

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

December 21, 2010  
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

INVOCATION: Gerard J. McGlone, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:
  - Council President Van Sciver
  - Council Vice President Raymond
  - Council Member Lynch - ABSENT
  - Council Member Macaleer
  - Council Member McCrory - ABSENT
  - Council Member Sponenbergh
  - Council Member Uzman
  - Mayor McGlone

Council President Van Sciver announced that Council met in Executive Session prior to the meeting regarding a legal matter relating to a property dispute/zoning enforcement issue.

2. PUBLIC FORUM:

Council President informs all present that copies of the agenda are available at the front 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. Patty Rossiter thanked Borough Council for all they do throughout the year and presented them with some pumpkin bread.

- b. Michael Tygh, 195 Paoli Pike, stated that he was pleased to hear that the budget is not going to go up and taxes are not going to be increased. He felt it was a good move. Mr. Tygh questioned the salaries of the administrative employees and felt the budget did not fairly represent this information. Mr. Tygh also questioned the amount of the Police budget for a one square mile Borough and a population of 3300 people. Mr. Tygh stated that we have a good Borough and crime is low. Mr. Tygh questioned the 4% raise to the Police Department. He asked if anyone stands up and says no and sticks to it. Council Member Macaleer, Chairman of the Finance Committee, stated that he would answer some of Mr. Tygh's questions during the discussion phase of the adoption of the 2011 Budget. Mr. Tygh again asked for a sit down meeting with the Mayor and Borough Council President. Council President Van Sciver stated that he would meet with Mr. Tygh following the meeting.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Sponenbergh and seconded by Council Member Uzman to approve the minutes of the Regular Meetings held on Tuesday, November 2, 2010 and Tuesday, November 16, 2010, as submitted.

Council President Van Sciver asked that the November 2, 2010 minutes be amended to include his comments on the trash collection discussion as follows: "With respect to the Public Works discussion on trash collection, I made a few points at the meeting that were not incorporated into the minutes. I raised one point to advise the development cost for a property to be eligible for trash residential pick-up typically involves higher development cost due to street frontage or similar infrastructure improvements. Consequently, such a property or dwelling unit would typically have a higher property tax burden.

In another point, I stated there is a limit to what can be construed as a fair distribution of Borough services depending upon the type of property or residence one has. For example, an argument could be made entities that have private roads and need to pay private firms to plow their roads do not receive the same benefits from the Borough as someone who lives on a Borough street. Similarly, one could argue that leaf collection, and even policing is not beneficial equally to each and every resident.

Another point was made that Borough residents who have their trash picked up have purchased trash containers and need to maintain them as well as place their trash at curbside. Whereas this service is typically provided for in multifamily developments where it was also pointed out, bulk trash can be placed for collection at any time.

A further point was made that our current trash collection policy assumes a normal residential trash volume and businesses could easily generate trash volumes far in excess of these volumes so it seems prudent to exclude businesses from our trash collection scheme.

So, I believe there is some investigation to be done before a conclusion by Council that the trash collection system presents an de facto inequity to certain Borough residents or property owners and our current policies need to be changed."

Council Member Sponenbergh amended his motion to incorporate Council President Van Sciver's comments into the minutes of November 2, 2010.

The motion, as amended, carried unanimously by a vote of 5-0.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Uzman, seconded by Council Vice President Raymond and unanimously carried by a vote of 5-0 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 2010, as submitted.

5. WAIVER OF LAND DEVELOPMENT – REMED REALTY, L.P.:

A motion was made by Council Vice President Raymond and seconded by Council Member Uzman to approve the request of Remed Realty, L.P., for a waiver from land development to install an emergency generator to power their existing houses at their facility located at 323 Paoli Pike in the event of a power failure.

Mr. John Coleman, Builder for Remed Realty, explained that the buildings were frequently losing power and Remed desired to install an 85kw generator with natural gas. They will place it in back of the building but from Paoli Pike it will appear to be on the side of the building.

The Planning Commission recommended approval of the waiver from land development. The motion carried unanimously by a vote of 5-0.

6. RESOLUTION NO. 635 – SPRINKLER & FIRE SUPPRESSION SYSTEM FEES:

A motion was made by Council Member Sponenbergh, seconded by Council Vice President Raymond and unanimously carried by a vote of 5-0 to adopt Resolution No. 635, a Resolution adopting fees charged for services relating to sprinklers and other fire suppression systems.

7. RESOLUTION NO. 636 – APPOINTMENT OF CPA FOR THE YEAR 2010 – WILLIAM J. ROSSITER:

A motion was made by Council Member Uzman, seconded by Council Member Sponenbergh and unanimously carried by a vote of 5-0 to adopt Resolution No. 636, 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, 2010 at a cost of \$10,000 plus expenses.

8. PUBLIC HEARING – ACCEPTANCE OF TRUCKED WASTE AT THE VALLEY FORGE SEWER AUTHORITY:

Council President Van Sciver announced that Borough Council would now open the public hearing to consider amending Section 168-12 of the Borough of Malvern Code of Ordinances by adopting Resolution No. 1 of 2010 of the Valley Forge Sewer Authority governing the acceptance of Trucked Waste in order to comply with new federal pretreatment requirements.

The proposed Ordinance was advertised on December 9th, as required, and copies of the proposed ordinance were on display in the Borough office for public review.

Council Member Sponenbergh asked if the Borough trucked waste to the Valley Forge Sewer Authority. The Manager responded that we did not and that it was trucking/hauling businesses (i.e. businesses who cleaned out septic systems) who trucked waste to the VFSA.

There being no further discussion, the hearing was closed.

9. ORDINANCE NO 2010-5 – AMENDING THE CODE OF RULES AND REGULATIONS FOR ACCEPTANCE OF TRUCKED WASTE AT THE VFSA:

A motion was made by Council Member Uzman, seconded by Council Member Sponenbergh and unanimously carried by a vote of 5-0 to adopt Ordinance No. 2010-5, an Ordinance amending Section 168-12 of the Borough of Malvern Code of Ordinances by adopting Resolution No. 1 of 2010 of the Board of Directors of the Valley Forge Sewer Authority amending the code of Rules and Regulations of the Valley Forge Sewer Authority, Chapter 110, Appendix A “Rules and Regulations Governing the Acceptance of Industrial Waste, Trucked Industrial Waste, Holding Tank Waste and Septage” in order to comply with new federal pretreatment requirements.

10. ADOPTION OF THE PROPOSED BUDGET FOR 2011:

A motion was made by Council Vice President Raymond and seconded by Council Member Sponenbergh to adopt the Proposed Budget for 2011 as presented.

Council Member Macaleer responded to Mr. Tygh’s comments regarding administrative salaries and explained that the budget is broken down into various cost centers. The administrative employees perform several different functions and the costs associated with those functions are broken down into the various funds and cost centers. Because the administrative staff also works for the sewer fund, a portion of the salaries are expensed to the sewer fund. Council Member Macaleer explained that if Mr. Tygh went through the budget to each of the various funds, he would see that certain administrative costs are broken out across those funds.

Council President Van Sciver stated that it had been the policy of Borough government to keep the relative pace between the non-union employees and union employees the same and this year we have changed that policy. The employees not represented by unions did not receive a wage increase. This is something that has not occurred in the Borough in the past 30 years. This Council is taking a strong look at the matters you are raising.

Mr. Tygh stated that someone somewhere has to put an end to it.

Council President Van Sciver stated that Council believes the police and police force are functioning very well.

Mr. Tygh responded that there is no respect for stop signs, lights or speed limits. Officer Dougherty was on Paoli Pike continuing speed enforcement and this should be done throughout town.

Mr. Tygh asked Council President Van Sciver why he did not answer he and his wife's letter requesting a meeting. Council President Van Sciver stated that he would meet with Mr. Tygh following the meeting.

Council Member Macaleer reported to Council that a roll-up report had been distributed to Council that compares the 2011 budget to the 2010 budget.

The motion unanimously carried by a vote of 5-0.

11. PUBLIC HEARING – FIXING THE TAX RATE FOR 2011:

Council President Van Sciver announced that Borough Council would now open the public hearing to consider fixing the tax levy for 2011.

The Notice of Public Hearing was published in the Daily Local News on December 9th, as required.

There being no public comment, the hearing was closed.

12. ORDINANCE NO. 2010-6 – FIXING THE TAX RATE FOR THE YEAR 2011:

A motion was made by Council Member Macaleer, seconded by Council Member Raymond and unanimously carried by a vote of 5-0 to adopt Ordinance No. 2010-6, an Ordinance of Malvern Borough, Chester County, Commonwealth of Pennsylvania, Fixing the Tax Rate for the Year 2011 as follows:

Tax Rate for General Purposes	3.9697 Mills, 39.697 Cents
Total:	3.9697 Mills, 39.697 Cents

13. OTHER BUSINESS:

No other business was discussed.

14. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Macaleer, seconded by Council Member Sponenbergh and unanimously carried by a vote of 5-0 to adjourn the meeting at 8:03 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager