

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

May 19, 2015  
7:30 P.M.

PRESIDING: Catherine Raymond, Vice-President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

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

2. PUBLIC FORUM:

Council Vice-President Raymond 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 to bring any issues/concerns before Council.

- a. George Fieo – Report on 2014 Audited Financials

Mr. Fieo provided an overview of his accounting firm's findings regarding the 2014 Audited Financials, citing three "None Significant Issues": 1) No separate Contingency Fund ; 2) Accounting firm staff locating escrow account statements that should be set aside prior to arrival of Auditor; and 3) Inclusion of more escrow accounts in the financial statements..

Mr. Fieo stated his firm is awaiting a letter from the Borough Solicitor's office, prior to finalizing the 2014 Audited Financials.

Council Member Van Sciver asked Mr. Fieo if the Contingency Fund should be established as a separate account as a means to address "Miscellaneous/Rainy Day" funds. Mr Fieo stated Council could create a separate account via Council passing a Resolution. Borough Manager Kelley stated creating a separate account for one or two possible payments per year would create more borough staff conflicts than resolutions.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Oswald, seconded by Council Member Van Sciver and carried by a vote of 5-0, to approve the minutes of Tuesday, April 21, 2015, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Lexer, seconded by Council Member Radano and unanimously carried by a vote of 5-0 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 April 2015, as submitted.

5. MALVERN PREPARATORY SCHOOL – REQUEST FOR WAIVER OF LAND DEVELOPMENT:

A motion was made by Council Member Radano, seconded by Council Member Lexer and unanimously carried by a vote of 5-0 to approve Malvern Preparatory School's request for a waiver of land development to construct a temporary trailer on their property, pursuant to the stipulations and recommendations stated in the Planning Commission's recommendation.

6. APPOINTMENT – PLANNING COMMISSION:

A motion was made by Council Member Lexer, seconded by Council Member Van Sciver and unanimously carried by a vote of 5-0 to appoint Lynne Hockenbury to the Malvern Planning Commission, as recommended by the Planning Commission, to fill the unexpired term of Dana Carosella, who resigned. Said term to expire January 1, 2016.

7. APPOINTMENT – Parks & RECREATION COMMITTEE:

A motion was made by Council Member Van Sciver, seconded by Council Member Radano and unanimously carried by a vote of 5-0 to appoint Adam Bramucci to the Malvern Parks & Recreation Committee as recommended by the Committee, to fill the unexpired term of Michael Salek, who resigned. Said term to expire January 1, 2018.

8. PUBLIC HEARING – COMMERCIAL COMMUNICATIONS FACILITIES:

Council Vice-President Raymond announced Borough Council opened the public hearing to discuss certain commercial communications facilities, regulating such facilities and permitting certain facilities in the I-3 Zoning District.

9. ORDINANCE NO. 2015-2 – COMMERCIAL COMMUNICATION FACILITIES:

A motion was made by Council Member Radano, seconded by Council Vice-President

Raymond and unanimously carried by a vote of 5-0 to adopt Ordinance No. 2015-2, an Ordinance amending the Borough of Malvern Zoning Ordinance of 2003, by adding definitions relating to certain facilities in the I-3 Zoning District.

10. PUBLIC HEARING (Cont'd) – SALE OF WOODLAND AVENUE:

Council Vice-President Raymond announced Borough Council reopened the public hearing that was continued from March 17, 2015 and again on April 7, 2015, to discuss the sale of 130 Woodland Avenue for development as a single-family residence.

A motion was made by Council Member Radano, seconded by Council Member Van Sciver and unanimously carried by a vote of 5-0 to authorize the Borough Manager to proceed under Section 157-2 of the Borough Code to sell the property known as 130 Woodland Avenue, UPI Number 2-4-244.1. Specifically, she is authorized to determine the fair market value of the property and recommend to Borough Council a minimum bid and procedures for the sale.

11. OLD BUSINESS:

a. Engineer's Estimate for Malvern Fire Company Driveway

Council authorized Borough Manager Kelley to have the Borough Engineer provide professional services to the Malvern Fire Company for its driveway paving project at an estimated costs of \$2,509.00 as stated in Dan Daley's estimate dated, May 7, 2015.

b. Posting of Historic Ordinance Q & A to the Website

Council Member Van Sciver recommended a disclaimer be added stating, "This document has not been approved by Borough Council".

Dave Knies, 114 Warrington Way, questioned why a Q & A would be made available for public review if Borough Council has not had an opportunity to discuss the Historic Ordinance at a Work Session.

Borough Manager Kelley stated the Borough Solicitor and Historic Commission, as of this meeting, have not finalized a draft to be brought before Council for discussion.

Dave Knies, 114 Warrington Way, questioned why a Q & A would be written if a draft has yet to be finalized, as the Q & A could change based on the content of the draft.

Council Member Lexer stated he does not see a reason to delay the posting of the Q & A to the Borough's website if it is clearly written on the Q & A that it is a "Draft/Proposed".

Council Member Radano stated he was hesitant to post Q & A to the Borough's website if a draft Ordinance has not been finalized.

Lynne Hockenbury, East Broad Street, mentioned the Historical Commission has been receiving letters from residents requesting their homes be removed from the list of identified structures being of historical significance.

Council Vice-President Raymond recommended and the other four Council Members agreed that the Q & A be posted on the Borough's website with the statement, "The proposed ordinance has not been approved by Borough Council".

c. Rubino Sidewalks

Council instructed Borough Manager Kelley to have the Borough Engineer coordinate with Rubino Holdings, Inc. in installing four foot-wide sidewalks, retaining the streetscape motif, around the perimeter of Rubino Park along the west-side of East Broad Street and continue west along the south-side of Old Lincoln Highway for a total of 370 linear feet, as proposed in the approved SALDO plans. In addition, Council directed Borough Manager Kelley to have the Borough Engineer prepare an estimate for completing sidewalks from the terminus of the Rubino Park sidewalks along Old Lincoln Highway westbound to the basketball courts at the intersection of Old Lincoln Highway and Bridge Street.

12. NEW BUSINESS:

a. Council Vice-President Raymond announced sale of 2006 Ford Crown Victoria 4 Dr and 2010 Dodge Charger 4 Dr – sealed bids will be received until Monday, June 15, 2015 at 4:00 p.m. and will be opened and read publicly.

b. Police Chief Update of Residential Apartment Fire

Chief Marcelli expressed his gratitude to the Malvern Fire Department and supporting fire departments in their prompt response in extinguishing the fire and minimizing real and personal property damage.

13. ADJOURMENT:

All business having been discussed, a motion was made by Council Member Lexer, seconded by Council Member Van Sciver, and unanimously carried by a vote of 5-0 to adjourn the meeting at 9:13 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Secretary