

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

October 20, 2015
7:30 P.M.

PRESIDING: Catherine O. 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
Council Member Oswald
Council Member Radano (Absent)
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. Announcement of Council Vacancy

Council Vice-President Raymond announced the resignation of Council Member Matthew Radano due to career conflicts. Residents interested in filling the unexpired term should send letter of interests and resumes to the attention of Sandra Kelley, Borough Manager, by Thursday, November 12, 2015 for consideration by Borough Council.

- b. West First Avenue On-Street Parking

Jamie Grossman, 143 West First Avenue, stated due to the repaving occurring on Monument Avenue, the on-street parking has relocated to West First Avenue. Police Chief Marcelli stated that he and Sandra Kelley, Borough Manager, are aware of the parking shift and he will be posting "Temporary No Parking" signs on Wednesday, October 21, 2015.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Lexer, seconded by Council Member Van Sciver and carried by a vote of 5-0, to approve the minutes of Tuesday, September 15, 2015, with the addition of a motion to reallocate funds in the 2015 Capital Reserve Fund Budget. Motion to read as follows: "A motion was made by Council Member Oswald, seconded by Council Member Radano and carried by a vote of 6-0, to reallocate \$62,000 from the Capital Reserve Fund, Raised Crosswalk at Malvern & Monument Aves & Wayne Ave. to Capital Reserve Fund Streetscape Improvements, Account Number 30435.014 to complete crosswalk and sidewalk improvements on Monument Avenue between Wayne Avenue and Sugartown Road. Raised crosswalks were determined to be cost prohibitive."

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Council discussed whether the inclusion of individual members' comments are acceptable for official minutes. Council agreed that individual comments are valid as long as Council Members and the minutes specifically reflect who is making the statements and that they are not the reflection of Council.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Lexer, seconded by Council Member Meisel, 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 September 2015, as submitted.

5. PUBLIC HEARING – AUTHORIZING THE CONVEYANCE OF LANDS OF THE BOROUGH:

Council Vice-President Raymond announced that Borough Council will open the public hearing to discuss authorizing the conveyance of lands of the Borough, located at 130 Woodland Avenue, to the highest bidder at the public auction held earlier in the evening.

There being no comment, the public hearing was closed.

6. ORDINANCE NO. 2015-3 – AUTHORIZING THE CONVEYANCE OF LANDS OF THE BOROUGH:

A motion was made by Council Member Van Sciver, seconded by Council Member Lexer and unanimously carried by a vote of 5-0 to adopt Ordinance No. 2015-3, an Ordinance authorizing the sale and conveyance of lands of the Borough, located at 130 Woodland Avenue, to the highest bidder, Saint Pat's Church in Malvern, PA for \$186,000 at the public auction held on October 20, 2015.

Council Member Lexer asked if the Borough was aware of what Saint Pat's plans are for utilizing the property. Borough Manager Kelley stated she is not aware of any potential uses.

Council Member Van Sciver asked what Borough Council set the minimum bid amount at. Ari Christakis, Borough Solicitor, stated the minimum bid was set at \$176,000 plus buyer's premium. There were five bidders with a total of 10 bids made during the public auction.

Joe Bones, 25 High Street, asked if the property will be tax exempt as it was purchased by an institution. Ari Christakis, Borough Solicitor, stated the use/zoning transfers to the property owner, not the other way around. If St. Pat's wants the newly acquired property to become zoned 'Institutional', then St. Pat's would have to come before Borough Council to request a change in zoning.

Jamie Grossman, 143 West First Avenue, asked if the Agreement of Sale will specify what the use of the property will be. Ari Christakis, Borough Solicitor, stated the Agreement of Sale has been signed and is legally-binding, therefore it may not be altered.

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7. PUBLIC HEARING – MONUMENT AVENUE PARKING:

Council Vice-President Raymond announced that Borough Council will open the public hearing to discuss amending Chapter 200, Section 200-24, *Vehicles and Traffic*, of the Code of Ordinances, “Parking prohibited in certain locations, certain days and hours”, to include Monument Avenue from Griffith Avenue east to Warren Avenue.

There being no comment, the public hearing was closed.

8. ORDINANCE NO. 2015-4 – MONUMENT AVENUE PARKING:

A motion was made by Council Member Lexer, seconded by Council Member Van Sciver and unanimously carried by a vote of 5-0 to adopt Ordinance No. 2015-4, an Ordinance amending Chapter 200, Section 200-24, *Vehicles and Traffic*, of the Code of Ordinances, “Parking prohibited in certain locations, certain days and hours”, to include Monument Avenue from Griffith Avenue east to Warren Avenue.

Joe Bones, 25 High Street, asked how many on-street parking spaces will be affected by the adoption of this ordinance. Lou Marcelli, Police Chief stated 18 parking spaces will be enforced by this ordinance adoption.

Jamie Grossman, 143 West First Avenue, stated Tuesdays, Wednesdays and Thursdays are when the most vehicles are parked in her neighborhood and when vehicles are possibly speeding.

9. RESOLUTION NO. 696 – REIMBURSEMENT AGREEMENT:

A motion was made by Council Member Van Sciver, seconded by Council Vice-President Raymond and unanimously carried by a vote of 5-0 to adopt Resolution No. 696, a Resolution authorizing the reimbursement of prior expenditures of the Borough relating to construction of a new sewer line from the proceeds of bonds to be issued.

10. APPOINTMENT TO HISTORICAL COMMISSION:

A motion was made by Council Member Meisel, seconded by Council Member Oswald and unanimously carried by a vote of 5-0 to appointment Lynne Hockenbury to the Historical Commission to fill the unexpired term of Kurt Leininger, who resigned. Said term to expire January 1, 2016.

11. ACCEPT BID – 2001 FORD F-550 DUMP TRUCK:

A motion was made by Council Member Meisel, seconded by Council Vice-President Raymond and unanimously carried by a vote of 5-0 to accept the bid for the 2001 Ford F-550 Dump Truck, from Willistown Contractors, Inc., the highest bidder, in the amount of \$15,875.00.

12. OLD BUSINESS:

- a) Review of Property Listing for Historical Ordinance

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Council Member Van Sciver stated he supports the size of the list and is pleased knowing that the property owners listed have been contacted and agreed to be on it.

Amy Finkbiner, 121 Woodland Avenue, asked how many properties are on the property listing. Council Vice-President Raymond stated 23 properties are on the Tier III and 3 properties are on the Tier I.

Council agreed with the Tier I and Tier III properties listed for inclusion in the adoption of the Historical Ordinance. Ari Christakis, Borough Solicitor, clarified that Borough Council would decide whether to advertise the Ordinance for a public hearing at its November 3, 2015 Work Session and be brought to a vote for adoption at its Regular Meeting on November 17, 2015.

13. NEW BUSINESS:

a) Status Report – Search for Borough Manager

Council Vice-President Raymond stated the initial interviews of 8 applicants have been completed and from that 4 have been selected for a follow-up interview. The selected candidate will be a decision made by all of Council. Council Member Van Sciver requested Borough Council conduct an Executive Session at the conclusion of tonight's meeting to review the logistics of the Borough Manager Search. Council agreed to meet in Executive Session to discuss personnel matters.

b) Borough-Owned Property

Council Member Van Sciver stated Borough Council may want to consider starting the process of selling the Borough-owned property located at the intersection of Ruthland Avenue and East First Avenue, per the recommendation made by the Malvern Planning Commission. Council Vice-President Raymond stated Council discussed this matter at its prior Council meeting. Council Member Van Sciver was unaware of the discussion and was pleased to learn it is being discussed at the same time as the start of the 2016 Budget discussions.

14. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Van Sciver, seconded by Council Vice-President Raymond, and unanimously carried by a vote of 5-0 to adjourn the meeting at 8:34 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary