

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

August 2, 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 Laney
Council Member Niemiec
Council Member Phillips
Council Member Riccetti
Mayor Uzman

1. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the August 2, 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. As a courtesy, if you are participating via Zoom, please turn your camera on while speaking.

c. Please consider applying to volunteer for two (2) open UCC Board of Appeals and two (2) Park & Recreation vacancies.

3. MINUTES & REPORTS

a. APPROVAL OF MINUTES

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

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

4. SPECIAL BUSINESS

a. COMCAST FRANCHISE RENEWAL AGREEMENT HEARING

PUBLIC HEARING: This is a public hearing of the Borough of Malvern regarding cable franchise renewal for the Borough of Malvern. This public hearing is held pursuant to Section 626 of the federal Cable Act, which sets forth the process for franchise renewal. The Borough current franchise with Comcast is within the industry norm renewal window, and the Borough is beginning the process of renewing the franchise.

This public hearing is part of the preliminary portion of franchise renewal in which the Borough reviews the cable operator's past performance and identifies the Borough future cable-related community needs. As such, as part of this public hearing, we invite comments from any citizens who wish to speak regarding either or both of the aforementioned subjects.

Franchise renewal is the best opportunity for municipalities to assert their rights with respect to their cable operator and to obtain important benefits in return for granting the cable operator the right to use their public rights-of-way. These benefits include:

- *A State-of-the-Art Cable System now and in the future;*
- *Strong Customer Service Standards;*
- *Free Services to Community Facilities;*
- *Better Reporting Requirements from the Cable Operators;*
- *Maximized Franchise Fees;*
- *Public, Educational and Governmental (PEG) Channel(s) (if desired);*
- *PEG Capital Support Funding (if desired);*
- *Legal Protections of the Rights-of-Way; and*
- *Better Mechanisms to Enforce the Franchise Agreement.*

These are just some of the potential benefits available through franchise renewal. Citizens may address these items or any other cable-related items that are important to them. The hearing is now open to the public for citizen comments.

MOTION: To adopt the cable franchise renewal for the Borough of Malvern

5. UNFINISHED BUSINESS

a. ZONING HEARING BOARD

There are no new applications before the Zoning Hearing Board. The August 22, 2022 hearing has been cancelled.

6. NEW BUSINESS

a. TRASH DISCUSSION

The final option on the current trash and recycling collection contract with Charles Blosenski Disposal Co. expires July 31, 2023.

The Borough Manager recently reached out to Charles Blosenski Disposal Co. requesting a six (6) month extension of the contract to line up with the calendar and fiscal years. The Borough's request was denied due to rising costs of the trash industry. The Borough will need to bid the trash contract early in 2023 and may ask for an eighteen (18) month contract as part of our requirements. Additionally, Chester County Solid Waste Authority has agreed to assist the Borough with creating bid specifications. The purpose of the discussion this evening is to understand how Borough Council would like to move forward.

b. FIREWORKS DISCUSSION

The PA fireworks law has been amended to allow municipalities to set and enforce local rules. The amendments take effect in 60 days. Borough Council will discuss if there need to local restrictions enacted.

7. PUBLIC FORUM

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

8. BOROUGH COUNCIL VACANCY – NOMINATIONS TO FILL VACANCY

Borough Council will accept nominations to the fill the vacancy that currently exists. Borough Council will then appoint one of the nominated candidates at its August 16, 2022 meeting, pursuant to the Borough's Home Rule Charter. The individual appointed will complete a term that expires in January, 2024. The notice of vacancy was published in the July 23, 2022 edition of the Daily Local News, as required, as well as on the Borough website.

9. ADJOURNMENT

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MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

July 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 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, as amended regarding the introduction of Part-time Officer Erik Dresden, carried by a vote of 6-0, to approve the agenda for the July 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 recorded the meeting via ZOOM.

Council President Finkbiner requested as a courtesy, if you are participating via ZOOM, please turn on your camera while speaking.

Council President Finkbiner announced the Borough Council met in Executive Session on July 19, 2022 prior to this evening's meeting with the Borough Solicitor, to discuss pending litigation and a code enforcement issue.

Mayor Uzman read a statement regarding the May 19, 2022 Charleston Green matter regarding the Malvern Borough Police Department. The statement regarding this matter will be posted on the Borough website.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Niemiec, seconded by Council Member Phillips, and carried by a vote of 6-0, to approve the minutes from the Tuesday, June 21, 2022 regular meeting of Borough Council as presented.

b. APPROVAL OF REPORTS

A motion was made by Council Member Phillips, seconded by Council Member Niemiec, and carried by a vote of 6-0, 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's Report for the month of June 2022, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

Council Member Laney stated that the Finance & Administration Committee met on Tuesday July 12, 2022 at 2PM to discuss the following:

- Malvern Library Lease Update
- Malvern Fire Company
- Ruthland Avenue Stop Sign Analysis by Traffic Engineer – Quote discussed
- Borough Policy Manual – Discussion
- 2022 & 2023 Budget – Discussion occurred on the planning timeline and creating various new line items for budget transparency
- Year 2023 Trash Hauler & Contract as of July 1, 2023 – Bid Process
- AMS & ClearGov Financial Product Quotes to Digitalize the Annual Budget for the Public on the Borough's Website – Quotes were discussed
- AMS Software Update for Code Enforcement Integration with our existing Financial Software – The Office has switched to this provider for a minimal cost due to offering greater services.
- Borough Money Market Funds – Discussion of funds to be transferred to make a higher ROI
- ZOOM Meeting Policies – Borough Solicitor to research and advise accordingly.

The Main Street Manager and AMS Software Web Portal matters were tabled due to time constraints.

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 has not met since the last Borough Council meeting.

5. SPECIAL BUSINESS

a. INTRODUCTION OF PART-TIME POLICE OFFICER ERIK DRESDEN

Police Chief Marcelli introduced Officer Erik Dresden to Malvern Borough. Borough Council and the Community welcomed Officer Dresden.

b. RESIGNATION FROM BOROUGH COUNCIL – JAMIE GROSSMAN

Council President Finkbiner announced that Jamie Grossman has resigned from Malvern Borough Council for family reasons. Malvern Borough thanks her for her commitment to the Borough and dedicated service over the years. Pursuant to the Malvern Borough Home Rule Charter, the vacancy

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will be advertised, and Borough Council will accept nominations on August 2, 2022 and make an appointment on August 16, 2022. The individual appointed will complete a term that expires on January 1, 2024.

Mr. John Buckley, Church Street, commented on Jamie Grossman's resignation.

A motion was made by Council Member Laney, seconded by Council Member Phillips, and carried by a vote of 6-0, to accept the resignation of Jamie Grossman from Malvern Borough Council.

c. GREENSTONE DEVELOPMENT (GABLES SUBDIVISION) LOCATED AT 217 WARREN AVENUE - ESCROW RELEASE NO. #7

Council President Finkbiner explained that the Borough Engineer has recommended a partial release for the lighting, stormwater fee, and Warren Avenue / Second Avenue fee-in-lieu at this time in the amount of \$33,950.00. The lighting is complete and found to be adequate and the fees have been submitted to the Borough. A remaining balance of escrow funds totals \$31,993.43 for all outstanding items to be completed.

A motion was made by Council Member Phillips, seconded by Council Member Riccetti, and carried by a vote of 6-0, to authorize escrow release #7 totaling \$33,950.00 as recommended by the Borough Engineer pursuant to EB Walsh's June 19, 2022 recommendation letter.

6. UNFINISHED BUSINESS

a. MALVERN LIBRARY LEASE RENEWAL

Council President Finkbiner & Borough Solicitor McLean explained that the Borough Council is discussing to authorize the Malvern Library lease with Malvern Borough for 10 (ten) years with one 10 (ten) year renewal option. The terms and conditions of the proposed lease are similar to the existing lease. The proposed lease is to industry standards and formalizes the lease process.

A motion was made by Council Member Phillips, seconded by Council Member Riccetti, and carried by a vote of 6-0, to approve the Malvern Library lease as presented.

b. COMMUNITY INSTALLATION PROCESS APPLICATION RECEIVED FROM MALVERN LIBRARY

Council President Finkbiner and Borough Solicitor McLean explained that the Malvern Library has requested to install a bench, six Adirondack chairs, and four tables on the back portion of the Malvern Borough Property, located adjacent to Channing Avenue. These pieces would be for individual patron use and library programming events including children's events which would occur during the daytime hours. These chairs would be available for public use unless otherwise reserved for library use.

Borough Manager Loomis confirmed that the Public Works Sub-Committee recommended approval of the community installation process application.

Mrs. Maggie Stanton, Director of Malvern Library, presented the application on behalf of the library.

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Borough Council inquired about using recyclable plastics for the furniture and thanked the Library for creating a pocket park for the Community to par-take in.

A motion was made by Council Member Phillips, seconded by Council Member Riccetti, and carried by a vote of 6-0, to approve the location of the Malvern Library Furniture in the rear of Borough Hall as presented.

b. ZONING HEARING BOARD

There are no new applications before the Zoning Hearing Board.

7. NEW BUSINESS

There is no new business before Borough Council.

8. PUBLIC FORUM

Mr. John Buckley, Church Street, commented about the traffic controls located at the cross-roads of Bridge and King Streets and correspondence he received in the mail.

Ms. Sid Baglini, Channing Avenue, commented on the Borough's sidewalks in relation to her property.

Mr. Hugo Schmidt, Channing Avenue, commented on emergency services that are available to the public.

Mr. Frank Ortner, Paoli Memorial Association, commented on the pump track.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Niemiec, seconded by Council Member Phillips, and carried by a vote of 6-0, to adjourn the meeting at 8:21.

Respectfully submitted,
Tiffany M. Loomis
Borough Manager/Secretary