

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

December 15, 2020
7:30 P.M.

Borough Council Meeting Dial-In Information: 1-877-853-5247 (toll-free)

Meeting link: <https://us02web.zoom.us/j/88597992746>

When prompted, enter the following meeting ID, followed by the “#” symbol: 885 9799 2746. You will be placed in the waiting room and admitted by the host.

This evening’s Borough Council meeting is being conducted via virtual conferencing methods. The public is invited to participate via telephone or video conferencing. Malvern Borough is not liable for any computer security problems that participants may experience.

To unmute if using audio via telephone, please enter *6.

During this meeting, public comment will be handled as follows:

- **Participants will be asked to identify themselves when being accepted into the meeting.**
- **The public will be muted during the meeting when the members of Borough Council are speaking.**
- **For each agenda item, the public will be unmuted and given an opportunity to comment and ask questions.**
- **Public Comment received via email will be read by the Borough Manager either during the topic on the agenda or the general “Public Forum” period.**
- **Participants wishing to comment must state their name and must speak one at a time.**

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: David B. Burton, Mayor

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 December 15, 2020 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. Due to the Christmas and New Year's Day holidays, trash and recycling collection will occur on Saturday, December 26, 2020 and Saturday, January 2, 2021 instead of the normal Friday collection days.
- c. The Malvern Public Library has partnered with the Chester County Girl Up Club for a personal care item donation drive from December 14, 2020 until December 20, 2020. All items will be delivered to the Maternal and Child Health Consortium, along with No More Secrets. A donation bin is located outside of Borough Hall during normal business hours.
- d. The Malvern Parks & Recreation Committee is sponsoring a food drive in partnership with the Chester County Food Bank. Non-perishable food items are being accepted. Donations will be accepted until December 23, 2020. A donation bin is located outside of Borough Hall during normal business hours.
- e. Borough Hall will be closed on December 25, 2020 and January 1, 2021 in recognition of the Christmas and New Year's Day holidays, respectively.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the meeting held on Tuesday, December 1, 2020 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 November 2020, as submitted.

c. BOROUGH COUNCIL COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

5. SPECIAL BUSINESS

a. ADOPTION OF THE PROPOSED BUDGET FOR 2021

MOTION: To adopt the proposed budget for the Borough of Malvern for fiscal year 2021 as presented.

The proposed budget was advertised in the November 20, 2020 edition of the Daily Local News and posted on the Borough website for public review as required. A public hearing was conducted on December 1, 2020. There is no tax increase outlined, but a sewer rate increase to the variable rate is included.

b. ORDINANCE NO. 2020 – 6: FIXING THE TAX RATE FOR 2021

- PUBLIC HEARING: Council President Finkbiner announces that Borough Council will now open a public hearing to consider Ordinance No. 2020 – 6. This ordinance will fix the tax rate for 2021 as required by the Malvern Borough Home Rule Charter. The Notice of Public Hearing was published in the December 4, 2020 edition of the Daily Local News, as required, as well as posted on the Borough website.
- ADOPTION – ORDINANCE NO. 2020 – 6: FIXING THE TAX RATE FOR 2021

MOTION: To adopt Ordinance No. 2020 – 6, fixing the tax rate for the Borough of Malvern for the year 2020 as follows:

Tax Rate for General Purposes:	4.6700 Mills, 46.700 Cents
Total:	4.6700 Mills, 46.700 Cents

c. ORDINANCE NO. 2020 – 7: AMENDMENT TO CHAPTER 168 (SEWERS)

- PUBLIC HEARING: Council President Finkbiner announces that Borough Council will now open a public hearing to consider Ordinance No. 2020 – 7. This ordinance would increase the variable sewer rate for usage over 5,000 gallons per quarter from \$4.00/1,000 per quarter to \$6.00/1,000 gallons per quarter as outlined in the 2021 budget. The Notice of Public Hearing was published in the December 4, 2020 edition of the Daily Local News, as required, as well as posted on the Borough website.
- ADOPTION – ORDINANCE NO. 2020 – 7: FIXING THE TAX RATE FOR 2021

MOTION: To adopt Ordinance No. 2020 – 7, amending section 168-7.A.(2) of the Malvern Borough Code of Ordinances in order to increase the variable rate from \$4.00/1,000 gallons of usage over 5,000 gallons to \$6.00/1,000 gallons of usage over 5,000 gallons.

d. RESOLUTION NO. 818 – APPOINTMENT OF CPA FOR THE YEAR 2020 – GEORGE FIEO (PETERSON, FIEO, & CO. LLP)

MOTION: To adopt Resolution No. 818, a resolution appointing George Fieo, Certified Public Accountant, of Peterson, Fieo, & Co. LLP, as the independent auditor to audit the financial records of the Borough of Malvern for the year ending December 31, 2020 at a cost of \$12,710 plus expenses.

George Fieo, CPA of Peterson, Fieo, & Co. LLP has submitted their proposal for completing the 2020 audit for Malvern Borough. The cost outlined includes the annual financial audit and completion of the five-year Financial Monitoring System.

e. FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE BOROUGH OF MALVERN

MOTION: To adopt the updated five-year (2021 – 2025) Capital Improvement Program for the Borough of Malvern.

Pursuant to the Borough's Administrative Code, an update to Malvern Borough's five-year Capital Improvement Program has been prepared as part of the 2021 budgeting process. This document is utilized as a budgeting tool and may be revised as Council sees fit. The updated Capital Improvement Program was reviewed by the Finance & Administration Committee at their meeting on October 13, 2020.

f. CITIZEN COMMITTEE APPOINTMENTS

MOTION: To reappoint the following members to the Planning Commission for a 4 year term to expire on January 1, 2025:

- Mark Niemiec, Scott Oswald, and Carroll Sinquett

MOTION: To reappoint the following members to the Zoning Hearing Board for a 3 year term to expire on January 1, 2024:

- Kas Jaunzemis and Lloyd Stackhouse (alternate)

MOTION: To reappoint the following members to the Civil Service Commission for a 6 year term to expire on January 1, 2027:

- Lori Coyle

MOTION: To reappoint the following members to the Shade Tree Commission for a 5 year term to expire on January 1, 2026:

- Joseph Bones

MOTION: To reappoint the following members to the Parks & Recreation Committee for a 5 year term to expire on January 1, 2026:

- Jennifer Benson, Helise Bichesky-Reilly, John Finkbiner, and Erin Sheffield

MOTION: To reappoint the following members to the Historical Commission for a 5 year term to expire on January 1, 2026:

- Ian Duncan and Lynne Frederick

g. EXPANDED OUTDOOR DINING FORBEARANCE AGREEMENTS

- Restaurant Alba – 60-day extension

Restaurant Alba is requesting a 60-day extension of their existing agreement for outdoor dining during the COVID-19 pandemic. All existing conditions are proposed to remain in place.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

a. Escrow Release Requests

- 13 Lovers Lane – Providence One Builders – Release Request #2
- 11 Griffith Avenue – Renehan Builders – Release Request #2
- 217 S. Warren Avenue – Greenstone Development II Corp./TAG Builders – Release Request #5

Escrow release request #2 for the approved subdivision and land development project at 13 Lovers Lane is before Borough Council. The amount requested for release is \$13,155.39. A recommendation from the Borough Engineer is before Borough Council.

Escrow release request #2 for the approved subdivision and land development project at 11 Griffith Avenue is before Borough Council. The amount requested for release is \$18,484.92. A recommendation from the Borough Engineer is before Borough Council.

Escrow release request #5 for the approved subdivision and land development project at 217 S. Warren Avenue is before Borough Council. The amount requested for release is \$35,215.00. A recommendation from the Borough Engineer is before Borough Council.

b. 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