

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH  
1 East First Avenue  
Malvern, PA 19355

April 21, 2015  
7:30 P.M.

PRESIDING: David Bramwell, President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Bramwell  
Council Vice-President Raymond  
Council Member Lexer  
Council Member Meisel  
Council Member Oswald  
Council Member Radano  
Council Member Van Sciver  
Mayor Burton

2. PUBLIC FORUM:

Council President Bramwell informed all present that copies of the agenda are available at the front entrance. Citizens/taxpayers were advised that Public Forum is the time to offer comments on any item on the agenda and to bring any issues/concerns before Council.

- a. Presentation by David Woglam, Associate Director for Public Service, Lafayette College Meyner Center for State and Local Government

Mr. Woglam provided an overview of the projects he has conducted for municipalities in the Delaware Valley Region. Mr. Woglam recommended the Council consider employing his services for drafting a Strategic Plan for the borough. A Strategic Plan would set goals, milestones and objectives in achieving a common vision. The Plan would identify roles and responsibilities of borough officials and act as a means for various borough boards and commissions, as well as, businesses to work together towards the common good of the Borough.

Council Member Radano suggested the Communications Task Force could reach out to the community to obtain feedback that could be used for a Strategic Plan. The Task Force could also reach out to the business community.

Council Member Oswald stated Mr. Woglam's services may be better utilized by having him draft an 'Operational Study' to review personnel efficiencies and identify areas for improvement. The Comprehensive Plan has a publicly-vetted vision and identified goals and objectives that the Borough has identified, undertaken, and tracked.

Helen McDonnell, 322 East King Street, said a Strategic Plan could be a tool to drive the Comprehensive Plan, incorporating 'SMART' Goals into the Borough's annual budget.

REGULAR MEETING

April 21, 2015

Page 2

Borough Council requested Mr. Woglam to send Sandra Kelley, Borough Manager, samples of the work he has completed for municipalities similar in demographics to Malvern Borough.

b. John Buckley, 165 Church Street, commented on five (5) items not on the agenda and not discussed with either the Borough Manager or the Police Chief prior to tonight's meeting. 1) Scrap metal storage on his property for resale; 2) Property Ordinance may hinder his ability to store scrap metal on his premise; 3) Sheds on residential properties require a permit; 4) Development status of the former Gables property; and 5) Relocation of Old Lincoln Highway basketball court to the north-side where Herzak's garage previously stood and move Rubino's house to the existing basketball court location.

c. Lynne Hockenbury, 227 East Broad Street, announced that Saturday, April 25<sup>th</sup> at Burke Park, there will be a bench dedication to Nancy Schmitt, former Historical Commission member and historian author, for her years of service in preserving the Borough's historic records, buildings and overall historic charm.

d. Council Member Oswald questioned if the American Flag located on the Monument Grounds will be replaced by a new one.

Frank Ortner, 144 Griffith Avenue and member of the Paoli Battlefield Preservation Fund, stated the new flag will be raised on Wednesday, April 22<sup>nd</sup>.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Oswald, seconded by Council Member Meisel and carried by a vote of 7-0 to approve the minutes of Tuesday, March 17, 2015, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Radano, seconded by Council Vice-President Raymond and unanimously carried by a vote of 7-0 to approve the Treasurer's Report, the Committee Reports for Finance & Administration, Public Safety, Public Works and the Chief of Police Report, the Code Enforcement and Zoning 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 March 2015, as submitted.

5. POLICE PERSONNEL ISSUE:

A motion was made by Council Vice-President Raymond, seconded by Council Member Radano and unanimously carried by a vote of 7-0 to approve the Mayor's recommendation of discipline of a police officer.

REGULAR MEETING

April 21, 2015

Page 3

6. APPOINTMENT – PLANNING COMMISSION:

A motion was made by Council Member Van Sciver, seconded by Council Member Lexer and unanimously carried by a vote of 7-0 to appoint Mark Niemiec to the Malvern Planning Commission, as recommended by the Planning Commission, to fill the unexpired term of Tom Burns, who resigned. Said term to expire on January 1, 2016.

7. PUBLIC HEARING – PROPERTY MAINTENANCE ORDINANCE AMENDMENT:

Council President Bramwell announced that Borough Council will now open the public hearing to discuss the potential amendment to Chapter 153, Property Maintenance, of the Borough of Malvern Code of Ordinances.

Council Vice-President Raymond spoke on behalf of a resident who was unable to attend the meeting and asked Aristidis ‘Ari’ Christakis, Borough Solicitor, to clarify if fallen tree limbs are considered “Rubbish”. Borough Solicitor Christakis stated natural material, such as downed tree branches, are not considered rubbish, pursuant to the International Property Maintenance Code.

Frank Ortner, 144 Griffith Avenue, stated a deadline should be incorporated into the collection of natural material to discourage accumulation of material on residential properties. Mr. Ortner recommended fifteen (15) days for residents to take appropriate actions to remove natural material.

Brian Busby, 154 Old Lincoln Highway, asked which Borough Official(s) enforces the Borough of Malvern Code of Ordinances as he does not believe appropriate enforcement procedures have been followed over the years. Borough Solicitor Aristidis ‘Ari’ Christakis stated the proposed amendment will correct ambiguous language in the Property Maintenance Chapter, thereby providing the Codes Enforcement Officer with the necessary authority to effectively enforce code violators.

Council President Bramwell announced the Borough’s Bulk Trash Pickup is scheduled for Saturday, May 16<sup>th</sup> commencing at 7:00 a.m. He stated this annual community event is for residents to discourage them in accumulating ‘Stuff’ on their properties.

Steve Gross, 206 West First Avenue, requested Borough Council consider adding one (1) additional Bulk Trash Pickup Day in the Fall Season. Borough Council President Bramwell instructed Sandra Kelley, Borough Manager, to obtain a quote from the Borough’s present trash hauler for one (1) additional day of Bulk Trash Pickup for Borough Council’s consideration.

There being no additional comment, the public hearing was closed.

8. ORDINANCE NO. 2015-5 – PROPERTY MAINTENANCE ORDINANCE AMENDMENT:

A motion was made by Council Member Lexer, seconded by Council President Bramwell

REGULAR MEETING

April 21, 2015

Page 4

and carried by a vote of 5-2 , to adopt Ordinance No. 2015-2, an Ordinance amending Chapter 153, Property Maintenance, of the Code of Ordinances for the Borough of Malvern. Council Vice-President Raymond and Council Member Radano voted “Nay”, citing possible over-intrusion onto residential properties.

9. OLD BUSINESS:

a) Chief of Police Position - Louis M. Marcelli has accepted the Borough Offer of Employment as Chief of Police effective May 1, 2015, after successfully completing the conditions of employment as defined in his Offer letter. The formal swearing-in will occur at a Regular Meeting on May 5, 2015.

A motion was made by Council Vice-President Raymond and seconded by Council Member Lexer to ratify the terms and conditions agreed upon in the Police Chief’s Offer letter. Council Member Oswald stated that given Lou’s level of experience, he thinks this offer is in violation of our Salary Administration Program. It is out of alignment with the Salary Administration Program. This Borough Council didn’t do an open search for a Chief of Police that would have accepted the position within the guidelines of the Salary Administration Program.

The motion carried by a vote of 6-1 with Council Member Oswald voting “Nay” for the reasons cited above.

10. NEW BUSINESS:

a) Herzak Property Dedication

Council President Bramwell stated Borough Council is planning a dedication and plaque for the basketball court that was recently acquired at the corner of Old Lincoln Highway and Bridge Street to the former owners, John and Marion Herzak. Specifics of the event have yet to be determined.

b) Planning Commissioner Resignation

Council President Bramwell announced Dana Carosella, Planning Commissioner, has tendered her resignation. Residents interested in filling the vacancy should send a letter of interest and resume to Sandra Kelley, Borough Manager.

c) Malvern Fire Department – Request For Borough Engineer Services

Council President Bramwell announced the Malvern Fire Department seeks approval from Borough Council to authorize the Borough Engineer to conduct a structural assessment of the fire department’s rear driveway, as well as, to prepare specifications and bids for contractors.

A motion was made by Council President Bramwell, seconded by Council Member Radano and carried by a vote of 7-0, to authorize the Borough Engineer to conduct a site assessment of the rear driveway and to draft a report of findings for Borough Council and the Malvern Fire Department; funds for the Engineers work is to be capped at \$5,000.

REGULAR MEETING  
April 21, 2015  
Page 5

11. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice-President Raymond, seconded by Council Member Radano, and unanimously carried by a vote of 7-0 to adjourn the meeting at 9:27 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Secretary