

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

November 18, 2008
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:
 - Council President Van Sciver
 - Council Vice President Raymond
 - Council Member Crawford
 - Council Member Edge
 - Council Member Lynch - ABSENT
 - Council Member Smith
 - Council Member Vike
 - Mayor McGlone - ABSENT

2. PUBLIC FORUM:

Council President informs all present that copies of the agenda are available at the press desk. This is a Public Session of Council. Should any citizen/taxpayer wish to offer comments on any item on the agenda, now is the time to bring those comments before Council. Are there any citizens/taxpayers who wish to bring before Council any item not on the agenda?

- a. John Buckley, 165 Church Street, questioned the following:
 - Enforcement of people parking in No Parking zones all day long.
 - Unregistered vehicles in yards
 - Removal by Borough of tree in the rear of his property
 - Questioned whether the proposed new curbs and sidewalks on Church Street would wrap around his property on to First Avenue. He expressed concern that when First Avenue was repaved, the street was raised.
- b. Tony Dufour, 25 W. Broad Street, reported that he had previously offered to put together a landscape plan for the pedestrian link from Randolph Woods to the battlefield property and the Memorial Grounds, and he has established a deadline going forward of March 1st for a capital design of Randolph Woods. He stated that he would be soliciting information for a design program and a use of the site that he would like to include in the design. It was suggested that he review the restrictions placed on the property by the Willistown Conservation Trust.
Council Member Vike stated that the Planning Commission had the Greenway Trail and Randolph Woods development on their permanent agenda and Tony should ask the Planning Commission for information. It was also suggested that Tony could conduct a brief questionnaire of what the citizens would like to see.
Wendy McLean, Esq., stated that she would provide the right-of-way information to Tony.

Council Member Edge feels that the Retreat should be approached again about the greenway trail along Second Avenue from Randolph Woods to the Paoli Battlefield. Council Member Vike stated that he would set up a meeting with Tony since he was in on the Planning Commission discussions.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Smith, seconded by Council Vice President Raymond and unanimously carried by a vote of 6-0, to approve the minutes of the meeting held on Tuesday, October 21, 2008, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice President Raymond, seconded by Council Member Edge and unanimously carried by a vote of 6-0, to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works and the Chief of Police Report, the Code Enforcement Officer's 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 October 2008 as submitted.

5. PUBLIC HEARING – RESTAURANT ALBA PLCB LICENSE APPLICATION:

Council President Van Sciver announced that Borough Council would now open the public hearing to consider the request of Restaurant Alba for Borough Council approval so that they can apply to the PLCB for a restaurant and eating place retail dispenser license for the purpose of economic development.

The Notice of Public Hearing was published in the Daily Local News on October 29th and November 5th, 2008, as required.

Council President Van Sciver explained that Restaurant Alba was applying for a special liquor license to the Pennsylvania Liquor Control Board that is related only to Restaurant Alba. If the restaurant should leave the Borough, the license would leave also. The owners of Restaurant Alba requested approval of this license from Borough Council and Borough Council, at that time, agreed to conduct a Public Hearing of support.

Wendy McLean, Borough Solicitor, stated that a letter had been received on October 9, 2008, from Kelly Weinberg, Owner, Restaurant Alba, requesting a Resolution of support from Borough Council. The letter is identified as Exhibit B-1. Ms. McLean also reported that a Memorandum had been submitted to the Borough Manager stating that any resident of the Borough who wants to comment is welcome to do so. The license is restricted to 70% food sales revenue and only 30% liquor sales revenue. If approved by Borough Council, the application will go to the PLCB. This hearing is a preliminary step for this kind of license.

Catalina Hollowell, a local business owner, stated that the Malvern Business & Professional Assn. recently held their meeting at Restaurant Alba and she feels the PLCB license will be a great thing for the Restaurant and for the town. She feels it will bring more people to the town.

Members of the Malvern Business & Professional Association, at their meeting at Restaurant Alba, signed a Petition of Support for the economic development liquor license, and this Petition has been included in the Record as Exhibit B-2.

Council Member Edge asked if the license would include carry-out or if drinks would only be served with meals. Ms. Weinberg responded that there would be no carry-out.

There being no additional discussion, the hearing was closed.

6. RESOLUTION NO. 594 – RESTAURANT ALBA PLCB LICENSE APPLICATION:

A motion was made by Council Member Smith and seconded by Council Member Crawford to adopt Resolution No. 594, a Resolution supporting the request of Restaurant Alba to apply to the PLCB for a restaurant and eating place retail dispenser license for the purpose of economic development for their location at 7 West King Street.

Council Vice President Raymond stated that she feels it is a reasonably tailored license to Restaurant Alba's circumstances and feels that it will aid a business that is doing good things for the town.

The motion carried unanimously with a vote of 6-0.

7. RESOLUTION NO. 595 – APPOINTING OPEN RECORDS OFFICER AND DEPUTY OPEN RECORDS OFFICER AND ADOPTING AN OPEN RECORDS POLICY AND FEE SCHEDULE:

A motion was made by Council Vice President Raymond, seconded by Council Member Smith and unanimously carried by a vote of 6-0, to adopt Resolution No. 595, a Resolution appointing an Open Records Officer and Deputy Open Records Officer and adopting an Open Records Policy and Fee Schedule.

8. RESOLUTION NO. 596 – CHURCH STREET STREETScape PROJECT:

A motion was made by Council Member Edge and seconded by Council Member Crawford to approve the Church Street revitalization streetscape project, an identified project from the 2002 Revitalization Plan, and include it in the 2009 Capital Budget.

Council President Van Sciver stated that in reviewing the budget for next year, he noticed that a lot of neighboring municipalities are looking at losing about ten percent (10%) of their tax base. He suggested that we might want to revise or hold off on the Church Street project until later in the year in order to use the money for this project as a buffer.

Council Member Edge asked if Council has discussed the type of sidewalk we would plan to construct; i.e., stamped concrete vs. plain concrete. He feels the first block off King Street should mimic King Street with the stamped concrete but the remaining blocks should be plain concrete. He stated that he would still like to see the grassy area between the curb and sidewalk.

Council Vice President Raymond asked if we were awarded the grant, and did not have the money to complete the project in 2009, could we do it in 2010? The Manager responded that we have 18 months to complete a project.

The motion unanimously carried by a vote of 6-0.

9. OTHER BUSINESS:

- a. Council President Van Sciver reported that we received a Resolution of support from East Whiteland Township for the Malin Road extension. He reported that the Borough is still proceeding with the planning grant application.
- b. Council President Van Sciver also reported that the Borough had received the E. King Street Task Force modified zoning amendment from Andy Rau, Esq.. Wendy McLean stated that Ray Ott is very good at writing ordinances and the Borough might consider having him prepare the Ordinance. As Ray Ott has been at the meetings, and knows the intent of the Ordinance, the Manager will contact him and ask that he prepare the Ordinance.

10. ADJOURNMENT:

A motion was made by Council Member Edge, seconded by Council Member Crawford and unanimously carried by a vote of 6-0, to adjourn the meeting at 8:09 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager