

AGENDA - *REVISED*

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

December 21, 2021
7:30 PM

As Chester County has been defined by the Centers for Disease Control & Prevention (CDC) as a county with substantial transmission of COVID-19, masks are required for all in-person attendees.

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: 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 Niemiec
Council Member Phillips
Council Member Raynor
Mayor Burton

2. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the December 21, 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 Hall will close at 3PM on Thursday, December 23, 2021 and Thursday, January, 30, 2021 in recognition of the Christmas and New Year's Day holidays, respectively.
- c. Borough Hall will be closed on Friday, December 24, 2021 and Friday, December 31, 2021 in recognition of the Christmas and New Year's Day holidays, respectively.
- d. The next meeting of Borough Council will be Monday, January 3, 2022 at 7:45pm.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the meeting held on Tuesday, December 7, 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 November 2021, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

5. SPECIAL BUSINESS

a. BOROUGH MANAGER APPOINTMENT

MOTION: To appoint Tiffany M. Loomis, Interim Borough Manager as the Malvern Borough Manager as of December 21, 2021, pursuant to the Home Rule Charter stating that Council shall appoint the Manager and fix his or her compensation by a majority vote of the total members, as well as ratify the offer letter dated November 10, 2021 from Borough Council.

b. ADOPTION OF THE PROPOSED BUDGET FOR 2022

MOTION: To adopt the proposed budget for the Borough of Malvern for fiscal year 2022 as presented.

The proposed budget was advertised in the December 13, 2021 edition of the Daily Local News and posted on the Borough website for public review as required. A public hearing was

conducted on December 7, 2021. There is no millage tax increase outlined, but a realty transfer tax increase and sewer rate increase to the variable rate are included.

c. ORDINANCE NO. 2021 – 10: AMENDMENT TO CHAPTER 185 (TAXATION)

- PUBLIC HEARING: Council President Finkbiner announces that Borough Council will now open a public hearing to consider Ordinance No. 2021 – 10. This ordinance will increase the realty transfer realty tax to 1.5% as outlined in the 2022 budget. Notice of Public Hearing was published in the December 13, 2021 edition of the Daily Local News, as required, as well as posted on the Borough website.
- ADOPTION – ORDINANCE NO. 2021 – 10: REALTY TRANSFER TAX INCREASE TO 1.5%

MOTION: To adopt Ordinance No. 2021 – 10, to increase the realty transfer realty tax to 1.5% as outlined in the 2022 budget.

d. ORDINANCE NO. 2021 – 11: AMENDMENT TO CHAPTER 168 (SEWER)

- PUBLIC HEARING: Council President Finkbiner announces that Borough Council will now open a public hearing to consider Ordinance No. 2021 – 11. This ordinance would increase the variable sewer rate for usage over 5,000 gallons per quarter from \$6.00/1,000 per quarter to \$9.00/1,000 gallons per quarter as outlined in the 2022 budget. The Notice of Public Hearing was published in the December 13, 2021 edition of the Daily Local News, as required, as well as posted on the Borough website.
- ADOPTION – ORDINANCE NO. 2020 – 11: FIXING THE SEWER RATE FOR 2022

MOTION: To adopt Ordinance No. 2020 – 11, amending section 168-7.A.(2) of the Malvern Borough Code of Ordinances in order to increase the variable rate from \$6.00/1,000 gallons of usage over 5,000 gallons to \$9.00/1,000 gallons of usage over 5,000 gallons.

e. ORDINANCE NO. 2021 – 12: FIXING THE TAX RATE FOR 2022

- PUBLIC HEARING: Council President Finkbiner announces that Borough Council will now open a public hearing to consider Ordinance No. 2021 – 12. This ordinance will fix the tax rate for 2022 as required by the Malvern Borough Home Rule Charter. The proposed rate is the same as 2021. The Notice of Public Hearing was published in the December 13, 2021 edition of the Daily Local News, as required, as well as posted on the Borough website.
- ADOPTION – ORDINANCE NO. 2021 – 12: FIXING THE TAX RATE FOR 2022

MOTION: To adopt Ordinance No. 2021 – 12, fixing the tax rate for the Borough of Malvern for the year 2022 as follows:

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

f. RESOLUTION NO. 826 – APPOINTMENT OF CPA FOR THE YEAR 2022 – GEORGE FIEO (PETERSON, FIEO, & CO. LLP)

MOTION: To adopt Resolution No. 826, 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, 2022 at a cost of \$12,970 plus expenses.

George Fieo, CPA of Peterson, Fieo, & Co. LLP has submitted their proposal for completing the 2022 audit for Malvern Borough.

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

MOTION: To adopt the five-year (2021 – 2025) Capital Improvement Program for the Borough of Malvern. Pursuant to the Borough's Administrative Code, the Malvern Borough's five year Capital Improvement Program has been prepared as part of the 2022 budgeting process and carried over from the previous year. This document is utilized as a budgeting tool and may be revised as Council sees fit. The Capital Improvement Program was reviewed by the Finance & Administration Committee in October 2020.

h. RESOLUTION NO. 827 – CHESTER COUNTY HAZARD MITIGATION PLAN

MOTION: To adopt Resolution No. 827, a resolution adopting the Chester County 2021 Hazard Mitigation Plan of the Borough of Malvern and respective officials and agencies identified in the implementation strategy of the Chester County 2021 Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.

Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires State and local governments to develop and submit for approval to the President a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities.

i. CITIZEN COMMITTEE APPOINTMENT CONSIDERATION(S)

MOTION: To reappoint the following members to the Planning Commission for a 4 year term to expire on January 1, 2026:

- Chris Mongeau and Zoe Warner

MOTION: To reappoint the following members to the Zoning Hearing Board for a 3 year term to expire on January 1, 2025:

- John Kohler and Robert Barrett (Alternate)

MOTION: To reappoint the following members to the Historical Commission for a 5 year term to expire on January 1, 2027:

- Catherine Raymond and Barbara Stergiades

MOTION: To reappoint the following members to the Environmental Advisory Council for a 3 year term to expire on January 1, 2025:

- Tiffany Brouillet and Dan Kunze

6. UNFINISHED BUSINESS

a. Zoning Hearing Board

There was one (1) application before the Zoning Hearing Board as of recent. The hearing for 128-142 E. King Street, appealing the Zoning Officer's Notice of Violation regarding the junk yard use of the property, has been rescheduled for Monday, January 24, 2022.

7. NEW BUSINESS

8. PUBLIC FORUM

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

9. ADJOURNMENT