

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

June 16, 2009
7:30 P.M.

PRESIDING: Catherine O. Raymond, Vice President

PLEDGE OF ALLEGIANCE TO THE FLAG

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

2. PUBLIC FORUM:

Council Vice 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. John Buckley, 165 Church Street, asked if Act 32 meant that we were going to hire someone to collect the taxes. Council Member Vike explained that the state recently passed legislation requiring the Counties to collect earned income tax, property taxes and other taxes in an organized centralized tax collection process. A tax collection committee was formed to look into the new tax collection process. Council Member Vike stated that the Borough would not be replacing the elected Tax Collector position.

Mr. Buckley again asked why a permit fee for the Malvern Fire Company Fair was being waived.

Council Vice President Raymond explained that the Fire Company provides a necessary service to the community and that they are a non-profit organization.

Council Member Smith advised Mr. Buckley that if he wanted a fee waived for a fence that he wants to construct, he should make a formal request to have the fee waived. He stated that if Mr. Buckley went through the process, the request would be considered.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Smith, seconded by Council Member Vike and unanimously carried by a vote of 4-0 to approve the minutes of the meeting held on Tuesday, May 19, 2009, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council member Crawford, seconded by Council Member Smith and unanimously carried by a vote of 4-0 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 May, 2009, as submitted.

5. PUBLIC HEARING – COMCAST FRANCHISE AGREEMENT:

Council Vice President Raymond announced that Borough Council will now open the public hearing to consider a Resolution to authorize the renewal of a Cable Franchise Agreement with Comcast of Pennsylvania, LLC in accordance with the terms and conditions of the new proposed cable franchise agreement between the Borough and Comcast. The Public Hearing was advertised in the Daily Local News on June 8, 2009.

No comments were received from the public.

Council Vice President Raymond stated that Borough Council has discussed the Franchise Agreement at several previous meetings and have reached a consensus that the Agreement as presented is in the public's best interest.

The public hearing was closed.

6. RESOLUTION NO. 601 – COMCAST FRANCHISE AGREEMENT:

A motion was made by Council Member Smith, seconded by Council Member Vike and unanimously carried by a vote of 4-0 to adopt Resolution No. 601, a Resolution authorizing the execution of a Cable Franchise Renewal Agreement between Malvern Borough and Comcast of Pennsylvania, LLC.

7. RESOLUTION NO. 602 – ACT 32 DELEGATES:

A motion was made by Council Member Vike, seconded by Council Member Crawford and unanimously carried by a vote of 4-0 to adopt Resolution No. 602, a Resolution appointing a primary delegate and two alternate delegates to the Tax Collection Committee for Act 32, the collection of local earned income tax and possibly other taxes.

8. WAIVE PERMIT FEE – MALVERN FIRE COMPANY:

A motion was made by Council Member Vike, seconded by Council Member Crawford and unanimously carried by a vote of 4-0 to authorize the Borough Manager to waive all permit fees to the Malvern Fire Company necessary to hold their Annual Fair at the Paoli Memorial Grounds from Tuesday, July 14 through Saturday, July 18, 2009.

9. RESOLUTION NO. 603 - SUPPORT FOR SENATE BILL NO. 695:

A motion was made by Council Member Smith and seconded by Council Vice President Raymond to adopt Resolution No. 603, a Resolution supporting Senate Bill No. 695, amending the Pennsylvania Prevailing Wage Act by stating the act shall have no application during the period after June 30, 2009, and before July 1, 2012.

Council members asked the Manager to obtain additional information as follows:

- contact our senator to ask where he stands on this issue
- is this Bill coming up for a vote now

- request an opinion now
 - conduct more studies to determine the outcome of other states that have initiated a moratorium on the prevailing wage rates
 - have other Chester County municipalities supported this Bill
- Following discussion, Council tabled the vote until additional information was available.

10. OTHER BUSINESS:

a. Grass and Weeds Ordinance – the Manager asked the members of Council to consider amending the Grass and Weeds Ordinance, and the Nuisance Ordinance pertaining to grass and weeds, to make them consistent. The Manager recommended that Council consider an amendment that grass, weeds or other vegetation is not to exceed a height of 8” and that property owners be given seven (7) days after the date of the letter from the Codes Enforcement Officer to remove, trim and/or cut such grass, weeds or vegetation. In addition, a paragraph should be included in the amended ordinance to address “meadow grass” that has been required by the Borough at various properties (i.e., the stream bank at Malvern Preparatory School).

Following discussion, it was agreed that grass and weeds will not exceed ten (10) inches and that property owners be given seven (7) days after receipt of such notice from the Codes Enforcement Officer to remove, trim and/or cut such grass, weeds or vegetation. Language would be included in the amendment to address “meadow grass”.

b. Malvern Fire Company – the Manager reported that the Malvern Fire Company has requested from Council a letter of support for their grant application under the federal stimulus bill to construct an addition to their fire house. Council had no objection to providing the letter of support.

11. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Smith, seconded by Council Member Crawford and unanimously carried by a vote of 4-0 to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager