

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
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?

No public comment.

3. APPROVAL OF MINUTES:

A motion was made by Council Vice President Raymond, seconded by Council Member Lynch and unanimously carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, November 18, 2008, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Crawford, seconded by Council Member Edge and unanimously carried by a vote of 7-0, 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 November 2008 as submitted.

5. PUBLIC HEARING – INCREASE MINIMUM ANNUAL SEWER RENTAL RATE:

Council President announces that Borough Council will now open the public hearing to consider increasing the minimum quarterly sewer rental rate from \$90.60 to \$95.60.

The Notice of Public Hearing was published in the Daily Local News on December 4, 2008, as required.

Council Vice President Raymond reported that it was necessary to increase the sewer rates to pay for the Borough's share of the upgrades to the Valley Forge Sewer Authority and the Tredyffrin Township Wilson Road Pumping Station.

All comments having been received, the hearing was closed.

6. ORDINANCE NO. 2008-3 – INCREASING MINIMUM ANNUAL SEWER RENTAL RATE:

A motion was made by Council Member Smith, seconded by Council Vice President Raymond and unanimously carried by a vote of 7-0, to adopt Ordinance No. 2008-3, an Ordinance amending Chapter 168, entitled “Sewers”, specifically Section 168-7 A. (1) & (2), of the Malvern Borough Code of Ordinances in order to increase the minimum quarterly sewer rental rate to \$95.60.

7. ADOPTION OF THE PROPOSED BUDGET FOR 2009:

A motion was made by Council Vice President Raymond, seconded by Council Member Edge and unanimously carried by a vote of 7-0, to adopt the Proposed Budget for 2009 as presented.

8. PUBLIC HEARING – FIXING THE TAX RATE FOR 2009:

Council President announces that Borough Council will now open the public hearing to consider fixing the tax levy for 2009.

The Notice of Public Hearing was published in the Daily Local News on December 4, 2008, as required.

Council President Van Sciver explained the reason for the tax increase was to meet escalating costs and to maintain our Capital Reserve Fund at it’s estimated 10% contingency for unexpected expenses.

There being no additional comments, the hearing was closed.

9. ORDINANCE NO. 2008-4 – FIXING THE TAX RATE FOR THE YEAR 2009:

A motion was made by Council Member Edge, seconded by Council Member Lynch and unanimously carried by a vote of 7-0, to adopt Ordinance No. 2008-4, an Ordinance of Malvern Borough, Chester County, Commonwealth of Pennsylvania, Fixing the Tax Rate for the Year 2009 as follows:

| | |
|-------------------------------|----------------------------|
| Tax Rate for General Purposes | 3.7197 Mills, 37.197 Cents |
| Total: | 3.7197 Mills, 37.197 Cents |

10. RESOLUTION NO. 597 – APPOINTMENT OF CPA FOR THE YEAR 2008 – WILLIAM J. ROSSITER:

A motion was made by Council Member Smith, seconded by Council Member Edge and unanimously carried by a vote of 7-0, to adopt Resolution No. 597, a resolution appointing William J. Rossiter, Certified Public Accountant, as the independent auditor to audit the financial records of the Borough of Malvern for the year ending December 31, 2008, at a cost of \$9,000.00.

There was some discussion regarding soliciting bids for the audit in future years to see if there could be any cost savings.

11. PUBLIC HEARING – AMEND DEFINITION OF AVERAGE MONTHLY PAY TO EMPLOYEE AND POLICE PENSION PLANS:

Council President announces that Borough Council will now open the public hearing to consider amending Ordinance No. 254, regarding the definition of Average Monthly Pay from 5 years to 3 years for both the Employee's Pension Plan and the Police Pension Plan.

The Notice of Public Hearing was published in the Daily Local News on December 4 and 8, 2008, as required.

The recently approved Collective Bargaining Agreement amended the definition of average monthly pay from 5 years to 3 years for both the uniformed and non-uniformed pension plans. This benefit results in an amendment to the Code of Ordinances.

Council Member Crawford stated that this was discussed with the Actuary and he didn't feel it would have any significant financial impact on the pension plans. The 5 year definition was an anomaly to the contract when looking at surrounding municipalities.

There being no additional comments, the hearing was closed.

12. ORDINANCE NO. 2008-5 – AMEND PENSION PLANS DEFINITION OF AVERAGE MONTHLY PAY:

A motion was made by Council Member Lynch, seconded by Council Vice President Raymond and unanimously carried by a vote of 7-0, to adopt Ordinance No. 2008-5, an Ordinance amending the Code of Ordinances, Borough of Malvern, Pennsylvania, Ordinance No. 254, as amended, Part 2, Chapter 5, Article A, "Employee's Pension Plan," and Article B "Police Pension Plan".

13. OTHER BUSINESS:

a. Council President Van Sciver established the members of the Revitalization Task Force as follows:

Cecelia Oswald, Chair
Sean Lynch
Alex Coates, Malvern Business & Professional Association
Jerry Brown
Sandra Kelley

A response from Jerry McGlone has not been received and there is an additional member to be named at a later date.

b. Dale Levin, Chair of the Park & Recreation Committee, reported that he had spoken to Chris McGowan and Michael Salek and that they have expressed interest in joining the Committee. There are currently two vacancies on the Committee and the remaining three members are in agreement with these selections. Council will consider appointments at the January meeting.

c. Council President Van Sciver reported that Michael Dudas' term expires at the end of the year for the Civil Service Commission and he will not be seeking reappointment. A replacement must be found to fill this vacancy.

d. Council President Van Sciver reported that he had a meeting of the E. King Street Task Force regarding the proposed zoning amendment and the members of the Task Force who were present asked our solicitor to draft an Ordinance. After a copy of the draft Ordinance is prepared, the Task Force will again meet to vet it and pass it along to the Planning Commission. The business community has been kept advised of what is transpiring.

14. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Edge, seconded by Council Member Crawford and unanimously carried by a vote of 7-0 to adjourn the meeting at 7:55 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager