

AGENDA

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

June 7, 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 June 7, 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. Please refer to the Borough Website regularly for on-going events in Malvern Borough that is updated weekly.

### 3. MINUTES & REPORTS

#### a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the regular meeting held on Tuesday, May 17, 2022 as presented.

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

- Finance & Administration
- Public Safety
- Public Works

### 4. SPECIAL BUSINESS

#### a. 2022 PAVING PROGRAM - AWARD QUAKER LANE, SOUTH WARREN AVENUE, AND RASPBERRY AVENUE ROAD BIDS

- MOTION: To authorize DiRocco Bros., Inc. of West Chester, PA to complete the Quaker Lane paving project for a total amount of \$156,551.65.

*The low bidder, DiRocco Bros., Inc. of West Chester, PA, has submitted the necessary documents including the Bid Form, Statement of Bidder's Qualifications, Bid Bond and Non-collusion Affidavit. The Borough Engineer has reviewed the submitted bid documentation and found it to be adequate. DiRocco Bros, Inc. has previously completed paving projects in the Borough in 2017 for South Warren Avenue, and 2018 for West King Street and the work was found to be good.*

*The Borough Engineer recommends the project be awarded to DiRocco Bros., Inc. in the amount of Eighty-Six Thousand, Three Hundred and Ninety-Nine dollars and 81/100 cents (\$86,399.81). Please note, the estimated material costs for this project will be approximately \$70,151.84 for a total project cost of \$156,551.65.*

- MOTION: John A. DiRocco General Contractors, Inc. of Downingtown, PA to complete the South Warren and Raspberry Avenue(s) paving project for a total amount of \$56,108.89.

*The low bidder, John A. DiRocco General Contractors, Inc. of Downingtown, PA, has submitted the necessary documents including the Bid Form, Statement of Bidder's Qualifications, Bid Bond and Non-collusion Affidavit. The Borough Engineer has reviewed the submitted bid documentation and found it to be adequate. John A. DiRocco Contractors recently completed the 2022 Paving Project on Crest Avenue, and the quality of work was found to be good.*

*The Borough Engineer recommends the project be awarded to John A. DiRocco General Contractors, Inc. in the amount of Thirty-Four Thousand, Nine Hundred and Forty-Seven dollars and 43/100 cents (\$34,947.43). Please note, the estimated material costs for this project will be approximately \$21,161.46 for a total project cost of \$56,108.89.*

b. EAST WHITELAND TOWNSHIP ACT 537 SPECIAL STUDY – RESOLUTION NO. 833

MOTION: To authorize Resolution No. 833 to adopt and submit to the Department of Environmental Protection for its approval as a revision to the “Official Plan” of the municipality, the above referenced Special Study.

*East Whiteland Township has prepared a plan supplement entitled “Act 537 Special Study Transfer of Sanitary Sewerage Facilities” dated April 2022 (the “Special Study”), which includes sewerage facilities which provide service to portions of Malvern Borough. The Special Study was developed to address the Department’s planning requirements for the sale of public sewerage system to a private entity, Aqua Pennsylvania Wastewater, Inc. Topics covered include previous wastewater planning, description and graphical mapping of the existing assets being transferred in relation to municipal boundaries and physical characteristics, addressing future growth needs, evaluation of alternatives, institutional evaluation, and a description of the legal and administrative activities to support the implementation of the asset transfer and future ongoing operation and maintenance of the transferred assets.*

*The MPC recommended that Borough Council approval the proposed resolution at their May 19, 2022 meeting unanimously due to there being no conflicts or impact on Malvern Borough’s sewers. The Borough Engineer reviewed and confirmed this information prior to the MPC’s review.*

c. PRESENTATION – 2021 FINANCIAL REPORT AND AUDIT FOR THE BOROUGH OF MALVERN

*The Borough Auditor, George Fieo, CPA, of Peterson Fieo & Co., will present the Borough’s 2021 Financial Report and Audit. Borough Council may consider action at the conclusion of the presentation to approve the 2021 Financial Report and Audit for the Borough of Malvern.*

5. UNFINISHED BUSINESS

a. BOROUGH BUILDING FENCING, LIGHTING, CAMERA, & LIBRARY FURNITURE INSTALLATION

MOTION: To authorize no greater than \$13,200 to be released in ARPA funding to purchase Borough Hall fencing, lighting, and a camera to be installed as presented this evening as per the recommendation made by the Malvern Historical Commission at their May 25, 2022 meeting as presented.

*The ARPA Committee recommended the following on April 26, 2022 regarding 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*

*The Public Safety Sub-Committee suggested that this purchase be made and this matter has been previously discussed by Borough Council.*

The Malvern Historical Commission reviewed the proposed fencing and library furniture at their May 25, 2022 meeting and unanimously recommended the following:

- For the fence surrounding the a/c units at Borough Hall: Newport style, khaki colored, to blend in with the coloring of the mortar. Of the nine post cap options, we liked Gothic, New England, and Federation equally well.
- For the fence surrounding the police station access: Closed spear-top (CST33-6) with the arched walk gate and the style not flush to the ground. The spear tops and arched gate look more historic, befitting the style/age of the building, while the closed-top affords a bit of safety.
- For the library yard: We are fine with the addition of Adirondack chairs, tables, and a bench behind Borough Hall. We have no issues with the library creating a usable space in the yard with these items, but we do recommend that council/the borough/the library advise the library's closest neighbors prior to adding additional decorations should the opportunity arise. As the library did not request that we review or recommend colors, we did not discuss them.

The Finance & Administration Sub-Committee suggested that Council consider the Library be required submit an application for Community Installation process to authorize the requested installation furniture located at the rear of the Borough Property for programs.

b. ZONING HEARING BOARD

Zoning Hearing Board Application # 22-01 was received on May 26, 2022 appealing the determination of the Zoning Officer regarding a Notice of Violation issued on April 29, 2022 for nuisance floodlighting and other outdoor lighting pursuant to Section 220-2307, subsections (C) and (D), of the Malvern Borough Zoning Code located at 210 Second Avenue in the R4 Residential Zoning District. The Application is located on the Borough Website under Public Notices for anyone interested in reviewing the documents.

6. NEW BUSINESS

a. 2022 REVISED COMPREHENSIVE PLAN REVIEW BY THE PLANNING COMMISSION

The Malvern Planning Commission met on Thursday, June 2, 2022 at 7:30PM and unanimously recommended the revised 2022 Comprehensive Plan to be approved by Borough Council. The revised 2022 Comprehensive Plan is located on the Borough Website under the Planning Commission for anyone interested in reviewing the documents.

b. SUMMER INTERNSHIP POSITION

MOTION: To authorize the Borough to hire a Summer Intern to assist with filing, administrative daily matters, and special projects.

The Borough Administration has historically hired a summer intern to assist with filing, administrative daily matters, and special projects. There is currently money in the budget to account for this position this year. Given the amount of time the Borough was under-staffed this position will greatly assist in rectifying all outstanding matters. The Finance & Administration Sub-Committee suggested that Council consider moving forward with this position.

c. BOROUGH WEBSITE RE-DESIGN BY CIVIC ENGAGE OPEN

MOTION: To authorize the Borough to execute a contract with CivicEngage Open to re-design the Borough Website for no greater than \$4,000.00

*The Borough currently utilizes Word Press as its website provider and has received numerous requests from the residents and Community to implement security measures and add greater services to be offered through the Borough's Website. The current Borough Website is not secure and does not provide for community engagement to have Volunteers sign up for events, fillable forms, form submissions, filing of complaints, and etc. Downingtown Borough Website currently utilizes CIVIC PLUS. There is a cost difference of approximately \$1,300 to provide the upgraded services to the Community and Borough Administration. The Finance & Administration Sub-Committee suggested that Council consider morning forward with this provider.*

7. PUBLIC FORUM

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

8. ADJOURNMENT

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MALVERN BOROUGH

1 East First Avenue

Malvern, PA 19355

May 17, 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 Phillips  
Council Member Riccetti  
Zeyn B. Uzman, Mayor

ABSENT:

Council Member Niemiec

2. APPROVAL OF AGENDA

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 6-0, to approve the agenda for the May 17, 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. Richard Breuer recorded the meeting via ZOOM.

Council President Finkbiner announced the Malvern Memorial Parade, sponsored by the Upper Main Line Association, is scheduled for June 5, 2022 at 1:30PM. She further a master list of events taking place in Malvern will be posted shortly on the Borough Website.

Council President Finkbiner announced the Borough Council is sponsoring a Craft & Mercantile night market event on Friday, September 16, 2022 and encouraged everyone to check the website regularly for more information.

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 6-0, to approve the minutes from the Tuesday, May 3, 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 Grossman, and carried by a vote of 6-0, to approve the Treasurer's Report, the Sub-Committee Reports for

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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 April 2022, as submitted.

### c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

Council Member Laney stated that the Finance & Administration Committee has not met since the last Borough Council meeting.

Council Member Grossman stated that the Public Safety Committee has not met since the last Borough Council meeting.

Council Vice President Bones stated that the Public Works Committee met on May 10, 2022 to discuss and review stormwater concerns located throughout Malvern Borough.

### 5. SPECIAL BUSINESS

#### a. APPI ENERGY RATE LOCK – CONTRACT APPROVAL

Council President Finkbiner explained that competitive rates have been obtained to offset rising electricity rates. The current Borough contract concludes at the end of this month, May 2022.

Borough Council discussed the rate sheet provided and agreed to select a green energy provider moving forward.

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 6-0, to authorize the Borough to enter into a contract with APPI Energy selecting the provider FreePoint, and/or the most cost effective green supplier and rate at which is offered at the time the contract is executed, for forty-eight (48) months to stabilize Malvern Borough's electricity rates the next four (4) years.

### 6. UNFINISHED BUSINESS

#### a. BOROUGH BUILDING FENCING, LIGHTING, & CAMERA INSTALLATION

The ARPA Committee recommended the following on April 26, 2022 regarding Borough Hall Renovations including but not limited to:

- Fencing the Police Area
- Lighting the Police Area
- Upgrading 3 police cars with charging capabilities to eliminate the need to idle
- Installing charging stations for the police cars
- Installing LED lighting for the Borough and Public Works buildings; and
- Upgrading the meeting room sound system

The total cost for these projects would be \$40,000.

The Public Safety Sub-Committee suggested that this purchase be made and this matter has been previously discussed by Borough Council.

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Borough Council discussed the fencing in detail and agreed that the Historical Commission should review and recommend the style of the fencing and furniture the Library has requested to place in the rear of the Borough property for programs.

### b. BOROUGH POLICE VEHICLE ELECTRICAL OUTLETS TO CHARGE POLICE CAR EQUIPMENT & ELECTRICAL CHARGING PORTS FOR 3 POLICE CARS

The ARPA Committee recommended the following on April 26, 2022 regarding 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.

The Public Safety Sub-Committee suggested that this purchase be made and this matter has been previously been discussed by Borough Council.

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 6-0, to authorize no greater than \$3,000 to be released in ARPA funding to purchase Borough Police vehicle charging equipment and electrical charging ports for three (3) police cars as presented this evening.

### c. ZONING HEARING BOARD

There are no new applications before the Zoning Hearing Board.

## 7. NEW BUSINESS

### a. MALVERN BOROUGH PARK EVALUATION FOR ADA EQUIPMENT INSTALLATION IN ALL PARKS – DISCUSSION PER PARKS & RECREATION COMMITTEE RECOMMENDATION

The Parks & Recreation Committee formally proposes to request of Malvern Borough Council an evaluation of 3 of our parks for updated, inclusive and ADA compliant playground equipment. The three parks of interest are: Burke Park, Rubino Park and Quann Park. Randolph Woods has already built into its Master Plan ADA and inclusive play areas. P&R currently does not have a budget for the updates and would like to be guided by the Borough Engineer to begin this project. P&R is formally requesting a line item on the budget for Year 2023 year. In addition, P&R will attempt to find funding from local, state and federal grants.

Ms. Lynne Frederick, Broad Street, commented on Rubino Park being originally intended for a tot-lot and on ADA-accessible parks in the region.

Mr. John Buckley, Church Street, commented on dogs in Rubino Park.

Ms. Marisa Buckley, Ruthland Avenue, commented on the Randolph Woods Pump track.

The Borough Council agreed that this matter will be tabled until the revised comprehensive plan is formally approved.



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Council Member Phillips informed Borough Council that the Parks & Recreation Committee will further research this matter.

8. PUBLIC FORUM

Mr. John Buckley, Church Street, commented about the Borough staff, curbing on First Avenue, the Malvern Borough Police Department staff, and the vacant lot located at Bridge and King Streets.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Grossman, seconded by Council Member Phillips, and carried by a vote of 6-0, to adjourn the meeting at 8:26PM.

Respectfully submitted,  
Tiffany M. Loomis  
Borough Manager/Secretary

DRAFT