

**RESOLUTION NO. 845**

**BOROUGH OF MALVERN  
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE BOROUGH COUNCIL, OF THE BOROUGH OF MALVERN,  
CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING  
THE MAIN STREET REVITALIZATION TASK FORCE.**

**WHEREAS**, businesses across the Commonwealth of Pennsylvania, including within the Borough of Malvern (“Borough”), have been undertaking efforts to recover from the economic downturn that resulted from the Covid-19 pandemic; and

**WHEREAS**, Borough Council (“Council” or “Borough Council”) of the Borough desires to assist the business community in revitalization efforts, particularly within the Borough; and

**WHEREAS**, Borough Council is authorized, pursuant to §§25-11 and 25-29.M of the Administrative Code of the Borough, as codified at Chapter 25 of the Code of Ordinances of the Borough of Malvern, Pennsylvania (the “Borough Code”), to establish ad hoc committees; and

**WHEREAS**, such ad hoc committees shall be created for only specific and temporary purposes; and

**WHEREAS**, Borough Council believes the establishment of an ad hoc committee to explore possibilities and options to assist the Malvern business community with the revitalization initiative, including structure; potential ordinance/policy revisions to encourage business development; potential beautification/physical improvements; organization and promotion of potential events to stimulate revitalization; and potential retention of consultants; and make recommendations to Borough Council regarding said options and possibilities; and

**WHEREAS**, the Borough desires to establish an ad hoc committee pursuant to §25-11 of the Administrative Code of the Borough to guide this process.

**NOW THEREFORE**, it is hereby **RESOLVED** by the Borough Council of the Borough as follows:

1. **Creation & Termination.** An *ad hoc* committee, known as the “Main Street Revitalization Task Force” (the “Task Force”), is hereby established by Borough Council. Except as may be extended by Borough Council via subsequent resolution, the Task Force shall continue until, and expire automatically upon, thirty (30) days after delivery to Borough Council of its final recommendation(s).
2. **Purpose.** The purpose of the Task Force shall be to explore possibilities and options to assist the Malvern business community with the revitalization initiative, including structure; potential ordinance/policy revisions to encourage business development; potential beautification/physical improvements; organization and promotion of potential

events to stimulate revitalization; and potential retention of consultants; and make recommendations to Borough Council regarding said options and possibilities.

**3. Task Force Composition and Presiding Officers.**

- a. **Membership.** The Task Force shall be comprised of five (5) members who shall be appointed, by formal motion, by Borough Council, at its sole discretion.
- b. **Ex Officio (Non-Voting) Members.** The Borough Council President shall be authorized to appoint *ex officio*, non-voting members of the Task Force who shall be entitled to attend any meeting of the Task Force or any subcommittee thereof. The following individuals shall be *ex officio*, non-voting members of the Task Force unless otherwise appointed by the Borough Council as a voting member of the Task Force:
  - i. the Mayor; and
  - ii. the Borough Manager (or her designee).
- c. **Removal.** Any member of the Task Force may be removed by Borough Council prior to the submission of the Task Force's final recommendation(s) to Borough Council and in accordance with laws of the Commonwealth of Pennsylvania.

**4. Progress Reports.** The Task Force shall submit periodic, written, interim progress and status reports to the Borough Council, via the Borough Manager, on a monthly basis.

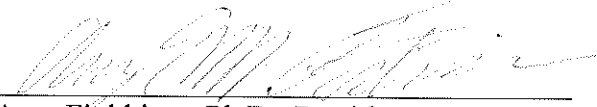
**5. Task Force Meetings & Operations.**

- a. The Task Force shall conduct any in-person deliberations of a quorum of the Task Force at public meetings (as defined by, and pursuant to, applicable law).
- b. The Borough Council President shall designate, from the voting Task Force members, a Chairperson of the Task Force who shall preside at all meetings. The Task Force itself shall, from among its members, appoint at least one of each of the following:
  - i. Vice Chairperson, who shall preside in the absence of the Chairperson; and
  - ii. Secretary, who shall be responsible for the taking of minutes at all meetings.
- c. The Borough Manager shall be authorized to advertise for the Task Force's meetings as required by law.
- d. Requests for access to, or services from, the Borough Engineer, Borough Solicitor, or any other professional or member of Borough Staff shall be made by the presiding officer of the Task Force through the Borough Manager. The Borough Manager, at his or her discretion, in consultation with Borough Council, and subject


to reasonable limitations and conditions, may provide for the benefit of the Task Force such resources, professional services, accommodations, or actions as may be required by law, expedient, or advisable for the purposes and requirements described herein.

- e. The Task Force shall be authorized, at the discretion of the Task Force's Chairperson, to conduct business in any reasonable manner, provided that such business is conducted in accordance with applicable law.
- f. The Task Force, on behalf of the Borough Council, shall be authorized to solicit and receive written or verbal comments from any municipality, property owner, or other interested party in relation to the matters which are the subject of the Task Force's work.
- g. Nothing herein shall prohibit the members of the Task Force from circulating proposed drafts, revisions, or comments regarding the same via electronic or other means, with the express intention of the Borough Council that such drafts, revisions, or comments of any voting or *ex officio* member of the Task Force be treated as the pre-decisional deliberations of the Borough, such that they shall not be a public record pursuant to Section 708(b)(10)(i)(A) of the Right-To-Know Law, 65 PS § 67.708.
- h. The Task Force shall be authorized to establish one or more subcommittees at the discretion of the Task Force's Chairperson, provided that the membership of such subcommittee(s) shall be limited so as to avoid the presence of a quorum of voting members of the Task Force as a whole at any subcommittee meeting.


Resolved by Borough Council this 2<sup>nd</sup> day of May, 2023.

  
\_\_\_\_\_  
Amy Finkbiner, Ph.D., President

Approved by the Mayor this 2<sup>nd</sup> day of May, 2023.

  
\_\_\_\_\_  
Zeyn B. Uzman, Mayor

Enacted this 2<sup>nd</sup> day of May, 2023.

  
\_\_\_\_\_  
Tiffany M. Loomis, Manager/Secretary

June 14, 2023

IRREVOCABLE STANDBY LETTER OF CREDIT NO. DRAFT  
EXPIRATION DATE: June 14, 2024

Borough of Malvern  
One East First Avenue, Suite 3  
Malvern, PA 19355

Re: Malvern Preparatory School

We hereby establish our Irrevocable Standby Letter of Credit No. Draft in favor of Borough of Malvern, hereinafter referred to as "Beneficiary", at the request of Malvern Preparatory School, hereinafter referred to as "Applicant", in an amount not to exceed in the aggregate Sixty-Three Thousand One Hundred Twenty-Six and 61/100 (\$63,126.61) U.S. Dollars.

Funds are available by your draft on us at sight, bearing the clause: "Drawn under TD Bank, N.A. Letter of Credit No. Draft dated June 14, 2023" and accompanied by the following documents:

1. This original Letter of Credit and any amendments thereto.
2. A certificate of the Engineer of Borough of Malvern stating that:

"Malvern Preparatory School has not performed in accordance with the terms and conditions of that certain Site Improvement Agreement between Malvern Preparatory School and Borough of Malvern."

It is a condition of this Letter of Credit that it will be extended automatically, without amendment, for additional periods of one (1) year from the present or each future expiration date, unless at least sixty (60) days prior to the then current expiration date, we notify you in writing by overnight courier, at the above address, that we elect not to renew this Letter of Credit for said additional period.

We hereby agree that draft(s) drawn under and in compliance with the terms of this Letter of Credit will be duly honored upon receipt of documents as specified above, which may be presented in person or sent via overnight courier at our office located at 6000 Atrium Way, Mt. Laurel, NJ 08054 on or before the expiration date noted above or any extended date.


Except so far as otherwise expressly stated herein, this Letter of Credit is subject to the "Uniform Customs and Practice for Documentary Credits (2007 Revision) International Chamber of Commerce, Publication No. 600."

**TO THE BENEFICIARY:**

**Please sign and date below to indicate your approval of this DRAFT.**

**Signing this draft simply indicates your acceptance of the above wording.**

**The authenticated letter of credit will be forwarded to you under separate cover.**

  
\_\_\_\_\_  
Beneficiary's Signature

Date 6-14-2023



June 14, 2023

VIA ELECTRONIC SUBMISSION

Ms. Tiffany M. Loomis  
Borough Manager  
Malvern Borough  
1 East 1<sup>st</sup> Avenue, Suite 3  
Malvern, PA 19355

RECEIVED

JUN 14 2023

BY: \_\_\_\_\_

**Reference:** *Malvern Preparatory School  
Tolentine Hall Addition  
Preliminary / Final Land Development Plan for Signatures  
Borough of Malvern, Chester County, PA  
Nave Newell No. 2015-007.08*

Dear Ms. Loomis:

On behalf of our client, Malvern Preparatory School, please find enclosed the following items for the Preliminary/Final Plan of the Tolentine Hall Addition proposed on the Campus of Malvern Preparatory School:

1. Preliminary / Final Land Development Plans (Sheets C0.0 through C8.1), dated December 5, 2022, and last revised on May 18, 2023.

We are submitting these plans for Borough signatures, so that they may be recorded with the County. Please have the Title Sheet (C0.0 / Sheet 1 of 12) signed by the Borough Engineer, the Borough Planning Commission, and the Borough Council. Please let me know when the plans have been signed, and are ready to be picked up and delivered to the County.

If you have any questions or need additional information, please contact me at (610) 265-8323 or via email at [jbannon@navenewell.net](mailto:jbannon@navenewell.net).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "JPB-KEN".

James P. Bannon, Jr., PE  
Civil Department Manager

JPB/KEN

Enclosures

cc via email: Ted Caniglia | Malvern Preparatory School

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