

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

September 15, 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 (Absent)
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 to bring any issues/concerns before Council.

Council Member Oswald recommended, with the hiring of a new manager, a more formal performance evaluation occur in 2016 that includes all council members and measurable goals. Council agreed to consider a formal performance evaluation for the new manager in 2016.

Zeyn Uzman, 305 Charleston Greene, suggested Police Chief Marcelli consider stricter enforcement of drivers running "Stop" signs, particularly at the intersection of First and Warren Avenues. Mr. Uzman recommended that the Police Chief consider adding an additional patrol officer to the schedule to address the matter.

Police Chief Marcelli stated he is working with the Borough Manager in budgeting for additional enforcement for the 2016 Budget.

a. Presentation of 2015 Historic Preservation Awards

Zeyn Uzman, Chair of Historical Commission presented four (4) awards: 1) Residential Award – 203 Green Street, recipients were Mr. & Mrs. Papadopoulos, property owners; 2) Reconstruction and Adaptive Reuse Award – 9 West First Avenue, recipient Willistown Country Day School; 3) Institutional Award – 20 Woodland Avenue, recipient Malvern Bible Chapel; and 4) Commercial Award – 24 Monument Avenue, recipient Mauger Givnish Funeral Home.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Van Sciver, seconded by Council Vice-President Raymond and carried by a vote of 6-0, to approve the minutes of Tuesday, August 18, 2015, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice-President Raymond, seconded by Council Member Radano, and unanimously carried by a vote of 6-0 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 August 2015, as submitted.

5. RESOLUTION NO. 695 – 217 SO. WARREN AVENUE:

A motion was made by Council Member Lexer, seconded by Council Member Radano and unanimously carried by a vote of 6-0 to adopt Resolution No. 695, a Resolution approving, subject to conditions, the plan entitled "Final Subdivision Plan for 217 S. Warren Avenue for TAG Builders, Inc.," prepared by Inland Design, LLC, dated December 13, 2012, last revised September 9, 2015, consisting of ten (10) sheets, pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2005, as amended ("Land Development Ordinance") for the development of certain property ("Property") located in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the R-4 zoning district.

Council member Van Sciver said he wished to make a statement after the Gables land development matter was resolved:

Some folks, primarily instigated by an individual neighboring the Gables parcel, alleged when the original Gables land development plan was approved in 2013 that the Borough Council disregarded both the laws and community goals of Malvern Borough. Allegations were made that Borough Council issued zoning variances and waivers with no authority to do so or because of some relationship with either the property owners or the developer. This was completely unfounded and untrue. There was no special treatment given to this land development application which was approved with similar conditions as many others within the Borough.

While stating the development as approved would detract from Malvern's community values because of increased density, the instigating neighbor brought an adverse possession suit against his neighbor of many years, which was apparently settled resulting in the current approved provisions to the land development today. The current approved provisions- same density as approved in 2013- result in an apparent sale of one of the parcels to this instigator. So, while this fellow's accusations of malfeasance of Borough Council were shrouded in supposed community concern, the venal ends he receives are to enhance his own estate at the expense of his neighbor.

Council President Bramwell asked that Council Member Van Sciver clarify that he is not speaking on behalf of Borough Council, but on behalf of himself as a resident.

Council Member Van Sciver responded that he thought it was clear that he was not speaking on behalf of Borough Council.

6. ESCROW RELEASE – EASTSIDE FLATS:

A motion was made by Council Member Lexer, seconded by Council Member Van Sciver and unanimously carried by a vote of 6-0 to approve the release of escrow funds for Eastside Flats, in the amount of \$153,432.40, as recommended by the Borough Engineer.

7. RESOLUTION NO. 694 – ELIMINATE CONTRIBUTIONS TO THE POLICE PENSION PLAN FOR CALENDAR YEAR 2016:

A motion was made by Council Vice-President Raymond, seconded by Council Member Radano and unanimously carried by a vote of 6-0 to approve Resolution No. 694, a Resolution to eliminate for the Calendar Year 2016 members contributions to the Police Pension Plan.

8. MINIMUM MUNICIPAL OBLIGATION – PENSION PLANS:

A motion was made by Council Member Radano, seconded by Council Vice-President Raymond and unanimously carried by a vote of 6-0 to enter into the 2016 Budget the Minimum Municipal Obligation for the Uniformed Pension Plan the amount of \$0 and for the Non-Uniformed Pension Plan the amount of \$26,021.

9. AWARD BID – MONUMENT AVE. PAVING PROJECT:

A motion was made by Council Member Lexer, seconded by Council Member Radano and unanimously carried by a vote of 6-0 to award the Monument Ave. paving project to GoreCon, Inc. of Doylestown, PA, as the lowest responsible bidder, at a cost of \$184,148.00, as recommended by the Borough Engineer.

A motion was made by Council Member Oswald, seconded and carried to move the funds from the Capital Reserve Fund, Raised Crosswalks on Monument Ave. account, to the Streetscape Improvements account in the amount of \$62,000.

10. NON-DISTURBANCE & ATTORNMENT AGREEMENT:

A motion was made by Council Member Van Sciver, seconded by Council Vice-President Raymond and unanimously carried by a vote of 6-0, to approve the Non-Disturbance & Attornment Agreement as requested and submitted by the County of Chester for the Cellular Tower located at 111 Ruthland Avenue.

11. OLD BUSINESS:

a) 130 Woodland Avenue – Establish Minimum Bid Amount for Ad

A motion was made by Council President Bramwell, seconded by Council Member Oswald, and unanimously carried by a vote of 6-0, to set the minimum bid at \$176,000.00.

b) 130 Woodland Avenue – Auctioneer Award

A motion was made by Council President Bramwell, seconded by Council Vice-President Raymond and unanimously carried by a vote of 6-0 to award the Public Auctioneer Services to Geyer Auction Companies of Gilbertsville, PA, to conduct a Public Auction of borough-owned property located at 130 Woodland Avenue on Tuesday, October 20, 2015 at 6:00 p.m.

REGULAR MEETING

September 15, 2015

Page 4

c) 130 Woodland Avenue – Approve Terms of Auction

A motion was made by Council President Bramwell, seconded by Council Vice-President Raymond and unanimously carried by a vote of 6-0 to approve the Terms of Auction for 130 Woodland Avenue.

d) Ordinance Authorizing the Conveyance of Lands of the Borough for 130 Woodland Avenue

Council agreed to advertise this Ordinance for adoption at the October 20 Borough Council Meeting.

e) Reallocation of Funds in 2015 Capital Reserve Fund Budget

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.

12. NEW BUSINESS:

a) Join Us Preserving Our Future – Announcement

Frank Ortner, 144 Griffith Avenue, stated the Paoli Memorial Association is partnering with PBPF for a 2nd Annual Fundraising Dinner and Silent Auction at the Desmond Hotel on Thursday, October 8, 2015 from 6:00 – 8:00 p.m. Tickets are on sale for \$85 per person, \$45 is tax-deductible. Cecily Tynan, ABC Meteorologist, will be in attendance as the Master of Ceremony.

b) Borough Fall Yard Sale

Council Member Lexer stated the Malvern Parks & Recreation Committee's Annual Fall Yard Sale is Saturday, September 19, 2015 located in Burke Park from 9:00 a.m. to 12:00 p.m.

13. ADJOURNMENT

All business having been discussed, a motion was made by Council Member Radano, seconded by Council President Bramwell, and unanimously carried by a vote of 6-0 to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary