

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

April 5, 2022
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 Grossman
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 April 5, 2022 meeting of Borough Council as presented.

2. ANNOUNCEMENTS

a. RECORDING OF MEETING

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

b. The Egg Hunt is scheduled at Paoli Battlefield on Saturday, April 9, 2022 at 11:00AM sponsored by the Parks & Recreation Committee and Borough Administration. There is no charge to participate in this event. Bring your baskets and meet the Malvern Bunny.

- c. Angela Lewis resigned from the Parks and Recreation Committee on March 16, 2022. There are two (2) vacancies available on the Parks & Recreation Committee.
- d. Borough Council met in Executive Session on Tuesday, April 5, 2022 prior to this evening's meeting to discuss two legal matters with the Borough Solicitor.
- e. The APRA Committee's next schedule meeting is Friday, April 8, 2022 at 10:00AM located at Borough Hall in the main meeting room, as well as ZOOM.
- f. Malvern Borough hired Corinne Badman, former Police Department Administrative Assistant, has been appointed to Assistant Manager, Gina Seiler has joined the Police Department as Administrative Assistant, and Scott Whiteman has joined Public Works as Laborer. All are a welcomed addition to Malvern Borough.

3. MINUTES & REPORTS

a. APPROVAL OF MINUTES

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

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

4. SPECIAL BUSINESS

- a. Route 30 Corridor Improvement Project, East Whiteland Township, Chester County, Pennsylvania Rebuilding American Infrastructure with Sustainability and Equity

MOTION: To authorize a letter to be sent to the Secretary of the U.S. Department of Transportation, on behalf of East Whiteland Township, expressing support for the Route 30 road project.

East Whiteland Township has put forth a plan, through the RAISE APPLICATION, that will address the challenges of Route 30 for now and future generations, including lane widening with much-needed median turning lanes, the addition of bicycle, pedestrian and transit supportive facilities, and an action plan that includes smart growth, green space creation and maintenance, as well as responsible mix-used development planning. The following link is an executive summary of the project:

<https://www.eastwhiteland.org/353/Route-30-Corridor-Study>

b. NIGHT MARKET BY CRAFT & MERCANTILE

MOTION: To approve the Night Market event in September 2022, to authorize the Borough Solicitor to review and execute the proposed contracts, and to authorize release of funds payable to Growing Roots Partners from the Year 2022 Budget of no greater than \$5,000.00.

Christy Campli is the owner of Growing Roots Partners, the event organizer for the Farmers Market in Burke Park. Growing Roots has developed a proven successful concept called Craft & Mercantile that would hold a Night Market event in September 2022 at Burke Park for the community.

c. APPOINTMENT CONSIDERATION TO FILL VACANCY ON THE MALVERN ENVIRONMENTAL ADVISORY COMMITTEE

MOTION: To appoint Christine Hafer to the Environmental Advisory Council Member vacancy for a term to end January 1, 2024.

It is the recommendation of the Environmental Advisory Council members, in a 4-0 vote of those present at our March 24, 2022 meeting, to request Christine Hafer be appointed to fill the vacancy on the Malvern Environmental Advisory Council.

d. ESCROW RELEASE FOR GREENSTONE DEVELOPMENT LOCATED AT 217 S. WARREN AVENUE

MOTION: To authorize an escrow release No. 6 to TAG Builders, for the project located at 217 S. Warren Avenue, known as the Greenstone Development, in the amount of \$21,180.00.

The Borough Engineer has recommended escrow release No. 6 to TAG Builders for the project located at 217 S. Warren Avenue, known as the Greenstone Development, for the following items totaling \$21,180.00:

- Roadway Construction. The developer has requested \$1,500 be released for the roadway construction but until the issues are resolved with the work on Second Avenue, I recommend this money be held.*
- Lighting. The developer has requested all funds be released for the lighting but due to issue with the lights, I am recommending \$2,500 be held in escrow. The developer has been notified of the issues which include a globe fit issue on one light and another light is currently out of service (Borough Public Works attempted to change a bulb but that did not solve the issue).*
- The developer has requested one half of the funds held in contingency be release (\$10,876.90). It has not been the policy of the Borough to release the contingency money until the final release and with the outstanding items to be addressed for the project, therefore I recommend the contingency money be held in escrow until the project is one hundred percent complete*

5. UNFINISHED BUSINESS

a. ZONING HEARING BOARD

There are no applications before the Zoning Hearing Board.

6. NEW BUSINESS

a. DONATION REQUEST BY ENVIRONMENTAL ADVISORY COUNCIL TO CRC WASTERSHEDS – DISCUSSION

The EAC members, in a 4-0 vote, are requesting a \$500 donation from Malvern Borough to CRC Watersheds in support of their years of cleanup work done in the Borough at Randolph Woods and First Avenue/Quann Park.

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

March 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

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 March 15, 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. Danny Fruchter recorded the meeting via ZOOM.

b. The Comprehensive Plan Task Force will be reviewing the second draft of the Comprehensive Plan revision at their April 20, 2022 meeting.

c. Thank you to the members of the Public Works Department for their efforts this winter.

d. The Malvern Memorial Parade sponsored by Upper Main Line Memorial Association is Scheduled for June 5, 2022.

Mr. John Buckley, Church Street, commented on the ARPA funding. Council President Finkbiner encouraged Mr. Buckley to attend the upcoming advertised ARPA Committee meetings.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

Mr. Danny Fruchter recommended revisions to the minutes in an email sent to the Mayor and all Borough Council members.

Council Vice President Bones, Mayor Uzman, Council Member Grossman, and Borough Solicitor McLean commented on the style and process of the minutes. Discussion included the appropriate content and format for Borough Council minutes.

Mrs. Jennifer Chomko commented on Mr. Danny Fruchter's comments.

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

b. APPROVAL OF REPORTS

A motion was made by Council Member Laney, seconded by Council Member Niemiec, 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 February 2022, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

Council Member Laney stated that the Finance & Administration Committee met on March 4, 2022 and discussed the following items:

- **5 Year Capital Improvement Plan & Capital Reserve Fund:** The five-year Capital Improvement Plan document is utilized as a budgeting tool and may be revised as Council sees fit. At the 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, Borough Consultants, and Borough Council sub-committees have been working on amendments to discuss this evening which will be presented in detail later in the Agenda this evening.
- **Malvern Fire Company Year 2023 Contributions:** The F&A Sub-Committee directed the Borough Manager to research service area of the Fire Company, the amount donated by each Municipality that utilizes the Fire Company's services, and how Fire Company's service municipalities across the board. The Borough Manager will report back in mid-April with her findings.
- **Assistant Manager Hiring Process:** The Borough Manager has posted this open position internally and is expecting applications for review.
- **Night Market by Craft & Mercantile:** A presentation will be given under special business
- **Trash Contract Option #3:** The Finance & Administration Sub-Committee is recommending Borough Council approve the third year option in Malvern Borough's trash and recycling collection contract. If approved, this would extend the current contract to June 30, 2023. The Borough would then need to rebid the trash contract prior to the conclusion of the extended contract period.

Council Member Grossman stated that the Public Safety Committee has not met since the March 1, 2022 meeting of Borough Council.

Council Vice President Bones stated that the Public Works Committee met on March 14, 2022 to discuss timelines for the public works projects planned for Year 2022.

5. SPECIAL BUSINESS

a. NIGHT MARKET BY CRAFT & MERCANTILE

Christy Campli is the owner of Growing Roots Partners, the event organizer for the Farmers Market in Burke Park. Growing Roots has developed a proven successful concept called Craft & Mercantile that would hold a Night Market event in September 2022 at Burke Park for the community. She gave a brief presentation on the proposed event.

The Borough Council discussed this matter in detail and requested further information prior to making a decision.

b. TRASH & RECYCLING CONTRACT RENEWAL – OPTION YEAR #3

The Finance & Administration Committee is recommending the selection of the third option year in Malvern Borough's trash and recycling collection contract. If approved, this would extend the current contract to June 30, 2023. The Borough would need to bid out the trash contract for Year 2023 upon the conclusion of this contract ending.

Council President Finkbiner stated there is a 6.9% increase to the renewal contract.

A motion was made by Council Vice President Bones, seconded by Council Member Laney, and carried by a vote of 7-0, to approve select option year #3 of Malvern Borough trash contract and recycling collection contract with A.J. Blosenski, Inc.

c. APPOINTMENT CONSIDERATION TO FILL VACANCY ON THE MALVERN HISTORICAL COMMISSION

It is the recommendation of the Historical Commission members, in a 4-0 vote of those present at our March 8, 2022 meeting, to request Jonathan L. Hoppe be appointed to fill the Malvern Historical Commission vacancy.

Jonathan L. Hoppe attended and introduced himself to Borough Council.

A motion was made by Council Member Laney, seconded by Council Member Niemiec, and carried by a vote of 7-0, to appoint Jonathan L. Hoppe to the Historical Commission Member vacancy for a term to end January 1, 2024.

6. UNFINISHED BUSINESS

a. FIVE YEAR CAPITAL IMPROVEMENT PLAN PROGRAM AND CAPITAL RESERVE FUND BUDGET DISUCSSION

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 to discuss this evening.

Ms. Cathy Raymond, Karen Drive, asked if the documents will be posted on the Borough Website. The Borough Manager confirmed the information will be posted on the Borough Website in a reasonable time frame.

Council Member Mark Niemiec commented on the pie chart.

A motion was made by Council Member Niemiec, seconded by Council Member Grossman, and carried by a vote of 7-0, to authorize the Borough Manager to the Borough Manager to advertise the Five (5) Year Capital Improvement Program and Capital Reserve Fund Amendments for a public hearing to be held in April 2022.

b. ZONING HEARING BOARD

There are three (3) applications before the Zoning Hearing Board and no new updates since the last Borough Council held on March 1, 2022.

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 at 7:00 PM. 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.

The hearing for 128-142 E. King Street, appealing the Zoning Officer's Determination regarding landscape buffering requirements, has been scheduled for Monday, March 21, 2022 at 7:00 PM.

The Borough Solicitor will attend the Zoning Hearing Board meeting to defend the Zoning Officer's determinations.

7. NEW BUSINESS

a. YEAR 2021 ANNUAL VOLUNTEER COMMITTEE/ CHARITABLE ORGANIZATION REPORTS

The Borough Manager summarized the annual reports for Year 2021 from the Planning Commission, Environmental Advisory Council, Parks & Recreation Committee, Shade Tree

Commission, Historical Commission, Paoli Memorial Association, Malvern Park & Civic Association, Malvern Business & Professional Association, Malvern Fire Company, Chester Valley Little League, Paoli Battlefield Preservation Fund, and Upper Main Line Memorial Association. The reports will be posted on the Borough Website within a reasonable time frame.

8. PUBLIC FORUM

Mr. John Buckley, Church Street, commented on First Avenue, damage to his property, and stormwater concerns. Mayor Uzman, Council Vice President Bones, and Council Member Philips commented on the damage to Mr. Buckley's property. Council President Finkbinder commented on the berm opportunity for Mr. Buckley's property.

Mrs. Jennifer Chomko commented on the ARPA Committee meeting schedule and funding. Council Vice President Bones, Council Member Grossman, and Mayor Uzman commented on the ARPA Committee meeting schedule. Council President Finkbinder, Council Member Niemiec, and Borough Solicitor McLean commented on the federal guidelines for ARPA funding.

Mr. Hugo Schmitt commented on the EMS subscription and asked the community to support Malvern Fire Company.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Grossman, seconded by Council Vice President Bones, and carried by a vote of 7-0, to adjourn the meeting at 9:07PM.

Respectfully submitted,

Tiffany M. Loomis Borough
Manager/Secretary