

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

MARCH 20, 2007  
7:00 P.M.

PRESIDING: Henry H. Briggs, President

INVOCATION: Gerard J. McGlone, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Briggs  
Council Vice President VanSciver  
Council Member Crawford  
Council Member Edge - ABSENT  
Council Member Lynch  
Council Member Raymond - Late  
Council Member Smith  
Mayor McGlone

2. PUBLIC HEARING – CONDITIONAL USE – MAIN LINE MOTOR CONNECTIONS, INC.:

Council President announced a Public Hearing to consider the conditional use request by Main Line Motor Connections, Inc., to operate a used Motor Vehicle Sales facility from an existing building as defined in the Borough's Zoning Ordinance, in the LI Limited Industrial District, on property located at 126 Pennsylvania Avenue.

Following the hearing, Council imposed the following conditions:

- 1) A maximum of six cars for sale at any one time;
- 2) A maximum of ten spaces for use by Main Line Motor Connections, Inc.
- 3) No repairs, maintenance, oil change or changing of other vehicle fluids are permitted on site
- 4) Applicant is subject to the Borough Engineer's letter dated March 20, 2007 in general.

A motion was made by Council Vice President VanSciver, seconded by Council Member Lynch and unanimously carried by a vote of 6-0 to approve the request for conditional use with the stipulations enumerated above.

Council recessed to Executive Session to discuss a personnel matter. Following the Executive Session, Council reconvened the meeting.

3. APPOINTMENTS – FULL-TIME POLICE OFFICERS:

A motion was made by Council Member Crawford, seconded by Council Member Lynch and unanimously carried by a vote of 6-0, to appoint Mark E. Monroe and Mark J. MacCrory as full-time probationary police officers for the Borough of Malvern.

Council President Briggs announced that Borough Council just met with the Officers and they are quite impressed with them. They are a welcome and great addition to Malvern.

4. 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. Malvern Preparatory School ZHB Application – Ted Caniglia, Director of Finance, Malvern Preparatory School, explained that a condition of the Resolution that was approved by Borough Council for Malvern Prep last May, was that prior to receiving a Use & Occupancy permit to use the Art Center that was supposed to be completed in 2007, Dennis Hall had to be demolished. As of today, the construction to complete the Art Center will be completed in November or December of 2007. It took several months to get approvals and construction was delayed 2-3 months. Tolantine Hall houses administrative offices, computer labs, art classrooms, etc. that are currently being used. Tolantine Hall is also scheduled for renovations. If Dennis Hall is demolished, the existing classrooms in Dennis Hall will have to be moved to Tolantine Hall. With the renovations to Tolantine Hall, there will not be enough space for all the classrooms, administrative offices, computer labs, music and art classrooms, etc., so they would have to bring in trailers to subsidize the space from Dennis Hall. Approximately eight trailers would be required and they would have to find a location, do some grading, bring in utilities, sidewalks and it would be cumbersome and disruptive to their campus. They are requesting that Dennis Hall not be demolished until August 2008.

Wendy McLean explained that the procedural position that Borough Council is in is the Zoning Hearing Board granted relief for height of building and temporary building separation variance. The buildings are closer together than the zoning ordinance allows. Borough Council had asked the Zoning Hearing Board that the Art Center not receive a Certificate of Occupancy until Dennis Hall was demolished. That condition was included in the Order. The Resolution reiterated that Dennis Hall had to be demolished before the Art Center could be occupied.

If the Zoning Hearing Board approves their request, the Prep has to come back to Council to request a modification of the Resolution approved for their Land Development Plan. If Council approves a change in the schedule, Wendy suggests that a new set of Agreements for Financial Security and Subdivision Land Development be executed and that the Prep post an escrow or cash guarantee to insure Dennis Hall will be demolished and that if the Prep does not take action, the Borough can access the money to demolish Dennis Hall.

Borough Council would again look at all the conditions imposed by the Zoning Hearing Board Order and address those conditions during the Resolution phase of the procedure.

A permanent certificate of occupancy would not be issued. Nothing other than a temporary certificate of occupancy would be issued for the Art Center until Dennis Hall is demolished.

Wendy will draft a letter to the Zoning Hearing Board notifying them that Borough Council is not opposed to the removal of the condition attached to the prior grant of a variance relating to the Dennis Hall demolition. She will state that in lieu of the no certificate of occupancy condition, the Subdivision Agreement will be revised.

5. APPROVAL OF MINUTES:

A motion was made by Council Member Raymond, seconded by Council Member Smith and unanimously carried by a vote of 6-0, to approve the minutes of the Regular Meetings held on Tuesday, February 6, 2007 and Tuesday, February 20, 2007, as submitted.

6. APPROVAL OF REPORTS:

A motion was made by Council Member Lynch, seconded by Council Member Raymond and unanimously carried by a vote of 6-0, 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 February 2007 as submitted.

7. RESOLUTION NO. 566 – PERMITTING BB GUN EVENT AT BOY SCOUT JAMBOREE:

A motion was made by Council Vice President VanSciver and seconded by Council Member Crawford, to adopt Resolution No. 566, a Resolution permitting a one-time BB gun event at the Boy Scouts of America Webelo Woods jamboree the weekend of March 23, 2007.

The insurance information was forwarded to the Borough's carrier and approved.

The motion carried unanimously by a vote of 6-0.

8. OTHER BUSINESS:

a. Government Study Commission – Approval of Budget – the Manager explained that the Budget for the Government Study Commission had to be approved by Council. She explained that the budget is for a two-year period and would fall in two budget years. The budget is an estimated budget because it is not yet known what expenses may be incurred.

Council voted unanimously, by a vote of 6-0, to approve the budget request of \$17,300 over a two-year period.

b. Grant Opportunity – the Manager reported that Senator Dinniman approached her and asked if the Borough could use a grant of \$5,000 for one of the Borough parks should funding be available through his office. The Manager responded that they could use the money at Randolph Woods. A grant request will be submitted to Senator Dinniman's office for \$5,000 to build two bridges over Crum Creek in Randolph Woods.

c. Chester Valley Little League Parade – the Mayor reported that the CVLL has requested permission to have an Opening Day parade again this year. The parade will not be as big as last year's parade. They will start at the First Avenue softball field and proceed down Powelton Avenue and take a left onto Monument Avenue to the ball park.

- d. John Buckley, 165 Church Street – reported the following:
- 1) Last week a motorist blocked the handicap ramp near the Wawa in the Malvern Shopping Center
  - 2) A large pile of snow was left in front of his home following snow removal of the streets
  - 3) The sidewalks around town are very bad
  - 4) At the corner of the Church Street parking lot, the sidewalk was shoveled by an outside contractor and they tore up the bricks. Mr. Buckley reported that he had taken pictures.

Council President Briggs asked that Mr. Buckley share the pictures with the Manager.

9. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Raymond, seconded by Council Member Crawford and unanimously carried to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager