

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

March 20, 2012  
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

INVOCATION: Gerard J. McGlone, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

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

2. RESOLUTION NO. 653 – APPOINTMENT OF ASSISTANT SECRETARY:

A motion was made by Council Member Sponenbergh, seconded by Council Vice President Raymond and unanimously carried by a vote of 7-0 to appoint Marty Laney as Assistant Secretary for the Borough Council for their meeting held on March 20, 2012.

3. 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. Chris Papadopoulos, owner of Malvern Pizza, told the Council that the municipal parking lot that adjoins his property is shifting and is in need of repair. Council President Van Sciver thanked him for the information and told him that someone from the Borough would come out to look at it.

- b. John Buckley, 165 Church Street, asked about several issues including: Why License and Inspection require permits for some projects and not others; need for parking lines at Woodland and King to permit school buses to safely negotiate turn; why his representative had not received a letter explaining why he can't be a member of the Planning Commission; why the public was not invited to the meeting about the King Street Project held by the Malvern Business and Professional Association; why new bars were being permitted when the community voted against further authorization of bars in the past; why the borough was getting rid of the cops and why money was being spent on gas by the fire company for non essential activities.

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### c. Bettyjo Krivinskas - Flea Market Fundraiser for Soldiers' Angels

Ms. Krivinskas reported the following regarding her request:

Plans include:

- Set-up to begin at 7 am. Event to end at 3 pm.
- 60-70 tables set up on the grass next to the path, bulk purchase of food to include pretzels, soda and snacks, hoagies provided by Wawa and pizza.
- Each table will be responsible for their own trash and organizers will make sure that the park is cleaned up.
- Parking in municipal and SEPTA lots.
- Port-a-potty to be provided by Borough or organizer

Soldiers' Angels is a volunteer-led 501(c)(3) nonprofit with hundreds of thousands of volunteers providing aid and comfort to the men and women of the United States Army, Marines, Navy, Air Force, Coast Guard, veterans and their families.

The Boot Campaign is a grassroots initiative started by five women from Texas known as the Boot Girls. The campaign provides an easy and tangible way for Americans to show appreciation for troops (both past and present), raise awareness of the challenges they face upon return and donate funds to charities supporting their transition home. Proceeds from boot sales are donated to partner charities, who assist returning veterans and active troops dealing with emotional, mental and physical issues.

President Van Sciver gave a “nod of support” on behalf of the Council to Ms. Krivinskas’ plan to hold a flea market in Burke Park on either May 26 or June 16, 2012, if they can get everything in order by that time.

The Council recommended that Ms. Krivinskas discuss her plan and the date with Parks and Recreation. She can contact them through the Borough Manager Sandra Kelley. Outstanding issues include insurance and additional police services for the event.

### d. Annual Report from the Planning Commission – Chris Mongeau, Chair

Chairperson Chris Mongeau reported that there has been a drop in the number of requests to the Planning Commission over the past year. Projects approved and underway include E. King Street and the addition to the Fire Company. The Commission hopes to wrap up the Comprehensive Plan this year and have the final plan to the Council in April. The Comprehensive Plan is used to revise SALDO and Zoning Ordinances. It describes the community’s goals and purpose.

All members of the Planning Commission have become certified as Master Planners by Chester County. Bylaws and Guidance for Applicants were drafted this year and are on the Malvern Borough Web Site.

President Van Sciver congratulated the Commission members on the certification as Master Planners.

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### 4. MULCH & MORE BUFFER PLAN:

A motion was made by Council Member Uzman, seconded by Council Vice President Raymond and unanimously approved by a vote of 7-0 to approve the buffer plan provided by Orsatti Associates, dated 3/12/12 for the Mulch and More site at 166 Quaker Lane, as recommended by the Malvern Borough Planning Commission to include only sound and buffer remediation.

No one was present at the meeting from Orsatti Associates. Chris Mongeau, Chair Malvern Planning Commission answered questions about the plan. Discussion included:

- Relocation of business across the street to decrease noise for Karen Drive residents. This needed to be done because a buffer wall is very expensive to construct, permission would have been needed from AMTRAK to build the wall on their right of way and there were property line issues with Aras.
- Noise abatement will also include a fence across the front of the property, a ten foot stack of wood behind the fence and location of bins in center of property.
- No trees will be removed.
- Entrance will be on Pennsylvania Avenue.
- Impervious area appears to be about 25% of the total.

### 5. APPROVAL OF MINUTES:

A motion was made by Council Member Uzman, seconded by Council Member Macaleer and unanimously carried by a vote of 7-0 to approve the minutes of the Regular Meetings held on Tuesday, February 7 and 21, 2012, as submitted.

### 6. APPROVAL OF REPORTS:

A motion was made by Council Vice President Raymond, seconded by Council Member Sponenbergh and unanimously carried by a vote of 7-0 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 February 2012, as submitted.

### 7. ESCROW RELEASE – MALVERN FIRE COMPANY:

A motion was made by Member Sponenbergh, seconded by Member Uzman and unanimously carried by a vote of 7-0 to authorize the request of Escrow Release #1 to the Malvern Fire Company, in the amount of \$9,478.09, as recommended by the Borough Engineer.

8. OTHER BUSINESS:

a. E. King Street Detour Plan – Dave Byzek and Mike Conrad, Buzzuto Construction

The letter from Dan Daley, Borough Engineer, to Sandra Kelley, Borough Manager, dated March 15, 2012, was reviewed. Discussion included:

- Approval of plan by Fire Company – they will use Ruthland Avenue during the detour.
- Detour expected to be in place for two weeks.
- Access will be provided to other businesses affected by detour.
- Temporary lighting will be provided according to Dan's recommendations.
- Concern for the integrity of the road used for the detour was expressed. There will be both an increase in volume and size of vehicles normally experienced on the detour. The detour will be maintained and repaired as needed.
- Developer will discuss plan with existing businesses and obtain written confirmation of this discussion.
- Approval for the detour still needs to be obtained from Willistown.

A motion was made by Council Member Uzman, seconded by Council Member Sponenbergh and unanimously carried by a vote of 7-0 to approve the E. King Street detour plan as long as Dan Daley's comments are taken into account.

b. Police Contracted Services Exploratory Committee:

A motion was made by Council Member Sponenbergh, seconded by Council Member Uzman and unanimously carried by a vote of 7-0 to establish members of an Exploratory Committee for continuing discussion with other municipalities. The members include the Borough Council President, the Mayor, the Borough Manager and the Chair of the Finance Committee.

9. 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 7-0 to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Marty Laney  
Assistant Secretary