2014.
- e. Section 177-311.C.12 - A waiver has been requested for relief of the requirement to provide a minimum pipe size of 18-inches. EBWA has no objection to this waiver request as the stormwater piping is privately owned.

Approval of the waiver is pending.

General Comments

1. Construction details and design information must be submitted for the proposed stadium seating area.

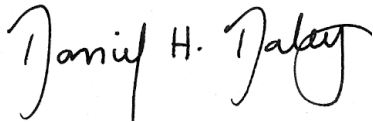
This item is not adequately addressed. The design engineer has noted that “construction information regarding the plaza will be submitted prior to issuance of building permits”. The development plans must be revised to indicate a construction detail for these improvements.

This item is pending. EBWA has no issues with the plan approval being issued as long as this item is addressed prior to final plan recordation.

March 13, 2023
Ms. Tiffany Loomis, Borough Manager
Malvern Borough
Re: Malvern Preparatory School
Tolentine Building Addition project
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EBWA has no objection to granting the applicant preliminary / final plan approval contingent on addressing the comments in this letter prior to the release of the plan for recording at the County Recorder of Deeds. If you should have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,
EDWARD B. WALSH & ASSOCIATES, INC.
Malvern Borough Engineers

A handwritten signature in black ink that reads "Daniel H. Daley". The signature is written in a cursive, flowing style.

Daniel H. Daley, P.E.

cc: Kenneth D. Kynett, Esq., PC Solicitor
Bill Wilfong, Malvern Borough
Corinne Badman, Malvern Borough
Nave Newell, Jim Bannon, P.E.
Malvern Prep

RESOLUTION NO. 845

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE BOROUGH COUNCIL, OF THE BOROUGH OF MALVERN,
CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING
THE MAIN STREET REVITALIZATION TASK FORCE.**

WHEREAS, businesses across the Commonwealth of Pennsylvania, including within the Borough of Malvern (“Borough”), have been undertaking efforts to recover from the economic downturn that resulted from the Covid-19 pandemic; and

WHEREAS, Borough Council (“Council” or “Borough Council”) of the Borough desires to assist the business community in revitalization efforts, particularly within the Borough; 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 Code of Ordinances of the Borough of Malvern, Pennsylvania (the “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 explore possibilities and options to assist the Malvern business community with the revitalization initiative, including structure; potential ordinance/policy revisions to encourage business development; potential beautification/physical improvements; organization and promotion of potential events to stimulate revitalization; and potential retention of consultants; and make recommendations to Borough Council regarding said options and possibilities; 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 & Termination.** An *ad hoc* committee, known as the “Main Street Revitalization 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.** The purpose of the Task Force shall be to explore possibilities and options to assist the Malvern business community with the revitalization initiative, including structure; potential ordinance/policy revisions to encourage business development; potential beautification/physical improvements; organization and promotion of potential

events to stimulate revitalization; and potential retention of consultants; and make recommendations to Borough Council regarding said options and possibilities.

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.
- 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 & 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 **2nd** day of **May, 2023**.

Amy Finkbiner, Ph.D., President

Approved by the Mayor this **2nd** day of **May, 2023**.

Zeyn B. Uzman, Mayor

Enacted this **2nd** day of **May, 2023**.

Tiffany M. Loomis, Manager/Secretary