

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

March 1, 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 March 1, 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. The American Rescue Plan Act and Event Steering Committee meetings will be open to the public and advertised accordingly.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the regular meeting held on Tuesday, February 15, 2022 as presented.

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

5. SPECIAL BUSINESS

a. SWEARING IN OF PART-TIME POLICE OFFICER JASON LISTMEIER

Mayor Uzman will formally administer swearing in of Part-time Police Officer Jason Listmeier.

b. INTRODUCTION OF AUBREY GRUWELL-KEATING

Malvern Borough hired Aubrey Gruwell-Keating on February 14, 2022 as the new Office Coordinator. She is being formally introduced to Borough Council and the Community. Aubrey is a welcomed addition to Malvern Borough's Administration.

c. ORDINANCE NO.2022-1: BUDGET AMENDMENTS

- PUBLIC HEARING: BOROUGH COUNCIL WILL NOW OPEN A PUBLIC HEARING TO CONSIDER ORDINANCE NO. 2022-1. THIS ORDINANCE WOULD AMEND THE GENERAL AND SEWER FUNDS FOR YEAR 2022 OF THE ADOPTED ANNUAL BUDGET ON DECEMBER 21, 2021 TO ACCOUNT FOR UPDATES THAT HAVE OCCURRED SINCE ITS ADOPTION.

The Public Works vehicle included in the 2022 budget is unable to be purchased this year. This ordinance would reallocate the unused vehicle funds into Public Works salaries. These funds will be used to (1) provide a salary adjustment to an employee who has received a Commercial Driver's License, and (2) allow a new employee to be hired as early as 4/1/2022, instead of 7/1/2022 as originally budgeted. Note that Public Works salaries are allocated 65% in the General Fund and 35% in the Sewer Fund.

- ADOPTION – ORDINANCE NO. 2022-1: AMENDING THE GENERAL AND SEWER FUNDS FOR YEAR 2022 OF THE ADOPTED ANNUAL BUDGET ON DECEMBER 21, 2021 TO ACCOUNT FOR UPDATES THAT HAVE OCCURRED SINCE ITS ADOPTION.

MOTION: To adopt Ordinance No. 2022-1.

6. UNFINISHED BUSINESS

a. Zoning Hearing Board

There are two (2) applications before the Zoning Hearing Board.

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, March 21, 2022. This is the final continuance that will be granted by Malvern Borough regarding this matter.

149 W. King Street has applied for a special exception and/or variance to permit a medical equipment showroom and storage facility located in the R7 Zoning District. This property was previously utilized as a dance studio. The hearing is scheduled for Monday, March 21, 2022 at 7:00 PM.

7. NEW BUSINESS

a. FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

The five-year Capital Improvement Plan document is utilized as a budgeting tool and may be revised as Council sees fit. At their December 21, 2021 meeting, Council re-adopted the 2021–2025 Capital Improvement Program and set a goal to update the plan for 2022–2026 by March 31, 2022. Borough staff and Borough Council sub-committees have been working on amendments. The proposed plan will be discussed at the March 15, 2022 meeting of Borough Council.

8. PUBLIC FORUM

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

9. ADJOURNMENT

REGULAR MEETING

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MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

February 15, 2022
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 Grossman
Council Member Laney
Council Member Niemiec
Council Member Phillips
Council Member Riccetti
Zeyn B. Uzman, Mayor

ABSENT

Council Member Grossman and Mayor Uzman attended via ZOOM this evening.

2. APPROVAL OF AGENDA

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve the agenda for the February 1, 2022 meeting as presented.

3. ANNOUNCEMENTS

- a. Council President Finkbiner asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting. There were no recordings of the meeting.
- b. Council President Finkbiner announced Borough Council met in Executive Session on Tuesday, February 15, 2022 prior to this evening's meeting to discuss matters of public safety and security of property.
- c. Council President Finkbiner announced Borough Council is in the process of making application for the DCED grant, totaling \$250,000, to fund the matching responsibility for the \$250,000 required by DCNR grant obtained for Randolph Woods. The deadline for the DCED grant submission is May 30, 2022.
- d. Council President Finkbiner announced Borough Hall will be closed on Monday, February 21, 2022 for President's Day. The Malvern Library will be open on their regular schedule.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 7-0, to approve the minutes from the Tuesday, January 18, 2022 regular meeting of Borough Council as amended.

b. APPROVAL OF REPORTS

A motion was made by Council Vice President Bones, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, 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 January 2022, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

Council Member Laney stated that the Finance & Administration Committee met on February 1, 2022 at 6PM and discussed the following items:

- **Uniform and Non-Uniform Pensions for Borough:** The non-uniform pension is 114% funded and the uniform pension is 142% funded.
- **Library Lease:** Borough Solicitor's office to provide draft lease to F&A Sub-Committee for review by no later than February 11, 2022.
- **Trash Contract:** Borough Manager to locate former bid breakdown spreadsheet of trash contract options for Borough Council to discuss at their February 15, 2022 meeting. Borough Council must decide on the whether or not to select the final option on the current trash and recycling collection contract with Charles Blosenski Disposal Co. A decision must be made by March 30, 2020. If not selected, the current contract will expire on June 30, 2022.
- **Where Does the Money Come From to Fund the Borough's Budget:** An exhibit has been created and posted on the Borough Website in excel and pie chart format to exhibit the Year 2022 Revenues of Malvern Borough
- **Five (5) Year Capital Plan Revision:** All Sub-Committees, Borough Manager, Public Works Superintendent, Borough Solicitor, and Borough Engineer are to review the existing five (5) year capital plan and offer comments and recommendations by Friday, February 25, 2022 to the F&A Sub-Committee. The revised plan needs to be finalized and approved by Borough Council no later than their March 15, 2022 meeting.

Council Member Grossman stated that the Public Safety Committee has not met since the January 18, 2022 meeting of Borough Council. A meeting has been scheduled for Thursday, February 24, 2022 at 2PM via ZOOM.

Council Vice President Bones stated that the Public Works Committee met on February 9,

2022 to discuss their proposed revisions to the five (5) year capital plan, recycling initiatives, and the DCED grant process relating to Randolph Woods.

5. SPECIAL BUSINESS

a. APPOINTMENT CONSIDERATION TO FILL VACANCIES ON THE PLANNING COMMISSION AND ENVIRONMENTAL ADVISORY COUNCIL

Council President Finkbinder explained that the Planning Commission recommended unanimously at their January 20, 2022 meeting for Lynne Frederick to be appointed to the Alternate Member vacancy by Borough Council.

Council President Finkbinder explained that the Environmental Advisory Council recommended unanimously at their January 27, 2022 meeting for Joanne Zhou to be appointed to the member vacancy by Borough Council.

Council Vice President Bones thanked the applicants for volunteering and offering their service to the Community.

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 7-0, to appoint Lynne Frederick to the Planning Commission Alternate Member vacancy.

A motion was made by Council Member Phillips, seconded by Council Member Laney, and carried by a vote of 7-0, to appoint Joanne Zhou to the Environmental Advisory Council Member vacancy.

b. RECYCLING RECEPTACLE PROGRAM FOR MALVERN BOROUGH PARK SYSTEM

Council President Finkbinder introduced Brian Walker, Environmental Advisory Council Vice Chair to give a presentation on this matter.

Brian Walker explained that Malvern residents currently utilize single-stream Recycling and presented a recycling receptacle program presentation. In an effort to be environmentally conscious Malvern Borough Parks are in need of recycling receptacles. Currently, the five main recreational parks contain trash receptacles, but only two recycling receptacles total (one located at Burk Park and the other at Rubino Park). The Park & Recreation Committee and Environmental Advisory Council recommend and request that Borough Council take the following actions:

- Commit to replacing the existing trash and recycling receptacles with units that contain both recycling and trash receptacles
- Seek grant funding the new units
- Request American Rescue Plan Act funds
- Locate a dumpster for recyclables near the current trash dumpster by the Public Works buildings
- Instruct Public Works to collect recyclables from the parks.

Council Vice President Bones explained that the Public Works Sub-Committee is having the Borough Manager look into the cost of providing a recycling dumpster for Public Works to utilize regarding the Borough's waste management.

Mayor Uzman inquired as to the cost of providing recycling trash cans in each park.

Council Member Phillips explained that it would be from \$1,000 to \$1,800 per trash system receptacle purchased that grant funding covers up to 80% to 90% of the costs.

Council Member Grossman stated that the recycling trash cans may be visually detracting from Memorial park due to the historic nature of the park.

Council Vice President Bones stated he would like to see recycle trash cans purchased that blend in with the parks.

Council Member Phillips explained that there are many options and asked Borough Council to permit the Borough Manager to research grants that would cover 15 to 20 recycling bins.

Borough Council discussed in length the recycling needs and concerns of Malvern Borough and agreed it would be best to start a trial run at Quann & Burke Parks.

Ms. Cathy Raymond, Karen Drive, commented on the recycling needs of Malvern Borough.

Ms. Jen Chomko, Warren Avenue, commented on recycling.

Mr. John Buckley, Church Street, commented on the recycling cans that will be purchased by the Borough.

Mr. Gail Newman, Landmark Drive, commented on the AJ Blosenski trash contact regarding the recycling needs of the Borough.

Borough Council agreed that the Park and Recreation Committee will come back with an overall plan for the proposed recycling project.

Borough Council directed the Borough Manager to research grants and provide a cost breakdown from AJ Blosenski of what it will cost to have a main recycling dumpster located at the Borough, as well as work with the Borough Engineer to provide recycling trash can receptacles at Quann Park as part of the renovation project that is underway.

b. DISCUSSION – RUTHLAND AVENUE TO BE DEEMED A ONE-WAY STREET

Council President Finkbiner stated that Mr. Joseph Lorusso, a Ruthland Avenue Resident, has formally requested for Borough Council to consider to change Ruthland Avenue to a one way street and place a stop sign on the corner of Ruthland and First Avenues for safety purposes.

Borough Council discussed in length how sidewalks impact smaller streets of this nature, how this matter was discussed when the homes were built on Ruthland Avenue originally, and speeding will potentially increase if this street is made a one-way.

Mr. Ryan Miller, Ruthland Avenue, commented on speed issues regarding Ruthland Avenue is made a one-way street.

Mr. John Buckley, Church Street, commented on grant monies funding sidewalk installation in Malvern Borough.

Ms. Tiffany Brouillet, Ruthland Avenue, is in disagreement with making Ruthland Avenue a one-way street and requested a stop sign be installed at Raspberry Avenue.

Police Chief Marcelli explained that certain PennDot standards are required to be met in order to install a stop sign. Three (3) way stops do not typically qualify for a stop sign to be installed.

Mr. Ryan Miller, Ruthland Avenue, requested that speed bumps be installed.

Mayor Uzman explained there is a petition process required in the Borough for speed bump installation.

Ms. Jen Chomko, Warren Avenue, commented about the pump track and traffic concerns.

Mr. Chris Buckley, Ruthland Avenue, commented on the car capacity of Ruthland Avenue.

Council President Finkbiner thanked everyone for their comments.

Borough Council referred this matter to the Public Safety Sub-Committee for further comments and their recommendations.

d. TRASH & RECYCLING CONTRACT – DETERMINATION ON CONTRACT

Council President Finkbiner explained that Borough Council must decide on whether or not to select the final option on the current trash and recycling collection contract with Charles Blosenski Disposal Co. A decision must be made by March 30, 2020. If not selected, the current contract will expire on June 30, 2022. A decision will be made at a Borough Council meeting in March.

Borough Council discussed in length what would be entailed to bid the contract out at this time, how inflation will be an issue, if residents are happy with the current trash service, going with another better service is not guaranteed, the current hauler responding to complaints, and placing next year's contract on a 18 month initial contract to have the contact run on the Borough's budget cycle.

Ms. Lynne Frederick, Broad Street, commented on the current trash hauler.

Borough Council will make a final determination on this matter at the March 15, 2022 Borough Council meeting.

6. UNFINISHED BUSINESS

Council President Finkbiner stated that there are no new Zoning Hearing Board applications. The hearing for 128-142 E. King Street, appealing the Zoning Officer's Notice of Violation

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regarding the junk yard use of the property, has been rescheduled for Monday, March 21, 2022 at 7:00 PM. This is the final continuance that will be granted by Malvern Borough regarding this matter.

7. NEW BUSINESS

8. PUBLIC FORUM

Ms. Jen Chomko, Warren Avenue, commented on the Burke Park clock.

Mr. John Buckley, Church Street, commented on curbing needs related to his property.

Borough Council discussed in length the curbing needs of East First Avenue.

Ms. Chris Buckley, Ruthland Avenue, raised questions regarding Borough owned property to be sold and trail construction plans of the Borough.

Council President Finkbiner responded that the property at the bottom of Bridge Street is proposed to be sold and that Malvern Prep property will have a trail from their property to Quann Park.

Ms. Gail Newman, Landmark Drive, commented and raised questions regarding the Borough's pensions.

Mayor Uzman explained that overfunding of the pensions is necessary as long-term employees retire.

Council President Finkbiner explained that the highest expense the Borough incurs is public safety versus the pension expense.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Laney, seconded by Council Member Grossman, and carried by a vote of 7-0, to adjourn the meeting.

Respectfully submitted,

Tiffany M. Loomis
Borough Manager/Secretary

ORDINANCE NO. 2022-1
BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA

**AN ORDINANCE AMENDING
THE FINAL BUDGET FOR 2022
TO REDUCE AN APPROPRIATION FOR THE PURCHASE OF
PUBLIC WORKS EQUIPMENT, TO REDUCE PUBLIC WORKS REVENUE FROM
THE SALE OF OLD EQUIPMENT, AND
TO INCREASE APPROPRIATIONS FOR PERSONAL SERVICES IN THE
GENERAL FUND AND THE SEWER FUND**

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

WHEREAS, Article IX “Financial Procedures” sets forth the means by which Borough Council shall adopt and amend the annual budget; and

WHEREAS, Borough Council adopted the budget for Fiscal Year 2022 on December 21, 2021; and

WHEREAS, the Budget included an appropriation of \$37,870.00 for the purchase of a vehicle for the Public Works Department and also included revenue of \$7,500.00 from the sale of the vehicle being replaced; and

WHEREAS, due to supply chain problems related to the global pandemic, prices of vehicles have increased to the point where the vehicle cannot be purchased for the allocated price at the present time; and

WHEREAS, the Borough has determined that the funds allocated for the Public Works Vehicle would be better spent adjusting the pay for one employee in recognition of his earning a CDL license and advancing the hiring date of another employee; and

WHEREAS, Section 903 D of the Home Rule Charter requires that changes in appropriations, either increases or decreases, in any items on which budgetary controls are maintained, shall be made only pursuant to an ordinance of the Council authorizing such changes; and

WHEREAS, these changes will reduce the 2022 Budget appropriations by \$12,870.00.

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

Section 1. General Fund Account Number 01.439.070 “Highway Construction & Rebuilding – Capital Expenditures” is hereby reduced from \$50,000.00 to \$12,130.00.

Section 2. General Fund Account Number 01-430-010 “Public Works – Highways & Streets – Salaries & Wages” is hereby increased from \$217,626.00 to \$227,251.00.

Section 3. General Fund Account Number 01-454-010 “Parks & Recreation – Salaries & Wages” is hereby increased from \$50,818.00 to \$52,568.00.

Section 4. Sewer Fund Account Number 08-429-010 “Operations & Maintenance – Salaries & Wages” is hereby increased from \$138,489.00 to \$144,614.00.

Section 5. This Ordinance shall become effective upon enactment as provided by Article IX, Section 903.D of the Borough’s Home Rule Charter.

ORDAINED by Borough Council

this 1st day of March, 2022

Amy Finkbiner, PhD, President

APPROVED by the Mayor

this 1st day of March, 2022

Zeyn B. Uzman, Mayor

ENACTED,

this 1st day of March, 2022

Tiffany M. Loomis,
Secretary/ Borough Manager