

AGENDA

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

July 20, 2021  
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/81951562516>**

**When prompted, enter the following meeting ID, followed by the “#” symbol: 819 5156 2516. 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: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:  
Council President Finkbiner  
Council Vice-President Grossman  
Council Member Bones  
Council Member Laney  
Council Member Meisel  
Council Member Phillips  
Council Member Raynor  
Mayor Burton

2. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the July 20, 2021 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, July 20, 2021, prior to this evening's meeting, in order to discuss matters of personnel and litigation with the Borough Solicitor.
- c. The Daughters of the American Revolution have selected the Paoli Battlefield to receive a dedication marker. The dedication ceremony will be held on Saturday, July 24, 2021 at 11:00 am. Information on the event is available on the Borough website.

#### 4. MINUTES & REPORTS

##### a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the meeting held on Tuesday, June 15, 2021 as presented.

##### b. APPROVAL OF REPORTS:

MOTION: 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, Housing and Property Maintenance Report, and Zoning Report), the Superintendent of Public Works Report and the Manager's Report for the month of June 2021, as submitted.

##### c. BOROUGH COUNCIL COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

#### 5. SPECIAL BUSINESS

##### a. Community Installation Application – Bench Dedication in Burke Park

MOTION: To approve the Community Installation Application for Zachary Menta, proposing the installation of a bench in Burke Park dedicated to the memory of his mother, Stephanie Menta.

*Zachary Menta has submitted a Community Installation Application in order to have a bench installed and dedicated in memory of his mother, Stephanie Menta. Ms. Menta was a resident of Woodland Avenue who recently passed away. The Public Works Committee review this request and recommend its approval.*

##### b. Act 44 of 2009 Policies & Procedures – Professional services contract provisions

MOTION: To approve Malvern Borough's policy outlining the procedures for compliance with the professional services contract provisions of Act 44 of 2009.

*During a recent audit of the Borough's pension plans completed by the PA Auditor General's office, it was determined that the Borough did not have a written policy as it pertains to the selection of professional services to manage the Borough's pension funds. The policy was reviewed by the Finance & Administration Committee, who recommended that it be presented to Borough Council.*

c. EXPANDED OUTDOOR DINING FORBEARANCE AGREEMENTS

- Anthony's Pizza & Italian Restaurant
- Malvern Pizza

*Anthony's Pizza & Italian Restaurant is requesting a 60-day extension of their existing agreement for outdoor dining. All existing conditions are proposed to remain in place. The extension would expire on September 1, 2021.*

*Malvern Pizza desires to enter into a new agreement for outdoor dining. The original agreement expired on January 3, 2021. This new agreement be identical to the previous one approved in 2020.*

6. UNFINISHED BUSINESS

- a. Proposed Ordinance Amendments – Zoning and Subdivision & Land Development Ordinances

*Before Borough Council are proposed ordinance amendments pertaining to plant material requirements found in the Borough's Zoning and Subdivision & Land Development Ordinances. Borough Council may consider action to authorize the advertisement of the proposed ordinances.*

- Zoning Ordinance Amendment – Plant Materials List

*This proposed amendment would be to revise the Borough's Plant Materials List as recommended by the Malvern Shade Tree Commission and permit this to be updated by resolution of Borough Council. The proposed ordinance was reviewed by the Chester County Planning Commission as required. If authorized for advertisement, the required public hearing could be scheduled for the August 17, 2021 meeting of Borough Council.*

- Subdivision & Land Development Ordinance Amendment – Plant Materials Acceptable for Street Trees

*This proposed amendment would revise the Subdivision & Land Development Ordinance in order to amend the provisions for street trees as recommended by the Malvern Shade Tree Commission and permit this to be updated by resolution of Borough Council. The proposed ordinance was reviewed by the Chester County Planning Commission as required. If authorized for advertisement, the required public hearing could be scheduled for the August 17, 2021 meeting of Borough Council.*

7. NEW BUSINESS

- a. Proposed Ordinance Amendments

Before Borough Council are two (2) proposed ordinance amendments pertaining to regulations related to the sale of Borough-owned real estate and rental properties. Borough Council may consider action to authorize the advertisement of the proposed ordinances.

- Chapter 157 – Real Estate, Borough-owned

*This proposed ordinance would repeal chapter 157, Real Estate, Borough-Owned, of the Borough's Code of Ordinances due to the amendments to the PA Borough Code through Act No. 43 of 2012 and Act No. 4 of 2020. The proposed ordinance was reviewed by the Finance & Administration Committee, who recommended the proposed ordinance proceed to Borough Council. If authorized for advertisement, the required public hearing could be scheduled for the August 3, 2021 meeting of Borough Council.*

- Chapter 162 – Rental Property

*This proposed ordinance would amend chapter 162, Rental Property, of the Borough's Code of Ordinances. The proposed amendment would amend the definition of "Rental Unit," establish a deadline for when payment is due, and outline a penalty for a late payment. The proposed ordinance was reviewed by the Finance & Administration Committee, who recommended the proposed ordinance proceed to Borough Council. If authorized for advertisement, the required public hearing could be scheduled for the August 3, 2021 meeting of Borough Council.*

b. 2021 Paving Program

- Awarding of Bid – Malvern Avenue & Karen Drive

MOTION: To award the contract for the paving of Malvern Avenue from Highland Avenue to King Street and the paving of Karen Drive to Long's Asphalt, Inc. based on their bid dated July 1, 2021 in the amount of \$54,077.60 based on the recommendation of the Borough Engineer.

*These projects involve the mill and overlay of Malvern Avenue from Highland Avenue to King Street and Karen Drive. The costs for these projects have been allocated in the 2021 budget in the Capital Reserve Fund.*

- Update – 2021 Paving Program – Green Street

*Certain emergency repairs to Green Street were necessary to properly complete the paving of this road. The Borough Manager will provide an update pursuant to the Borough's Administrative Code.*

c. Zoning Hearing Board

*There are no new applications before the Zoning Hearing Board.*

8. PUBLIC FORUM

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

9. ADJOURNMENT