

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

July 7, 2009
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 Crawford
 - Council Member Edge - ABSENT
 - Council Member Lynch
 - Council Member Smith
 - Council Member Vike
 - Mayor McGlone

2. PUBLIC FORUM:

Council President informed 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. Request for Waiver of Permit Fee from John Buckley – Following discussion, Council determined that, although their sympathies were with Mr. Buckley, they would not waive a permit fee for the construction of a fence on his property. They explained that this request would create a special case for a private citizen and they cannot establish a precedent. Currently the waiving of a permit fee has only occurred for civic associations, historic and preservation groups, fire companies, etc., but never to a private citizen. The granting of this request would set a bad precedent.

Council Member Crawford suggested that an administrative policy be placed on the website regarding the waiver of permit fees stating that permit fees may be waived for improvements that would benefit the Borough.

3. WAIVE PERMIT FEE – EAGLE SCOUT PROJECT FOR PBPF:

A motion was made by Council Member Smith, seconded by Council Vice President Raymond and unanimously carried by a vote of 6-0, to waive the permit fee for the construction of a Sign Board and Electric Box Cover at the Paoli Battlefield site, that is to be constructed as an Eagle Scout project and approved by the Paoli Battlefield Preservation Fund.

4. OTHER BUSINESS:

- a. Amended Grass and Weeds Ordinance – the Manager explained that this Ordinance was discussed at the last meeting and that the height limit for grass and weeds was 10” and violators would be given 7 days from the receipt of notice of violation to cut

or trim their grass and/or weeds. If, after 7 days of receipt of the notice of violation, the violation has not been cured, the Borough could hire contractors to cure the violation and invoice the property owner for the costs plus a \$25.00 administrative fee.

Council Member Vike stated that the ordinance was also being amended as a discrepancy existed in the height restrictions of grass and weeds in two sections of the Code of Ordinances.

The Ordinance will be advertised for adoption at the July 21st meeting of Borough Council.

b. Contractor's Registration Ordinance – the Manager explained that the Home Improvement Consumer Protection Act went into effect July 1, 2009 and is now state law. She explained that home improvement contractors working on existing residential dwellings are now required to be licensed by the state. As a result, the Borough's Contractors Licensing ordinance must be repealed and replaced with a new ordinance. The proposed ordinance will require new home construction contractors and commercial contractors to be licensed with the Borough as they are not included under the new state law. The Manager reported that the certificate of insurance liability limits were raised to \$300,000 for each occurrence and blasting and demolition coverage was increased to \$1,500,000. The insurance provider must name Malvern Borough as an additional insured.

Council President Van Sciver stated that the Borough obtains proof of insurance from the contractor through the registration process. He feels the process should be appended so that the proof of insurance is given during the permit application process.

Council agreed that all insurance provided to the Borough by the contractors should list Malvern Borough as an additional insured.

A question was asked if there was any kind of exculpation to the Borough because of the fact that licenses do not mean the Borough has vetted the contractors in any way other than we recognize credentials from other municipalities.

The Manager will seek an opinion from the solicitor.

c. Senate Bill 695 – the Manager reported that this topic was discussed at the last meeting and that Council had requested additional information. The Manager reported that she had queried the Consortium of Managers and had only received responses from two municipalities – Westtown Township adopted a Resolution in support of SB 695 and East Whiteland wrote a letter to Senator Dinniman stating that the Supervisors did not know if SB 695 was the perfect cure, but that the Supervisors did agree that some type of relief needs to be legislated be it an increase in the minimum project cost subject to the Prevailing Wage Act, or just the temporary relief offered by this Bill. The Manager also reported that she had contacted Senator Dinniman's office to ask his position on this Bill, but had not yet received a response.

Borough Council agreed to remain silent on SB 695.

d.. Optional County 1% Sales Tax – Council President Van Sciver stated that H.B. 1682 would allow Counties to optionally levy a 1% sales tax, but this would be a revenue neutral tax. The additional funds it raises would be distributed to the County, the Municipalities and to a

Municipal Collaborative Efforts Fund that would be established within each county. In the first year of implementation a minimum of 60% of the county share must be used for elimination of nuisance taxes and property tax relief through the homestead/farmstead exemption and general millage reduction.

Council Member Smith stated that he feels if this County tax goes through, the School District would take our one-half of one percent earned income tax. Their excuse would be that we could now afford it.

Council Vice President Raymond stated that it could help the senior citizens.

Council President Van Sciver stated that what would be taxed would be no different than what is currently taxed under the State's 6% sales tax. Council President Van Sciver asked Council if they would like to take a position on this County tax. Should this topic be placed on Council agenda for the July 21st meeting?

Council Member Vike stated that Malvern has a fair balance between the Earned Income Tax and Real Estate Tax and having another option for revenue generation is a positive thing. Having a third means to generate more revenue is attractive. It is not really a progressive tax, it is a flat tax.

Council President Van Sciver stated that the new tax would create a new body that would be funded to possibly further intra-municipal projects.

Council agreed that this item should be added to the July 21st Agenda for further discussion.

5. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice President Raymond, seconded by Council member Crawford and unanimously carried by a vote of 6-0 to adjourn the meeting at 8:18 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager