

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

May 15, 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. 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 Mongeau, Chairman, Malvern Borough Planning Commission, asked Council to consider reducing the number of required members on the Planning Commission from seven to five. He reported that over the last seven years, since he has been a member of the Commission, there has been considerable turn-over and it is hard to get citizens to serve on the Planning Commission. He stated that they have gone through long stretches when they are always less someone. They have basically been minus one person every year. Therefore, he would like to reduce the number of members to five.

Mr. Mongeau reported on the number of Planning Commission members for boroughs with our population, and the numbers range from three in Parkesburg Borough (pop. 1,889) to five in Oxford Borough (pop. 5,000), Spring City Borough (pop. 3,300) and Coatesville City (pop. 12,000). The boroughs with more residents, such as Phoenixville Borough (pop. 14,000) and West Chester Borough (pop. 18,000) have seven members.

Mr. Mongeau stated that he has found overall that it makes more sense to have five members rather than seven members. For continuity, they currently have five good people who have gone through the Master Planning training courses, who are dedicated and he thinks it is a doable number with the current number of people who are committed to the Planning Commission.

Council Member Uzman stated that he doesn't see any reason not to reduce the number to five.

Council President Van Sciver stated that the Planning Commission is a recommending body. Their role is to make a recommendation to Council. Even if only three people attend the meetings, a decision can be from the number of people who attend. A seven member

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Commission offers an avenue for more participation in the community, but I don't feel that strongly about it.

Chris Mongeau responded that in the Municipalities Planning Code, there is a requirement to fill seats within a designated period of time. He believes with that point alone, you need to have a fixed number that should be five to make it work.

Council Members Macaleer and Giandonato stated they were in favor of reducing the number to five.

Council Vice President Raymond stated that she thinks five would be a suitable number.

Council directed the Manager to have an Ordinance prepared to reduce the number of members on the Planning Commission from seven to five. This change will be advertised for adoption at a future meeting.

b. Michael Salek, a member of the Parks and Recreation Committee, stated that he has been a resident of the Borough for the past three years and currently serves on the Parks and Recreation Committee. He reported that he would like to initiate pick-up basketball at Quann Park. He stated that he grew up in an affluent town in Connecticut but they didn't have any resources like this one in their community. He drives around town and sees all the kids with nothing to do. His suggestion would be to offer every other Thursday night a summer basketball game from 7:30-9:30, under the lights. He would be the chaperone. The targeted age groups would be 8-18. He would be open to a lot of suggestions on this matter. The point is to give the kids something to do in this town. There are a lot of younger families with young kids and I would be looking to give them something to do. It might be a nuisance with the nearby neighbors, but I would hope we can work to mitigate that and don't believe it would be an insurmountable obstacle.

Council Member Sponenbergh expressed concern about the time requirement that would fall on Mr. Salek. His thinking is that it is very important to have an adult there and asked what the contingency plan would be if Mr. Salek was not available on a Thursday night. Mr. Salek responded that if he can't do it, it wouldn't happen. He also stated that the lights would go off when he goes home.

Council Member Macaleer questioned the insurance requirements and the Manager responded that the Borough had liability coverage for all of their public parks.

Council Member McCrory stated that if this activity becomes popular, he would want to make sure that all the Borough kids get a chance to play. Mr. Salek responded that he wanted to start it off as being informal to see how it goes and if it develops. If it becomes popular, he would consider turning it into a league-type activity for the kids.

Council Member Uzman stated that he thinks it is a good idea.

Council Vice President Raymond stated that if there is interest, it would give the kids something to do on a regular basis.

Council President Van Sciver suggested that Mr. Salek talk to Mr. McManus, the resident who initially started organized play at the Courts.

Resident Ann Novelli, 23 W. First Avenue, stated that she thinks it is absolutely fine and she is the resident who resides directly across from the park. She stated that the lights need to go off when Mr. Salek leaves. The lights cannot be kept on all night as it brings older kids out at all hours of the night to play and that is disruptive to the neighbors.

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c. John Buckley, 165 Church Street, commented about the Malvern Pizza vehicles and Blackburn Plumbing trucks being parked in the municipal lot on King Street for several hours every day. Mr. Buckley also thanked the Borough for having the PECO lights removed on Church Street.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Macaleer, seconded by Council Member Uzman and unanimously carried by a vote of 7-0 to approve the minutes of the Regular Meeting held on Tuesday, April 17, 2012, as submitted.

4. 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 April 2012, as submitted.

5. APPOINTMENT OF CONFLICT COUNSEL:

A motion was made by Council Member Sponenbergh, seconded by Council Member Uzman and unanimously carried by a vote of 7-0 to appoint Robert Scott, Esq. as Conflict Counsel to handle those liens that Lentz Cantor & Massey, Ltd, are conflicted on. Mr. Scott's offices are located in Media, PA and he serves as Solicitor for Media, Swarthmore, and Lansdowne Boroughs.

6. AGREEMENT WITH THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION:

A motion was made by Council Member Uzman and seconded by Council Member Sponenbergh to execute the Agreement by and between the Delaware Valley Regional Planning Commission and Malvern Borough for the purpose of performing certain services in connection with the Transit Oriented Development Plan.

Upon receiving questions from Council, Council President Van Sciver explained the reasons for the Agreement and explained about the grant funding being received from the DVRPC through a PennDOT grant program to study a TOD around the train station. Eighty percent of the funding is from DVRPC and 20% is from the Borough.

The motion was unanimously carried by a vote of 7-0.

7. CONSULTING AGREEMENT – WHITMAN, REQUARDT & ASSOCIATES, LLP:

A motion was made by Council Member Uzman and seconded by Council Vice President Raymond to execute the Consulting Agreement between the Borough of Malvern and Whitman, Requardt & Associates, LLP, to complete a study known as the “Transit Oriented Development Plan at the Malvern Train Station”.

Council Member Macaleer asked about the Scope of Work and Council President Van Sciver read the Scope of Work that is expected to be completed by the Consultant. The Scope of Work was identified in the initial advertisement for RFP’s.

Chris Mongeau stated that completion of the study would also have a feasibility component for the Malin Road extension that will be a game-changer for the Borough.

The motion was unanimously carried by a vote of 7-0.

8. OTHER BUSINESS:

a. Announcement – The Bid for Trash & Recyclables was advertised in the Daily News on April 26th and April 30th. Bids will be publicly opened and read on Monday, June 4th at 4:00 p.m. in the Borough Hall.

b. Announcement – Bulk trash pick-up is Saturday, May 19th throughout the Borough

c. Announcement – The Planning Commission will make a recommendation to Council to approve the 2012 Comprehensive Plan. A Public Hearing will be held by Council on Tuesday, June 19th at 7:30 p.m. to consider adoption of this Plan.

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 8:16 p.m.

COUNCIL PRESIDENT VAN SCIVER ANNOUNCED THAT COUNCIL WILL ADJOURN TO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager