

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

January 18, 2022
7:30 PM

As Chester County has been defined by the Centers for Disease Control & Prevention (CDC) as a county with substantial transmission of COVID-19, masks are required for all in-person attendees.

Virtual Meeting Participation Option

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

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

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

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

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

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

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: Zeyn B. Uzman, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

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

2. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the January 18, 2022 meeting of Borough Council as presented.

3. ANNOUNCEMENTS

a. RECORDING OF MEETING

Anyone present who is recording the meeting shall announce so at this time, in accordance with Resolution No. 787.

b. Borough Council met in Executive Session on Tuesday, January 18, 2022 prior to this evening's meeting to discuss personnel policies and legal matters.

c. The MBPA is hosting the Malvern Stroll from 5PM to 8PM on Thursday, January 20, 2022.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the organizational meeting held on Monday, January 3, 2022 as amended.

MOTION: To approve the minutes of the regular meeting held on Monday, January 3, 2022 as presented.

MOTION: To approve the minutes of the regular meeting held on Monday, December 21, 2021, as amended, reflecting that the minutes were not recorded.

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 (Building Inspector's Report and Zoning Report), the Superintendent of Public Works Report and the Manager's Report for the month of December 2021, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

5. SPECIAL BUSINESS

a. CABLE FRANCHISE AGREEMENT WITH COMCAST

MOTION: To approve the cable franchise agreement with Comcast to engage the services of the Cohen Law Group (CLG) to assist in cable franchise renewal negotiations with Comcast. This engagement is made pursuant to the Proposal to Perform Cable Franchise Renewal Services submitted to the Township/Borough on November 5, 2021. The Proposal includes the scope of services for this project as well as the cost of services on a flat fee basis.

5 out of the 6 municipalities in Chester County that are eligible for franchise renewal with Comcast (based on our records) have sent signed engagement letters to participate in the project. They are East Goshen Township, East Vincent Township, Schuylkill

Township, Uwchlan Township, and Willistown Township. By negotiating as a group, these municipalities will have greater leverage in their negotiations with Comcast.

Having 5 municipalities will also result in a 15% discount on our standard, single-municipality fees for this project. The 6th municipality is Malvern Borough. If Borough decides to join, the discount will increase to 20% for all municipalities. For Malvern Borough, the flat fee would be \$5,520 instead of the standard \$6,900. This fee is payable in three installments at the beginning, middle and end of the project. The cable franchise fee revenue received in 2021 was \$82,497.30.

b. RESOLUTION NO. 829 DISPOSITION OF PUBLIC RECORDS

MOTION: To adopt Resolution No. 829, authorizing the disposition of records of the Borough of Malvern Pursuant to the Municipal Records Manual.

Pursuant to the PA Municipal Records Manual, which has been adopted by the Borough of Malvern, a resolution is required to dispose of certain Borough records. This manual sets forth the time period for which the Borough must maintain certain records.

c. MALVERN POST OFFICE – STORMWATER ISSUE

MOTION: To authorize E.B. Walsh & Associates, Inc. to obtain pricing, as well as authorize the work to be completed, to excavate and repair a storm sewer pipe, due to a blockage that is occurring, located at Malvern Post Office located at 33 W King Street, not to exceed a maximum total cost of \$6,500.00.

The storm pipe in question is part of a storm sewer system that ties into the Borough's system where the Borough has partial responsibility for the repair. The Malvern Post Office, since 2019, has had severe flooding issues due to the pipe blockage and has requested the Borough to remediate the issue as soon as possible.

d. DISCUSSION – ARPA COMMITTEE APPOINTMENTS

Malvern Borough received the first deposit of funds allocated under the American Rescue Plan Act of 2021. The Borough is scheduled to receive \$361,632.12. A determination on the use of these funds must be made by December 31, 2024 and the funds must be expended by December 31, 2026. The Committees of Borough Council have discussed potential uses for these funds as permitted under the Act. The Committee needs to be re-established from August 3, 2021 due to re-organization in Malvern Borough to discuss possible uses for these funds and the next steps.

6. UNFINISHED BUSINESS

a. Zoning Hearing Board

There was one (1) application before the Zoning Hearing Board as of recent. The hearing for 128-142 E. King Street, appealing the Zoning Officer's Notice of Violation regarding the junk yard use of the property, has been rescheduled for Monday, January 24, 2022.

7. NEW BUSINESS

8. PUBLIC FORUM

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

9. ADJOURNMENT