

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

September 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
 - Council Member Macaleer
 - Council Member McCrory
 - Council Member Sponenbergh
 - Council Member Uzman
 - Mayor McGlone

2. PUBLIC FORUM:

Council President informed 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. John Buckley, 165 Church Street, commented on the following:
 - 1) Traffic is traveling too fast on Church Street
 - 2) Businesses along E. King Street are placing items for sale, as well as sandwich boards, in the cartway of the sidewalk and pedestrians are being forced to walk around all the items
 - 3) Cars are in the street that are not registered and that have outdated stickers.
 - 4) One business owner is working on cars that are parked on the street and that is not permitted.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Macaleer, seconded by Council Member Lynch and carried by a vote of 7-0 to approve the minutes of the Regular Meetings held on Tuesday, August 3 and August 17, 2010, as submitted. Council Vice President Raymond voted to approve only the minutes of August 17th as she was absent from the August 3rd meeting and Council Member McCrory voted to approve only the minutes of August 3rd as he was absent at the August 17th meeting.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice President Raymond, seconded by Council Member Sponenberg 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 August 2010, as submitted.

Council members commented that the financial reports are more informative than those presented in the past.

Council Member Macaleer stated that the first six pages of the Treasurer's Report are an overview summary of the Borough's financial condition.

5. RESOLUTION NO. 625 – ARDENT ACQUISITION, LLC, FINAL PLAN FOR 202 & 204 W. KING STREET:

A motion was made by Council Member Uzman, seconded by Council Vice President Raymond and unanimously approved by a vote of 7-0 to adopt Resolution No. 625, a Resolution approving, subject to conditions, the final plan ("Plan") of Ardent Acquisition, LLC ("Applicant"), entitled "Add On Plan Ardent Acquisition LLC" prepared by Concord Land Planners & Surveyors, Inc. dated May 24, 2010, last revised August 11, 2010, as a final minor subdivision plan, pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, as amended ("SLDO") for the development of certain property ("Property") located in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, which property is located at 202 and 204 West King Street in the R-4 Zoning district.

6. RESOLUTION NO. 626 – ELIMINATE CONTRIBUTIONS TO THE POLICE PENSION PLAN FOR CALENDAR YEAR 2011:

A motion was made by Council Vice President Raymond, seconded by Council Member Uzman and unanimously carried by a vote of 7-0 to approve Resolution No. 626, a Resolution to eliminate for the Calendar Year 2011 members contributions to the Police Pension Plan.

7. MINIMUM MUNICIPAL OBLIGATION – PENSION PLANS:

A motion was made by Council Member Uzman, seconded by Council Member Sponenberg and unanimously carried by a vote of 7-0 to enter into the 2011 Budget the Minimum Municipal Obligation for the Uniformed Pension Plan the amount of \$0 and for the Non-Uniformed Pension Plan the amount of \$35,982.

Council President Van Sciver reported that the actuary was replaced at the end of 2009 and should still be vetted by Council. The Manager will contact Beyer-Barber to ask what is the unfunded liability of the pension plans and if the Borough is on the hook for that liability. She will also ask that they meet with the Finance Committee.

8. OTHER BUSINESS:

- a. EIT Tax Collection Ordinance – the Manager reported on the status of the EIT County-wide collection process and next steps to be undertaken by the municipality.

The Ordinance to levy an EIT will be advertised in both the Daily Local News and the Chester County Law Reporter for adoption at Council's November 16th meeting.

- b. Snow & Ice Ordinance – following discussion, it was decided that the Ordinance would be revised to make it unlawful to place ice and snow in the public right-of-way in such a way that it impedes clearing of the roadway.
- c. Resolution Opposing Forced Local Govt. Mergers and Consolidations – Council Member McCrory expressed opposition to the mergers and consolidations as he feels that as a resident of a small municipality the accountability is very close and you have Council Members or Supervisors where someone can air their grievances. In a County government, residents are far away from the government and accountability. He feels that the type of government that we have in Pennsylvania makes Pennsylvania unique and feels the different states should be able to retain what is different about them.

Council Members Raymond, Uzman and Van Sciver agree with Council Member McCrory's comments. The Resolution will be prepared for adoption at the October 5th Council meeting.

9. ADJOURNMENT:

A motion was made by Council Vice President Raymond, seconded by Council Member Uzman and unanimously carried by a vote of 7-0 to adjourn the meeting at 8:14 p.m.

Respectfully submitted,

Sandra L Kelley
Secretary/Manager

COUNCIL PRESIDENT VAN SCIVER ANNOUNCED THAT COUNCIL WILL NOW MEET IN EXECUTIVE SESSION TO DISCUSS A LEGAL MATTER REGARDING THE EAST KING STREET DEVELOPMENT