

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

April 4, 2023
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: Joseph Bones, Acting President

INVOCATION: Zeyn B. Uzman, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:
Council President Finkbiner
Council Acting President Bones
Council Member Frederick
Council Member Laney
Council Member Niemiec
Council Member Phillips
Council Member Riccetti
Mayor Uzman

1. ANNOUNCEMENTS

- a. Anyone present who is recording the meeting is asked to announce so at this time, in accordance with Resolution No. 840.
- b. As a courtesy, if you are participating via Zoom, please turn your camera on while speaking.
- c. The Parks & Recreation Committee is hosting the Egg Hunt Event located at the Paoli Battlefield on Saturday, April 8, 2023 at 11AM. Hope to see you there!

2. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the April 4, 2023 meeting of Borough Council as presented.

3. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the regular meeting held on Tuesday, March 21, 2023 as presented.

b. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

- Finance & Administration
- Public Works
- Public Safety

The Finance & Administration and Public Works Sub-Committees have not met since the last Borough Council meeting.

The Public Safety Sub-Committee meeting on Monday, March 27, 2023 and discussed the following:

- Year 2023 & 2024 Trash Bid
- Crosswalk Studies on King Street – Status of Quotes
- 2018 Multimodal Study
- Baptist Church Cemetery – Tree Removal of Dying Tree
- 202 W. King Street – Status of building renovation from fire
- Telephone Pole located at Warren Avenue near Monument Avenue
- Body and Dash Camera Quotes for MBPD

4. SPECIAL BUSINESS

a. INTRODUCTION OF PART-TIME POLICE OFFICER PATRICK ROSE

Mayor Uzman will formally introduce part-time Police Officer Patrick Rose.

b. SURFIN' USA EVENT – MBPA SPONSORED

MOTION: To authorize the MBPA, Dressler Estate Cider, Locust Lane Beer, and PA Distilling Spirits to utilize the municipal lot for a beer/ wine garden, adjacent to Wolfe's Brass, for the "SURFIN' USA" event scheduled for Saturday, May 6, 2023, pursuant to the Borough Solicitor's conditions and approval by the Pennsylvania Liquor Control Board, as well as pay for the Malvern Borough Police detail associated with this event from the American Rescue Act funds.

The MBPA is hosting the "SURFIN' USA" event on Saturday, May 6, 2023 and is requesting approval to have alcoholic drinks available for purchase in the municipal lot adjacent to Wolfe's Brass. The providers will be Dressler Estate Cider, Locust Lane Beer, and PA Distilling Spirits. Additionally, Borough Council will be discussing if the Malvern Borough Police detail associated with this event will be paid from the American Rescue Act Funds.

c. BID AWARD FOR HIGHLAND AVENUE & KING STREET

MOTION: To authorize Jena Asphalt Solutions, Inc. of Spring City to complete the Highland Avenue and King Street paving project in the amount of \$88,723.95.

Jena Asphalt Solutions, Inc. of Spring City, PA, was the low bidder and has submitted the necessary documents including the Bid Bond, Anti-Collusion Affidavit, Workmen's Compensation Act Affidavit and the Public Works Employment Verification Form. The Borough Engineer has reviewed the submitted bid documentation and found it to be adequate. The Borough Engineer recommends the project be awarded to Jena Asphalt Solutions, Inc. in the amount of Forty Thousand dollars and 00/100 cents (\$40,000.00). Please note, the estimated material costs for this project will be approximately \$48,723.95 for a total project cost of \$88,723.95. \$139,059 is currently budgeted to complete these road improvements.

5. UNFINISHED BUSINESS

a. ORDINANCE NO. 2023-01 – PROVIDING FOR AN ALTERNATE MEMBER FOR THE ENVIRONMENTAL ADVISORY COUNCIL

- **PUBLIC HEARING:** Council President Finkbinder announces that Borough Council will now open a public hearing to consider Ordinance No. 2023 – 01. This ordinance will amend Chapter 25, Section 25-29, of the code of Ordinances of the Borough of Malvern, Pennsylvania, being the administrative code, providing for an alternate member for the Environmental Advisory Council. Notice of Public Hearing was published in the March 25, 2023 edition of the Daily Local News, as required, as well as posted on the Borough website.
- **ADOPTION OF ORDINANCE NO. 2023-01:** To provide for an alternate member for the Environmental Advisory Council.

MOTION: To adopt Ordinance No. 2023 – 01, to provide for an alternate member for the Environmental Advisory Council.

b. APPOINTMENT OF ALTERNATE MEMBER TO THE ENVIRONMENTAL ADVISORY COUNCIL

MOTION: To appoint Mr. Eric Beauregard to the Environmental Advisory Council as an alternate member with a term ending 12/31/2025 as presented.

The Environmental Advisory Council (EAC) recommended unanimously at their February 23, 2023 the following actions be considered by Borough Council:

- *A motion to recommend Eric Beauregard to the Council for the alternate position, if approved by Borough Council. This motion was made by Joanne Zhou, seconded by Christine Hafer, and carried by a vote of 5-0.*

c. ZONING HEARING BOARD

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

6. NEW BUSINESS

a. PICNIC IN THE PARK LOCATED AT PAOLI MEMORIAL GROUNDS – DONATION REQUEST

Mr. Frank Ortner is proposing and requesting funding to hold a "Picnic in the Park" event located at the Paoli Memorial Grounds in conjunction with the annual Malvern Memorial Parade. The picnic entails entertainment by the Chester County String Band providing seating for 90 patrons. The total cost for the string band performance is \$1,550 and the chair rental cost totals \$253.10 for a grand total request of \$1,803.10 to be donated by Malvern Borough. Borough Council will discuss this request and may motion to authorize the donation.

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

March 21, 2023
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. ANNOUNCEMENTS

Council President Finkbiner asked in accordance with Resolution No. 840 if any member of the audience was recording the meeting. Several people recorded the meeting.

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

Council President Finkbiner announced that Borough Council met in executive session on March 21, 2023 prior to this evening's meeting to discuss matters related to collective bargaining.

Council President Finkbiner announced that the Parks & Recreation Committee is hosting the Egg Hunt event on Saturday, April 8, 2023 @ 11AM located at the Paoli Battlefield

3. APPROVAL OF AGENDA

A motion was made by Council Member Laney, seconded by Council Member Niemiec, carried by a vote of 7-0, to approve the agenda for the March 21, 2023 meeting as presented.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

A motion was made by Council Member Laney, seconded by Council Member Riccetti, and carried by a vote of 7-0, to approve the minutes from the Tuesday, March 7, 2023 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 7-0, 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 February 2023, as submitted.

c. BOROUGH COUNCIL SUB-COMMITTEE REPORTS

The Finance & Administration Sub-Committee met on March 8, 2023 and discussed the following:

- Trash Bid for Years 2023 & 2024
- Collective Bargaining Agreement for the Malvern Borough Police
- DVHIT Health Insurance Programs – PPO versus HMO
- Memorial Parade & Spaghetti Dinner – Malvern Borough Insurance Rider

The Public Works Sub-Committee met on March 14, 2023 and discussed the following:

- Road Paving Program
- Old Lincoln Highway Infrastructure Improvement Project
- Jennings Lane Bid
- North Warren Avenue Streambank Stabilization Project
- Malvern Prep Trail
- Randolph Woods Nature Preserve Project – Phases I, IA, and 2
- Quann Park Basketball Court Lighting Request
- EV Charging Station Grant Opportunity through PennDot

Mrs. Jennifer Chomko commented on Quann Park and inquired about the recent improvements made to the Park.

The Public Safety Sub-Committee has not met since the last Borough Council meeting and is scheduled to meet on March 27, 2023.

5. SPECIAL BUSINESS

a. REGIONAL FIRE STUDY

Council President Finkbiner explained that East Whiteland and Charlestown Townships, including their Fire Companies, have invited Malvern Borough and Malvern Fire Company to participate in a Regional Fire Study. The Malvern Fire Company Board agreed and voted upon participating in this study at their Monday, March 13, 2023 board meeting.

Borough Council discussed this matter and is in support.

Mr. John Buckley commented and inquired if there was any cost for having the study completed.

Borough Manager Loomis clarified that there is not cost for the study to be completed.

A motion was made by Council Member Laney, seconded by Council Member Frederick, and carried by a vote of 7-0, to authorize a Regional Fire Study application submission to the Department of Community and

Economic Development in cooperation with East Whiteland and Charlestown Townships.

6. UNFINISHED BUSINESS

a. TRASH BID FOR YEARS 2023 & 2024

Council President Finkbiner explained that the trash contract concludes with A.J. Blosenski as of June 30, 2023. New rates are anticipated to be substantially higher due to inflation. The Borough must solicit bids for a new provider and may specify multiple service options in order to compare pricing. Potential service options include reducing collection to one day per week, requiring residents to use bins provided by the trash company, and/or revering bulk trash pickup to twice per year. The Finance and Administration Sub-Committee met on March 8, 2023 suggesting obtaining a price for services as they currently exist, as well as service pick up for 1 day a week with trash bins provided by the trash company. The F&A Sub-Committee also suggested the initial contract be for 18 months in order to align the trash contract with the budget cycle.

Borough Council discussed the various bid options to be distributed.

Mr. Joe Rubino, Mrs. Jennifer Chomko, and Mr. John Buckley commented on the Borough's trash services.

Mr. Hugo Schmitt commented that Waste Connections bought A.J. Blosenski.

Mrs. Sid Baglini commented on composting program referencing Radnor Township.

A motion was made by Council Member Laney, seconded by Council Member Frederick, and carried by a vote of 7-0, to authorize the trash contract be bid for the same services currently offered, for the same services offered with uniform trash bins provided by the trash company, and collection once a week without uniform trash bins, having bulk pick up occur semi-annually. The initial contract term shall be 18 months, with one or two 12-month option periods.

a. ZONING HEARING BOARD

Council President Finkbiner explained that there are no new Zoning Hearing Board applications before the Zoning Hearing Board.

7. NEW BUSINESS

a. NATIONAL WILDLIFE FEDERATIONS'S MAYOR'S MONARCH PLEDGE

Mayor Uzman gave a presentation on the National Wildlife Federation's Mayor's Monarch pledge, a national coalition of mayors and heads of local and tribal governments recognized across the U.S. for their efforts to sustain the monarch butterfly population for generations to come. The Mayors' Monarch Pledge is currently accepting pledges until March 31, 2023. He explained that action items are required to be submitted to initiate the pledge.

Dr. Helise Bichefsky, DO is in support of the Mayor's Monarch Pledge.

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Mrs. Jennifer Chomko is in support of the Mayor's Monarch Pledge and offered to have the children partake in the project.

Mrs. Sid Baglini is in favor of the project and offered an informative background and education on butterflies regarding their benefit to the environment.

Mr. John Buckley commented on the food source for the butterflies and areas that would support such.

8. PUBLIC FORUM

Dr. Helise Bichesky, DO invited the public to the Egg Hunt hosted by the Parks and Recreation Committee.

Mrs. Jennifer Chomko thanked the Borough for contacting St. Patrick's Church to address the dismissal safety issue. She requested that enclosures and/or different dog waste bins be placed on Second Avenue. The Borough Manager will look into this matter.

Borough Manager Loomis thanked Assistant Manager Badman for her time and effort in installing the new sound system that was used this evening.

Chief Marcelli thanked Gina Jones for her efforts in obtaining a \$20,000 document retention grant for the Malvern Borough Police Department.

9. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Laney, seconded by Council Vice President Bones, and carried by a vote of 7-0, to adjourn the meeting at 9:12PM.

Respectfully submitted,
Tiffany M. Loomis Borough
Manager/Secretary



EDWARD B. WALSH & ASSOCIATES, INC.
Complete Civil Engineering Design / Consultation Services
Whiteland Business Park
855 Springdale Drive, Suite 202
Exton, PA 19341

March 30, 2023

Ms. Tiffany Loomis, Borough Manager
Malvern Borough
1 E. 1st Avenue - Suite 3
Malvern, Pennsylvania 19355

Re: Bid Recommendations - 2023 Malvern Borough
Paving Project – Highland Avenue & W. King Street
EBWA Project #2780-56

Dear Ms. Loomis:

As requested by your office, I have reviewed the bid package and results for the Highland Avenue & W. King Street paving project. The bids were received electronically utilizing PennBID on March 30, 2023 at 10:00am and the results are noted on the attached worksheet.

The low bidder, Jena Asphalt Solutions, Inc. of Spring City, PA, has submitted the necessary documents including the Bid Bond, Anti-Collusion Affidavit, Workmen's Compensation Act Affidavit and the Public Works Employment Verification Form. I have reviewed the submitted bid documentation and found it to be adequate. EBWA has worked with Jena Asphalt Solutions, Inc. on various small projects and found the quality of work to be good.

I recommend the project be awarded to Jena Asphalt Solutions, Inc. in the amount of Forty Thousand dollars and 00/100 cents (\$40,000.00).

Please note, the estimated material costs for this project will be approximately \$48,723.95 for a total project cost of \$88,723.95. If you should have any questions or require any additional information, please feel free to contact me.

Very truly yours,
EDWARD B. WALSH & ASSOCIATES, INC.
Malvern Borough Engineers

Kyle L. Wylie, E.I.T.

REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
Pennsylvania, New Jersey, Delaware & Maryland
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Established 1985

**2023 MALVERN BOROUGH PAVING PROGRAM -
HIGHLAND AVENUE & W. KING STREET BID RESULTS**

BID OPENING: March 30, 2023
10:00 AM

Description	Unit	Quantity	Jena Asphalt solutions inc	Long's Asphalt, Inc.	DiRocco Bros., Inc.	Innovative Construction Services
HIGHLAND AVENUE						
1 MILLING - 2" DEPTH	SY	3,516	\$3,516.00	\$10,899.60	\$10,442.52	\$13,888.20
2 SUPERPAVE 25 MM WMA BASE REPAIR	SY	620	\$2,170.00	\$12,617.00	\$8,996.20	\$7,750.00
3 DELIVER AND PLACE SUPERPAVE 9.5 MM WMA WEARING COURSE	SY	3,516	\$18,107.40	\$13,888.20	\$9,317.40	\$16,876.80
4 SWEEP AND TACK COAT	SY	3,516	\$0.00	\$1,406.40	\$6,328.80	\$2,566.68
5 JOINT SEAL	LF	928	\$0.00	\$649.60	\$1,670.40	\$510.40
6 MAINTENANCE AND PROTECTION OF TRAFFIC	LS	1	\$896.00	\$250.00	\$1,800.00	\$1,200.00
7 ASPHALT CURB	LF	252	\$1,008.00	\$504.00	\$5,292.00	\$3,024.00
W. KING STREET						
8 MILLING - 2" DEPTH	SY	1,448	\$1,448.00	\$4,488.80	\$4,488.80	\$9,267.20
9 SUPERPAVE 25 MM WMA BASE REPAIR	SY	240	\$840.00	\$4,884.00	\$5,856.00	\$6,240.00
10 DELIVER AND PLACE SUPERPAVE 9.5 MM WMA WEARING COURSE	SY	1,448	\$7,384.80	\$5,719.60	\$7,022.80	\$11,801.20
11 SWEEP AND TACK COAT	SY	1,448	\$3,258.00	\$579.20	\$4,054.40	\$1,737.60
12 JOINT SEAL	LF	855	\$0.00	\$598.50	\$1,624.50	\$427.50
13 MAINTENANCE AND PROTECTION OF TRAFFIC	LS	1	\$1,371.80	\$3,500.00	\$1,800.00	\$1,200.00
			\$40,000.00	\$59,984.90	\$68,693.82	\$76,489.58

**2023 MALVERN BOROUGH PAVING PROGRAM -
HIGHLAND AVENUE & W. KING STREET BID RESULTS**

BID OPENING: March 30, 2023
10:00 AM

Description	Unit	Quantity	John A. DiRocco General Contractors Inc.	Delaware Valley Paving
HIGHLAND AVENUE				
1 MILLING - 2" DEPTH	SY	3,516	\$13,888.20	\$10,548.00
2 SUPERPAVE 25 MM WMA BASE REPAIR	SY	620	\$9,610.00	\$21,830.20
3 DELIVER AND PLACE SUPERPAVE 9.5 MM WMA WEARING COURSE	SY	3,516	\$19,338.00	\$49,470.12
4 SWEEP AND TACK COAT	SY	3,516	\$2,039.28	\$1,511.88
5 JOINT SEAL	LF	928	\$510.40	\$788.80
6 MAINTENANCE AND PROTECTION OF TRAFFIC	LS	1	\$2,500.00	\$850.00
7 ASPHALT CURB	LF	252	\$3,780.00	\$3,024.00
W. KING STREET				
8 MILLING - 2" DEPTH	SY	1,448	\$9,991.20	\$8,079.84
9 SUPERPAVE 25 MM WMA BASE REPAIR	SY	240	\$7,680.00	\$12,837.60
10 DELIVER AND PLACE SUPERPAVE 9.5 MM WMA WEARING COURSE	SY	1,448	\$15,928.00	\$24,109.20
11 SWEEP AND TACK COAT	SY	1,448	\$1,679.68	\$622.64
12 JOINT SEAL	LF	855	\$940.50	\$726.75
13 MAINTENANCE AND PROTECTION OF TRAFFIC	LS	1	\$12,000.00	\$4,000.00
			\$99,885.26	\$138,399.03

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE BOROUGH OF MALVERN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 25, SECTION 25-29, OF THE CODE OF ORDINANCES OF THE BOROUGH OF MALVERN, PENNSYLVANIA, BEING THE ADMINISTRATIVE CODE, PROVIDING FOR AN ALTERNATE MEMBER FOR THE ENVIRONMENTAL ADVISORY COUNCIL.

WHEREAS, the Borough of Malvern (the “Borough”) is a borough located within the Commonwealth of Pennsylvania governed by its duly enacted Home Rule Charter, as amended; and

WHEREAS, the Borough has established an Environmental Advisory Council to provide guidance and support to Borough Council; and

WHEREAS, Borough Council deems it to be in the best interests of the Borough to provide for an alternate member for the Environmental Advisory Council.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE BOROUGH OF MALVERN AS FOLLOWS:

Section 1. Amendment to Section 25-29. Chapter 25, Section 25-29. N (1) of the Code of Ordinances of the Borough of Malvern, Pennsylvania, being the **Administrative Code, Advisory commissions and committees**, is hereby deleted in its entirety and amended to state the following:

(1) (a) The Environmental Advisory Council shall be composed of seven (7) members and one alternate member. The members shall be residents of the Borough; serve without compensation; and be appointed by the Borough Council as follows: two (2) members for a term of two (2) years; two (2) members for a term of three (3) years; and three (3) members for a term of four (4) years. On the expiration of the term of any member of the Environmental Advisory Council, his/her/their successor(s) shall be appointed by the Borough Council to serve for a term of three (3) years.

(b) Borough Council may appoint one (1) alternate member of the Environmental Advisory Council. The alternate member shall be a resident of the Borough and serve without compensation. The term of office for the initial alternate member shall expire December 31, 2025, and, upon expiration of the initial term, the alternate member shall be appointed to serve for a term of three (3) years. When seated, an alternate member shall be entitled to participate in all proceedings and discussions of the Environmental Advisory Council to the same and full extent as provided by law for the Environmental Advisory Council members, including, specifically, the right to cast a vote as a voting member during the proceedings.

Section 2. This Ordinance shall become effective five (5) days from enactment.

PASSED by Borough Council,

this **4th** day of **April, 2023**

Amy Finkbiner, PhD, President

APPROVED by the Mayor,

this **4th** day of **April, 2023**

Zeyn B. Uzman, Mayor

ENACTED,

this **4th** day of **April, 2023**

Tiffany M. Loomis,
Borough Manager/Secretary