

AGENDA

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

May 3, 2022  
7:30 P.M.

**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 May 3, 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 Parks & Recreation Committee will be holding a Perennial Party on Saturday, May 7, 2022 in Burke Park after the Farmer's Market at 3PM. The Malvern Bunny will attend and Eggs will be given out due to the Egg Hunt being cancelled related to weather conditions.

- c. The Malvern Business Professional Association is sponsoring the event "Here Comes the Sun in Burke Park" on Saturday, May 14, 2022 at 2PM.
- d. The Malvern Memorial Parade is sponsored by Upper Main Line Memorial Association is scheduled June 5, 2022.
- e. Thank you to the Malvern Borough Comprehensive Plan Task Force for completing their review and revisions to the Comprehensive Plan that are being forwarded to the Planning Commission for further comment.

### 3. MINUTES & REPORTS

#### a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the regular meeting held on Tuesday, April 19, 2022 as presented.

#### b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

### 4. SPECIAL BUSINESS

#### a. 2022 PAVING PROGRAM - AWARD CREST AVENUE & WEST KING STREET ROAD BIDS

- MOTION: To authorize John A. DiRocco General Contractors, Inc. of Downingtown, PA to complete the Crest Avenue paving project in the amount of \$48,715.26.

*John A. DiRocco General Contractors, Inc. of Downingtown, PA was the low bid received and have submitted all required documentation. The Borough Engineer has reviewed all bids submitted and is recommending the project be awarded to John A. DiRocco General Contractors, Inc. in the amount of \$48,751.26. The estimated material costs for this project will be approximately \$30,713.12 for a total project cost of \$79,428.38. \$85,000 was budgeted for this project in the capital reserve fund.*

- MOTION: To authorize DiRocco Bros, Inc. of West Chester, PA to complete the West King Street paving project in the amount of \$90,408.29.

*DiRocco Bros, Inc. of West Chester, PA was the low bid received and have submitted all required documentation. The Borough Engineer has reviewed all bids submitted and is recommending the project be awarded to DiRocco Bros, Inc. in the amount of \$90,408.29. The estimated material costs for this project will be approximately \$50,000 for a total project cost of \$140,408.29. \$110,000 was budgeted for this project in the capital reserve fund, but the scope has been updated to include brick material.*

#### b. RESOLUTION NO. 831 AUTHORIZING THE BOROUGH TO SUBMIT AN APPLICATION FOR CHESTER COUNTY ARPA FUNDING

MOTION: To authorize Resolution No. 831 to submit an application for Chester County ARPA funding to help with supplementing Malvern Borough's own funds, to assist in an infrastructure improvement project to correct subsidence of Old Lincoln Highway, stabilization of North Warren Avenue, and other related projects to maintain and improve the Borough and its residents' interests.

*Chester County was awarded approximately \$102 million in American Rescue Plan Act (ARPA) funds. They are accepting applications for funding requests from municipalities,*

public authorities, small businesses, and non-profit organizations. The application deadline is Monday, May 16, 2022. The Public Works Sub-Committee and Finance & Administration Sub-Committee suggested that Borough Council authorize Dan Daley, Tiffany Loomis, and Corinne Badman to prepare and submit the application.

c. AMENDMENT TO FEE SCHEDULE REGARDING BODY-WORN CAMERA RECORDINGS – RESOLUTION NO. 832

MOTION: To authorize Resolution No. 832 adding “Act 22 Request Fee” totaling \$100.00.

*Act 22 pertains to body-worn camera recording devices where recordings are requested to be produced through a Right to Know request. A reasonable fee may be charged for this information being requested. The State Police currently charge \$100. The Finance & Administration Sub-Committee suggested that Borough Council approve Resolution No. 832 adding “Act 22 Request Fee” totaling \$100 to account for the expenses that are incurred to produce this information.*

d. GABLES SUBDIVISION LOCATED AT 217 WARREN AVENUE – ESCROW REQUEST #7

MOTION: To authorize Riley, Riper, Hollin, & Colagraco to send a denial letter regarding escrow release #7.

*The Developer has requested escrow release #7 for the release of all contingency funds except for 10% of the estimated cost of the remaining improvements due to recent amendments of the law in Pennsylvania. Riley, Riper, Hollin, & Colagraco has reviewed the recent law amendments and have advised that there is a pre-existing developer’s agreement that stands where the law does not apply in this instance.*

e. CUB SCOUT DAY CAMP LOCATED AT THE SCOUT CABIN OFF OF MONUMENT AVENUE

MOTION: To authorize the Cub Scout Day Camp located at the Scout Cabin off of Monument Avenue to operate from June 27, 2022 through July 1, 2022.

*The Police Chief has reviewed the layout of the Day Camp in previous years and there is no change to the operations, other than having more staff on-site to help. The Day Camp offers BB gun training, target archery, and paintball slingshots. Each range is staffed by trained personnel, either NRA instructors or USA Archery trainers. The Day Camp successfully run these summer day programs before at Oakborne Park in West Chester, Kerr Park in Downingtown, and the Scout Cabin in Malvern, providing a range layout to the Borough to keep on file.*

UNFINISHED BUSINESS

a. RANDOLPH WOODS PUMP TRACK - PRESENTATION

*The Borough Engineer will be presenting the Randolph Woods Pump Track Improvements that have been planned with the support of grant funding. The project proposed is construction of a dirt bicycle pump track on an approximately 36,000 square foot parcel (0.845 acres) of land located to the north of Randolph Woods Nature Preserve. The proposed project area is part of a larger 43 acre parcel containing the Randolph Woods Nature Preserve, but is outside of the defined conservation easement area.*

*The proposed pump track area is approximately 6,260 square feet and would consist of two (2) areas: a larger pump track area intended for older children who may be more advanced (larger area = 5,085 square feet) and a smaller pump track envisioned for younger children (smaller area = 1,175 square feet). Also included would be a sidewalk connection on the north side of the Fire Company access driveway in order to enter the park. No parking areas are envisioned*

as part of this project. Other amenities would include the installed of a rain garden for stormwater management purposes, shade trees, picnic tables, and benches.

Additionally, privacy fencing is proposed, for the privacy of the residential neighborhood located adjacent to the proposed project, on the northern and western property boundaries. The plan proposed to install a 50 foot wide privacy buffer that will include trees that are elevated on a 3 to 4 foot tall berm. The proposed project area is also adjacent to the access driveway for the Malvern Fire Company. In order to minimize conflicts with emergency service vehicles, a 6 foot tall post and rail fence is proposed in order to assist in preventing climbing when the park is closed. Maintenance gates will be installed on the eastern and southern portions of the proposed fencing.

Various stakeholder meetings have been held for individuals directly impacted by the proposed project. The presentation is an opportunity for Borough Council and members of the public to ask questions and discuss the project. No action is proposed to occur at the meeting.

b. MPC RECOMMENDATION TO INITIATE RFP PROCESS FOR ZONING AND SALDO REVISIONS ASSOCIATED WITH THE COMPREHENSIVE PLAN REVISION - MOTION

MOTION: To authorize Borough administration to initiate the RFP process for Zoning and SALDO revisions associated with the Comprehensive Plan revision.

The MPC at their April 7, 2022 meeting recommended unanimously to Borough Council, through a formalized letter to their attention, to initiate the RFP process for the Zoning and SALDO revisions that are referenced in the Capital Reserve Fund Budget associated with the Comprehensive Plan Revision. The Comprehensive Plan Task Force recommended at their April 20, 2022 for the MPC to review the revised Comprehensive Plan.

c. CRC WATERSHEDS DONATION

The Finance & Administration met on April 27, 2022 and has suggested to Borough Council to have \$500 donated from the general fund, from the Parks & Recreation – Maintenance & Repairs line item #01-452-021, as was completed in Year 2021.

As long as there is consensus among Borough Council the Borough Administration may process this request as in years past. Moving forward this donation will be reflected in the Civic Contributions section of the 2023 Annual Budget to be presented.

d. ZONING HEARING BOARD

There are no new applications before the Zoning Hearing Board.

5. NEW BUSINESS

a. AMERICAN RESCUE PLAN ACT RECOMMENDATION FROM COMMITTEE - DISCUSSION

The ARPA Committee discussed in detail and recommended the remaining funds be spent, unanimously, as follows:

- Borough Hall Renovations including but not limited to fencing the Police Area in, lighting the Police Area, upgrade 3 police cars with charging capabilities to no longer idle, charging station for the police cars, LED lighting for the entire Borough and Public Works buildings, and upgraded sound system for meeting room totaling \$40,000.
- Library Renovations including but not limited to carpet tiles, painting the library, foyer renovations, shared bathroom renovations, and the AC system to be repaired totaling \$40,000.

- *Economic Revitalization including but not limited to a main street manager for King Street, potential WIFI hot spots, Night Market event in September 2022, and etc. totaling \$107,000.*
- *Public Works Capital Improvements related to Stormwater throughout Malvern Borough totaling \$107,000.*
- *Composting Program totaling \$10,000.*
- *Quann Park Improvements totaling \$20,000.*

*Borough Council will discuss how best to move forward regarding the recommendation from the American Rescue Plan Act.*

6. PUBLIC FORUM

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

7. ADJOURNMENT

REGULAR MEETING

Page 1

MALVERN BOROUGH  
1 East First Avenue  
Malvern, PA 19355

April 19, 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 attended via ZOOM this evening.

2. APPROVAL OF AGENDA

Council President Finkbiner asked to switch the Capital Budget Hearing and the Quann Park matter.

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 April 19, 2022 meeting as amended.

3. ANNOUNCEMENTS

Council President Finkbiner asked in accordance with Resolution No. 787 if any member of the audience was recording the meeting. Mr. Danny Fruchter, Channing Avenue, recorded the meeting via ZOOM.

Council President Finkbiner announced the Comprehensive Plan Task Force will be reviewing the second draft of the Comprehensive Plan Revision at their Wednesday, April 20, 2022 meeting.

Council President Finkbiner announced the Parks & Recreation Committee will be holding a Plant Giveaway on Saturday, May 7, 2022 in Burke Park after the Farmer's Market. The Malvern Bunny and Eggs will be also given out due to the Egg Hunt being cancelled related to weather conditions.

Council President Finkbiner announced the Malvern Business Professional Association is sponsoring the event "Here Comes the Sun" on Saturday, May 14, 2022.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

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, April 5, 2022 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/ Zoning Officer's Report for the month of March 2022, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

Council Member Laney stated that the Finance & Administration Committee met on April 4, 2022 to discuss finalizing the library lease which is being sent to the library for further review, administrative accounting procedures, newsletter mailings regarding bulk rate for renters to receive the publication, and the cancellation of the Egg Hunt. In addition, in light of ARPA triggering funds available for Emergency Management Services the Borough is looking into additional processes of Emergency Management Services funding and procedures.

Council Member Grossman stated that the Public Safety Committee met on April 7, 2022 and the following has been suggested for Borough Council to consider:

- The Traffic Engineering Study be completed and approved, getting an updated quote on the study, per the Police Chief already obtaining relevant traffic data. The Police Chief added data from the covert box used to gather speeds of cars and determined there was not a speeding issue on Ruthland Ave.
- To fence around the police department driveway area, install lighting to the side and rear of the building near the police department, run electric outlets to charge police car equipment instead of running on fuel, and install electric charging ports for 3 police cars (the new one was already budgeted). Electric charging is to be completed on all new Police vehicles purchased moving forward.

The above suggestions are the favored approach by the Public Safety Sub-Committee for Borough Council to consider.

Additionally, the Pump Track and ARPA funding related to the Fire House was discussed.

Council Vice President Bones stated that the Public Works Committee met on April 12, 2022 and is suggesting and favors the following action be taken by Borough Council:

- Apply for the Chester County ARPA funding grant, due May 16, 2022, requesting funding for Old Lincoln Highway Improvements and the Stabilization of North Warren Avenue. Dan Daley, Tiffany Loomis, and Corinne Badman will prepare and submit the grant accordingly. This resolution would need to be addressed and approved at the Borough Council May 3, 2022 meeting to be able to properly submit for this grant. Dan Daley thinks there is benefit to apply for this funding given the scope of the proposed projects.

The Public Works Sub-Committee additionally discussed stormwater issues, Randolph Woods, and ARPA funding.

5. SPECIAL BUSINESS

a. HERE COMES THE SUN EVENT – MBPA SPONSORED

Mr. David Campli presented on behalf of the MBPA. The MBPA is hosting the “Here Comes the Sun” event on Saturday, May 14, 2022 and requested approval to have a beer/wine garden in the municipal lot adjacent to Wolfe's Brass. The providers will be Locust Lane Brewery, Dressel Estates, Wayvine Winery, and Manatawnee Spillworks.

Borough Council discussed the parameters of the event.

The Borough Solicitor encouraged Mr. Campli to meet with the Police Chief to plan for the large event. Mr. Campli will set up a meeting with the Police Chief to understand if fencing is required in the beer/wine garden, as well as review the security detail needed for the event in the near future.

Ms. Barbara Casey introduced herself as the Business Owner of Mobile High 5. She explained that her business has over a database of 1,000 individuals that receive text notifications for upcoming events. There is a 30% to 50% receipt and review rate of the text notifications that are sent out. She suggested her business be contracted by the Parks & Recreation Committee and the Event Steering Committee. There is a \$250 a month fee to enable this service.

The Borough Manager will confirm if the Borough is officially a member of the MBPA and enroll if not already a member.

The Borough Manager will reach out to Ms. Casey and schedule her accordingly for a Parks & Recreation Committee Agenda.

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize the MBPA, Locust Lane Brewery, Dressel Estates, Wayvine Winery, and Manatawnee Spillworks to utilize the municipal lot for a beer/wine garden, adjacent to Wolfe's Brass, for the “Here Comes the Sun” event scheduled for Saturday, May 14, 2022, pursuant to the Borough Solicitor's conditions and approval by the Police Chief and Pennsylvania Liquor Control Board.

b. APPOINT CORINNE J. BADMAN AS ASSISTANT ZONING OFFICER AND ASSISTANT OPEN RECORDS OFFICER

Council President Finkbiner presented that the Assistant Manager is the Acting Manager when the Borough Manager is on leave or unavailable. These appointed positions are necessary to be able to



adequately operate the Borough.

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 7-0, to authorize and appoint Corinne J. Badman as the Assistant Zoning Officer and Assistant Open Records Officer.

c. RESOLUTION NO. 830 TO REQUEST A GREENWAYS, TRAILS, AND RECREATION PROGRAM GRANT OF \$250,000 from the COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR RANDOLPH WOODS

Council President Finkbinder presented the Borough recently obtained a \$250,000 grant from DCNR for Randolph Woods. This requires a funding match by the Borough of equal amount. The resolution proposed for this evening, if obtained, is permitted to be used as the funding match, through DCED for the DCNR grant.

Cathy Raymond, Esq. inquired as to what improvements will be completed as part of the grant funding. Council President Finkbinder explained this applies to Phase I of the project including ADA compliance and bridges. Vice President Bones explained that this applies to the overall improvement of the site and walkways.

A motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 7-0, to authorize Resolution No. 830 for the Borough to request a Greenways, Trails and Recreation Program (GTRP) grant of \$250,000 from the Commonwealth Financing Authority to be used for Randolph Woods designating Simone Collins, Inc. as the Consultant for the grant application process.

6. UNFINISHED BUSINESS

a. QUANN PARK PRESENTATION & BID AWARD

The Borough Engineer presented the Quann Park Improvements that have been planned with the support of grant funding obtained through Chester County and DCNR. Borough Council originally reviewed a plan for certain improvements to Horace J. Quann Memorial Park on December 3, 2019. The proposed improvements include sidewalk, curbing, stormwater management, planting of additional trees, replacement of the steps, and replacement of the fencing around the baseball field. A total award of \$113,779 has been granted from DCNR and Chester County. The Borough Engineer recommended to Borough Council that the low bid of \$326,333.79 by Albert G. Cipollini Jr & Sons of Morton, PA be authorized to complete the Quann Park Improvements.

Council President Finkbinder explained that the scope of the project will first be discussed then the budgetary aspect.

Vice President Bones addressed trees.

Council Member Grossman inquired if the parking situation would change. The Borough Engineer explained there would be no change in parking.

Council President Finkbinder inquired about the construction timeline for the project. The Borough Engineer explained that the project would begin June 7, 2022 and conclude by August 31, 2022 due

REGULAR MEETING

Page 5

to the Chester County Little League ball field schedule.

Council Member Niemiec inquired if there would be any changes to the girls' softball field to make sure the Borough maintains equal athletic opportunity for the girls. The Borough Engineer responded no and Council Member Grossman agreed with that no changes need to be made as the field is appropriate for this age group playing softball.

Mr. Danny Fruchter, Channing Avenue, commented on the height of the retaining wall. The Borough Engineer responded that an appropriate height has been designed. Council Member Phillips commented on his support for making the park ADA compliant and inquired if there would be further cost in installing a two (2) tier wall. The Borough Engineer confirmed this would increase the current cost of the project. Vice President Bones referred to the retaining wall as a bonus area for individuals to have a sitting area. Council Member Grossman commented that there are currently bleachers located at Quann Park which are also included in the new plan, and this-the seating provided by the retaining wall is an added touch to adequate seating.

Mr. John Buckley, Church Avenue, commented on sidewalks.

President Finkbiner addressed that the original amount budgeted for this project totaled \$185,000 and is now \$326,334 due to inflation and not updating the budget for the added improvements to the project.

Vice President Bones worked with the Borough Manager to made adjustment to the Capital Reserve Fund. The Borough Manager presented that \$70,000 be transferred from the Malvern Prep Trail Project, \$50,000 be paid from ARPA funding, and the \$21,334 be taken from the traffic safety line item to account for the \$141,334 deficit.

Vice President Bones is in support of this project due to the great amount of time, effort, and engineering expense to materialize the project.

President Finkbiner recommended that \$30,000 from the sidewalk fee in lieu account be utilized to reduce the ARPA funding to \$20,000.

Council Member Niemiec is in support of this project and addressed that adjustments can be made to the budget to move forward with the project.

Council Member Grossman in in support of this worthwhile project and pointed out that this is a heavily used park where the basketball courts are also in constant use.

Mr. Chris Buckley, Ruthland Avenue, asked for clarification on the proposed funding sources.

The Borough Engineer explained that delaying this project will not yield cost savings in that future pricing is increasing. He noted that the company completing the project is a woman owned business.

Mayor Uzman explained there have been complaints about the park for years and this is not a recent development.

A motion was made by Council Member Grossman, seconded by Council Member Niemiec, and carried by a vote of 7-0, to authorize Albert G. Cipollini Jr & Sons of Morton, PA to complete the Quann Park improvements in the amount of \$326,333.79.

b. FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM AND CAPITAL RESERVE FUND BUDGET AMENDMENTS - HEARING

Council President Finkbinder presented that 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 this year.

In accordance with the Malvern Borough Home Rule Charter, Borough Council conducted a public hearing this evening to consider adoption of the proposed 2022 Five Year Capital Improvement Plan & Capital Reserve Budget Amendments.

A motion was made by Council Member Grossman, seconded by Council Vice President Bones, and carried by a vote of 7-0, to adopt the proposed 2022 Five Year Capital Improvement Plan & Capital Reserve Budget Amendments as amended with the budget amendments addressed in the Quann Park matter earlier in the evening.

c. ZONING HEARING BOARD

The Borough Solicitor and Borough Manager presented that 149 W King Street and 128-142 E. King Street recently received their executed Decision & Orders from the Zoning Hearing Board hearings that occurred on March 21, 2022. The Borough Manager will forward this information to Borough Council.

7. NEW BUSINESS

a. MPC RECOMMENDATION TO INITIATE RFP PROCESS FOR ZONING AND SALDO REVISIONS ASSOCIATED WITH THE COMPREHENSIVE PLAN REVISION - DISCUSSION

Council President Finkbinder presented that the MPC at their April 7, 2022 meeting recommended unanimously to Borough Council, through a formalized letter to their attention, to initiate the RFP process for the Zoning and SALDO revisions that are referenced in the Capital Reserve Fund Budget associated with the Comprehensive Plan Revision.

The Borough Solicitor explained the RFP process to Borough Council and the Comprehensive Plan approval process.

Borough Council agreed this topic is best to discuss at their next meeting due to the Comprehensive Plan Task Force making a recommendation by that time to have the revision passed along to the MPC for their official review.

8. PUBLIC FORUM

Mr. Joe Raunado, King Street, requested that the Borough Council Agenda be posted at the Post Office with the last set of approved minutes. The Borough Manager will post the agenda at the Post Office moving forward.

Mr. John Buckley, Church Street, commented about sidewalks and grant funding.

REGULAR MEETING

Page 7

Ms. Tiffanie Quinn, Bridge Street, asked if consideration can be given to allowing the Parks & Recreation Committee have alcoholic drink and food trucks at their events. Borough Council is in agreement to give this request consideration as events are created and planned.

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

DRAFT