

PRESIDING: Woody J. Van Sciver, President

INVOCATION: Gerard J. McGlone, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

COUNCIL PRESIDENT VAN SCIVER ANNOUNCED THAT COUNCIL MET IN EXECUTIVE SESSION PRIOR TO THE MEETING TO DISCUSS A LEGAL MATTER

1. ROLL CALL:
  - Council President Van Sciver
  - Council Vice President Raymond
  - Council Member Giandonato - ABSENT
  - Council Member Macaleer
  - Council Member McCrory
  - Council Member Sponenbergh
  - Council Member Uzman
  - Mayor McGlone

2. PUBLIC FORUM:

Council President informed all present that copies of the agenda are available at the front 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. Kristin Thomas, 326 E. Broad Street, commented on the E. King Street development, stating that the first level of parking is not underground and the parking garage has lights on 24/7. She has been receiving mixed messages as to whether or not the garage window openings will be left open or will be slatted with small openings for ventilation. They are now staring at a two story parking garage. Ms. Thomas stated that she had asked for an artist rendering from the developers for the back of the building, but they didn't provide one. They were told they would be looking at a giant vinyl wall, but now understand there will be windows.

Council President Van Sciver stated that the E. King Street project was probably the most examined project in Borough history. Mr. Van Sciver stated that he had received Ms. Thomas' e-mails and he went back through some of his records and the initial meeting regarding the project was in 2008 and Ms. Thomas attended the meeting. Mr. Kahn responded that he wanted to make it attractive. Mr. Van Sciver stated that he was involved in the Task Force for the adoption of the amendment. Vicki Sharpless from E. Broad Street was one of the members on the Task Force as was Lynne Hockenbury of Rafaella Drive. Both of these members live on the north side of the project. The amendment was adopted as a Conditional Use so the applicant went through almost a three-year review period. During that time, Mr. Van Sciver stated that he never saw any changes to the rear elevations, other than what was originally proposed. You can't build apartments with a solid wall. The way the development process works, all the regulatory power that the Borough has extends just up to the permit. Once the permit is issued, they just have to comply with the building code. If you are looking for the Borough to address this from an enforcement angle, we can't do it.

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Chris Mongeau, Chairman of the Planning Commission, concurred that he knows of no changes that have been made to the original design regarding the rear elevations.

Ms. Thomas stated that she would be interested in seeing a plan showing the back of the building. She stated that she had a landscape architect come out over a year ago and the developer said they would work with landscaping for them. They don't want to wait until the project is done and the developer walks away. She asked Council for any suggestions for working with the developer on this. Council Vice President Raymond suggested that they send a letter and ask for a date by which they are willing to come out and discuss this issue with the neighbors. Ms. Thomas stated that the developer was nice enough to reimburse Mrs. Wamsley for her arborvitae.

Council Member Sponenbergh stated that the pictures distributed by Ms. Thomas shows a Leland Cypress and Blue Spruce in their back yard. These are slower growing trees. If this was his backyard, he would be looking at supplementing with faster growing trees.

It was suggested that Ms. Thomas come in and look at the plans and ask Bill Wilfong to tell her what is on the plans.

Ms. Thomas distributed a rough sketch for a mural painting on the side of the building of Malvern Pizza. She stated the artist is a mural artist who painted the murals on the side of the Great American Pub and she was on Extreme Makeover of Berks County. She will paint the mural in full color, work with the Historical Commission and, if we can get scaffolding donated and set up, she will paint the mural for only \$2,500.

Council Member Sponenbergh asked about insurance for her. Ms. Thomas responded that she has her own insurance.

Council Member Uzman asked what the best time for her would be to paint the mural. Ms. Thomas responded that the best time is spring and summer.

Council Member Uzman stated that he would like to check on scaffolding and what the cost would be to rent the scaffolding. The Borough should have a scaffolding company come in and set it up. If it is left up overnight, it will be an attractive nuisance.

Carroll Sinquett, a member of the Planning Commission, suggested a scissor-lift, which is a platform that goes straight up.

Ms. Thomas stated that she would ask the artist how long it might take to paint the mural. Now that it is much more affordable, I could ask the business association to help and ask the Borough if there is extra money in the budget, perhaps it could be allocated towards this project.

Council President Van Sciver stated that if Ms. Thomas is going to the Business Association meeting, if she lets him know, he will attend with her. It would be a good opportunity to discuss with them about the bare walls when people get off the train at the shopping center.

Council Member McCrory stated that if Ms. Thomas has information about the fundraising effort, that is something that could be included in the Borough newsletter. Ms. Thomas will let us know of the fundraising plan.

b. Neil Vaughn, Fire Chief, reported on the fire Monday morning in the 200 block of Woodland Avenue. The resident was sleeping when the fire broke out and he escaped to the porch roof. He stated that he was here this evening to commend Ken Furlong, a member of the Public Works Dept. and David Hale, a Malvern Police Officer, for their quick thinking in coming

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to the aid of the victim. As the fire trucks were pulling up, they were in the process of getting the subject down off the roof. Smoke alarms saved his life, along with the quick thinking of these two men. The Fire Company responded within four minutes and the Chief stated that he would like to pat their guys on the back for their quick response, as well.

c. Trees along King Street and in Burke Park - Council President Van Sciver also commended the business association for the trees along King Street and the Public Works Dept. for the town tree in Burke Park. He believes the town looks great.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Sponenbergh, seconded by Council Member Uzman and unanimously carried by a vote of 6-0 to approve the minutes of the Regular Meetings held on Tuesday, November 6 and Tuesday, November 20, 2012, as submitted.

4. APPROVAL OF REPORTS:

MOTION: 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 November 2012, as submitted.

5. RESOLUTION NO. 660 – APPOINTMENT OF CPA FOR THE YEAR 2012 – GEORGE FEIO:

A motion was made by Council Member Uzman, seconded by Council Member Sponenbergh and unanimously carried by a motion of 6-0 to adopt Resolution No. 660, a resolution appointing George Feio, Certified Public Accountant, as the independent auditor to audit the financial records of the Borough of Malvern for the year ending December 31, 2012 at a cost of \$10,517 plus expenses.

6. RESOLUTION NO. 661 – LOT LINE REVISION – E. KAHN, GRIFFITH AVE.

A motion was made by Council Member Macaleer, seconded by Council Vice President Raymond and unanimously carried by a vote of 6-0 to approve Resolution No. 661, a Resolution approving, subject to conditions, a Plan entitled "Lot Line Change Plan for Eli Kahn, 151 Griffith Avenue & 233 W. First Avenue", prepared by InLand Design, dated September 25, 2012, as a final subdivision plan, pursuant to the Malvern Borough Subdivision and Land Development Ordinance of 2006, as amended for a lot line change/subdivision of certain property located in the Borough of Malvern, Chester County, Pennsylvania, which Property is located in the R-3a District.

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7. PUBLIC HEARING – NON-ELECTORAL DEBT AND THE AWARD OF A QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT:

Council President Van Sciver announced that Borough Council would now open the public hearing to consider an ordinance to authorize the issuance of non-electoral debt, in the amount of \$300,000, and the award of a qualified interest rate management agreement.

The Notice of Public Hearing was published in the Daily Local News on December 9, 2012, as required.

Council President Van Sciver reported that the money is being used for several things: (1) pole barn for Public Works; (2) salt shed for Public Works; and, (3) HVAC improvements for the Borough Hall. The pole barn will be used to store equipment out of the elements in order to lengthen the longevity and the existing salt shed is 40+ years old and basically falling apart. The remaining funds will be used to look at the Borough Building to re-examine the HVAC elements and to solicit an award from a federal group under EEB HUB that investigates retrofits. Council Member McCrory stated that the Borough hopes to recoup the costs within 5 years because of the potential savings in electricity costs.

Council President Van Sciver reported that we expect to borrow the money at under a 2% Interest rate for a ten-year term.

There being no further comments from Council or the public, the public hearing was closed.

ORDINANCE NO. 2012-7 – NON-ELECTORAL DEBT AND THE AWARD OF A QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT:

A motion was made by Council Member Uzman, seconded by Council Member Sponenbergh and unanimously carried by a vote of 6-0 to authorize the issuance of non-electoral debt, in the amount of \$300,000, and the award of a qualified interest rate management agreement.

8. ADOPTION OF THE PROPOSED BUDGET FOR 2013:

A motion was made by Council Member Macaleer, seconded by Council Vice President Raymond and unanimously carried by a vote of 6-0 to adopt the Proposed Budget for 2013 as presented.

9. PUBLIC HEARING – FIXING THE TAX RATE FOR 2013:

Council President Van Sciver announced that Borough Council would now open the public hearing to consider fixing the tax levy for 2013.

The Notice of Public Hearing was published in the Daily Local News on December 6, 2012, as required.

Council President Van Sciver opened the public hearing and announced that there would be no tax increase in 2013.

There being no further comments from Council or the public, the hearing was closed.

ORDINANCE NO. 2012-8 – FIXING THE TAX RATE FOR THE YEAR 2013:

A motion was made by Council Vice President Raymond, seconded by Council Member Uzman and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2012-8, an Ordinance of Malvern Borough, Chester County, Commonwealth of Pennsylvania, Fixing the Tax Rate for the Year 2013 as follows:

Tax Rate for General Purposes	3.9697 Mills, 39.697 Cents
Total:	3.9697 Mills, 39.697 Cents

10. OTHER BUSINESS:

a. Letter of Interest to EEB HUB – Council agreed to send the Letter of Interest to EEB HUB for a retrofit activity for the municipal building.

b. DVRFA Loan – Council agreed to lock-in the rate with DVRFA for the \$300,000 loan as soon as possible as rates are beginning to climb.

11. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Uzman, seconded by Council Member Sponenbergh and unanimously carried by a vote of 6-0 to adjourn the meeting at 8:26 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager