

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

June 19, 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 - 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. Tom Kadyszewski, 217 Church Street, asked Council what they were going to do about the traffic situation on Second Avenue and Church Street because of the on-going construction and development on King Street. A lot of traffic is being diverted from King. He stated that now it is calm, but once school is back in session, they will have more problems.

- b. Bill Doughty, 145 Woodland Avenue, reported that he and his wife attended a Planning Commission meeting regarding the TAG development on Church Street, and raised concerns about stormwater, traffic, etc. The Plan was brought to Borough Council for Preliminary Approval. Mr. Doughty asked if any concerns were raised by the Council. Council President Van Sciver responded that Council approved the Preliminary Plan and a neighbor testified how much she was in favor of the development. Council President Van Sciver stated that he does not recall any particular concerns being raised about those matters, but they are all part of the subdivision ordinance. No waivers were requested dealing with stormwater issues. Mr. Doughty stated that he does not think their concerns were brought to Borough Council. Council President Van Sciver stated the Preliminary Plan was approved and the Final Plan concerns that have to be dealt with will have to be approved at the Final Plan approval meeting.

Cassandra Doughty, 145 Woodland Avenue, reported that twenty concerned residents attended the Planning Commission meeting. There are stormwater and traffic safety aesthetics with putting up new houses in a historic district. They are concerned that their

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concerns were not brought before Borough Council. There will be four new houses with eight cars with inappropriate parking in a gravel alleyway. There are 20-50 residents opposed to this development. They are concerned about this development on top of what is already happening on E. King Street.

Council President Van Sciver responded that generally, as a plan comes forward that conforms to the bulk and area requirements, and if the use conforms to the zoning, then generally there is little that can be done to prevent that development from going forward. That is a property right that they have. Council President Van Sciver stated that he does not recall anything unusual in that plan. As a homeowner who lives next to an empty lot, it doesn't mean that it will be empty forever.

With respect to the traffic calming situation, this has always been something that Council thought of as an evolutionary thing that we will improve upon. There is a traffic calming petition on our website. Although we have only approved speed humps so far, there may be other considerations that can be explored.

Mr. Kadyszewski reported that the traffic in the morning and evening rush hour is scary. To have 400 vehicles an hour as one of the criteria is unrealistic. Second Avenue is such a narrow road that it isn't even safe to be a two-way street. The traffic sign is half way down the street. I have had people honk their horn when the school bus is stopped that is picking up my grandson at my house. During those times, I don't see any police out there at all.

Mr. Doughty stated that traffic planning is after the fact. The new development will create a lot more traffic on the street.

c. Mr. Burton, 19 Powelton Avenue, asked that Council consider maintaining the 48" sidewalk without the curb. The extra 8" for the curb takes that much out of his front yard. They want the road and sidewalk not to be so close to their front porch. A four foot sidewalk is considered the standard. The curb is there for plowing. This is a matter of maintaining the 48" instead of the 56". The 8" rise reduces our perch on the porch but the 8" coming in will be impacted with our front lawn.

Dan Daley was out to talk to us. He suggested that we make an appeal to Borough Council on that section of Powelton Avenue.

Council President Van Sciver stated that the Public Works Committee reviewed and walked the area. The idea is with the walking community and traffic, the 4' foot path is important and that is the direction we have given the engineer.

Linda Burton, 19 Powelton Avenue, stated that initially it seemed that the 8" was okay. But, our frontage is 10'. The Borough would be taking away from the frontage. It is the only building on the street that has the least amount of frontage.

d. Allison Zaborowski, 218 Church Street, stated that her builder had a requirement to install a sidewalk. She asked what the plan was to have sidewalks installed all along the second block of Church Street.

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Council President Van Sciver responded that he specifically remembers that residents of the second block of Church Street attended a Council meeting and were opposed to sidewalks in that block. Borough Council elected, at that time, although we had the funding, to hold off on the sidewalks.

Ms. Zaborowski asked if it could be done at another time.

Council President Van Sciver responded "absolutely".

- e. John Buckley, 165 Church Street, reported the following:
- i. He is still being harassed by the cops. Last night across from the post office, a car was parked in the wrong direction. He stated that he was walking to the Wawa at 10:00 at night and he saw a cop looking at him and he asked why that cop didn't ticket that car. The officer then took care of it. Mr. Buckley asked how that car can sit there all day and not be ticketed.
 - ii. Dogs are still crapping on his lawn.
 - iii. Questioned the action to reduce the number of members on the Planning Commission. With all the projects going on in town, it doesn't make sense.
 - iv. If Council installed speed humps on Church Street, he feels it would decrease the property values. He does not want them in front of his home.
 - v. Asked if the Powelton Avenue project was going around the corner or stopping at the intersection of First Avenue.
- f. Frank Ortner, 144 Griffith Avenue, reminded Borough Council about the Chesco GrandPrix race on June 29th. King Street will be closed beginning around 3:00 from Woodland to Powelton. There will be different types of races including a kids race. The event will begin at 5:00 and end at 9:00. Signs were posted along the area. Businesses received copies of the posters. Meetings were held with the Fire Chief and Police Chief and the business community wants to make sure that everyone is aware of the event.
- Council Member Uzman asked when the signs are going up on Old Lincoln Highway.
- Mr. Ortner responded that the signs will be going up this weekend at Old Lincoln Highway and Route 30, and King Street from the eastern end. There will be detour signs placed on the day of the event.
- Neil Vaughn, Fire Chief, reported that through the Fire Police of Chester County, they have asked for message boards at Old Lincoln Highway and King Street and Route 30 announcing the detours on the day of the race.
- g. Police Services – Council President Van Sciver reported that Borough Council did explore outsourcing and he made the following statement:

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Relative to outsourcing:

I believe I can state unequivocally our outsourcing exploration was instigated by Borough Council's increased understanding of the workings of the Police Department; what our neighboring communities spend on their Police Departments and how they manage their Police Departments. We have come to this increased knowledge primarily through efforts made to negotiate the 2012 Police contract where an incredible amount of data was accumulated related to both the cost of personnel and the associated cost of the Police Department. During the negotiation process the Police made us aware of issues which are not unique to Malvern and are characteristic to small Police Departments. One issue in particular is the requirement for back up and the way Malvern has addressed this concern through the use of the power shift (without a contract requirement for same). Related issues are matters with supervisory communications and training. These issues are important to address for a well-functioning and safe Police Department.

The trend in police contract negotiations has been for the negotiating groups representative of small departments to seek having a minimum of 2 policemen on duty at all times in order to address matters with backup and patrol coverage when an event occurs that may require a patrolman to be away for the normally assigned patrol territory (such as when escorting a drunk to the hospital for blood work). In anticipation of providing for such backup and staffing levels, the current and past Borough Councils have considered regionalizing/subcontracting with a neighboring department. This pursuit of "bench strength" for patrol backup as well as specialized services such as accident investigation, detective investigatory follow up, and better supervisory communication-direction in the provision of our police services has been the primary driving force in this Borough Councils exploration of subcontracting/regionalization.

Relative to our investigation:

Coinciding with perhaps the increased communication between Borough Council and the police surrounding the contract negotiations as well as some issues raised by our residents and businesses, a number of incidents have come to light related to how our police force functions. Many of these issues when viewed from a disinterested standpoint revolve around seemingly juvenile matters- personnel demonstrably soiling toilet rooms and work places; lack of communications between patrolmen and borough staff on matters related to policy, procedures, investigations and simple shift transfer acknowledgements; suits against each other over a few hundred dollar expenditures; reports to the District Attorney's office of criminal behavior against each other (none of which the DA saw any merit in pursuing). Given these sorts of personnel conflicts and including some more egregious reports related to brazen weapon blandishments and subtle suggestions of poor performance, Borough Council and the Mayor determined we would conduct an investigation into the police force to determine how we can address these issues. The Malvern Police Department was reported to have significant low morale and comments, some emanating from the department itself suggested the department was dysfunctional.

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Borough Council sought to begin to address some of these departmental difficulties with new leadership and these incidents, not a focus on outsourcing or subcontracting, is what has led to the installation of our new Chief of Police. It is our strongest desire that all of the personnel matters which have characterized our department for the past few years can be worked through to raise the entire department's morale. Through this leadership change we expect to develop a closer working relationship with both of our neighboring municipalities' Police Departments. As one might imagine, having a cooperative patrol in a neighboring community adds significantly to all of our regions wellbeing and security.

Council Vice President Raymond stated the concerns that led Council to consider outsourcing started with finances. She stated that she became more interested in considering outsourcing when an investigation revealed that, for reasons of morale and lack of properly dealing with discipline among the officers, our department was becoming dysfunctional. She stated that her concern has always been that the borough not be left in a situation where it was without a police department. We changed our department with new leadership and hope that Mark Ercole will be able to build trust among the officers in the department and rebuild Malvern's reputation in the eyes of other departments in the area. She stated that it is also her concern that Malvern is still a small department. We may want, at some point in the future, to purchase other services from other communities, such as detective services.

Council Member Macaleer stated that through the discussions and investigations that were conducted, he became concerned about a series of things. There were times when you had an officer out on the street by himself and he had to leave the Borough to take a DUI to the hospital for blood testing or he may have been called to court and it left the Borough limited in coverage. Back-up may take up to 45 minutes. Council Member Macaleer wanted to make sure we had proper coverage and back-up when we needed it. Some of our officers were being put unnecessarily at risk because of the way it was being managed. Council Member Macaleer stated that he was concerned about this. When you compare the training and equipment that we have for our officers, it became clear that we needed to do a better job in training and equipment and that convinced him that Council needed to take a look at this. He felt we needed a better trained Police Department and we would have to do it ourselves or outsource it. We spend about 25% of our budget on our Police Department but neighboring Police Departments spend much more. However, our neighboring municipalities have a much broader tax base.

Mayor McGlone stated that it was obvious to him that there was a lack of leadership and loss of trust over the past twelve months within the department. It coincided with the subject of outsourcing. Mayor McGlone stated that he asked for the investigation into the department and through the investigation Council was able to validate that there was a complete lack of trust within the department and the morale couldn't be any lower. He feels that Chief Ercole will bring credibility and this will again help with working with the neighboring municipalities. The Mayor stated that his expectation is that we will work collaboratively in this community.

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Council Member Sponenbergh stated that he echoes all of the comments here tonight. Council had a public meeting on April 17th. One of the things that we took away was that there was a very vocal majority that wanted to maintain our own police department. At that time, he thought it was an unfair comparison to make with our own police department as to what we could get if we outsourced with East Whiteland -- crime scene investigation, juvenile issues investigator, detectives, and bench strength -- for about what we spend now. Going forward, Council Member Sponenbergh stated he is not willing to dismiss the concept of outsourcing police services because he doesn't have enough information to make that decision. He would like to see how a functional Malvern Police Department compares with an outsourced police department and then see how the residents feel about going one way or the other.

Council President Van Sciver stated that from a personal standpoint, he thinks that Council is at a point where Council is undecided about outsourcing. Some members have said they don't want to consider it, others still want to consider it. He stated that he's hoping that with Chief Ercole on board, that some of these bench strength services we might need, such as a detective or tender age investigator, we could just say, can we buy that service from East Whiteland Township and we'll keep our police force. This would be the most effective way to deliver services to the Borough. We will not be beholden to an emotional tie to have a Malvern name. He stated that he wants it to be a rational decision. It was a radical change to our community when the Great Valley School District closed the school in Malvern and the school became the borough administration building. It would be hard for us to envision now, getting away from Great Valley School District and starting our own school. Residents would likely disagree. Those kinds of concerns and priorities can change over time. Hopefully we will move forward and have a better environment for our police officers.

Lee Ann McNamee, Channing Avenue, asked how often the Borough would assess the functionality of the police department and asked if the residents would be notified and if it would be more transparent.

Council President Van Sciver responded that Council could not make any statements about personnel. We did sign a contract with East Whiteland Township for a six month review period and can terminate the contract in one year. At that time, we can also say that we like what we have and want to renew the contract.

Mayor McGlone responded that assessments will be made daily and he speaks to the Chief daily. The Chief also speaks to the Manager daily. After six months we will have a good idea of whether we want to go forward. The only public reaction or statement to that would be if we felt we wanted to make a change. The Mayor stated that he does not have a vote on Council, but if he had a vote, he would be completely against outsourcing the Police Department. The public has made it clear to him that they are in favor of retaining our own Police Department. The Mayor also stated that transparency has always been there. Nothing was held back other than the personnel issues, which cannot be discussed in public.

Ms. McNamee asked if Council could build up our Police Department from within and build up the services we receive with additional training and equipment.

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Council President Van Sciver responded that it is a fiscal balance. The Borough has a tax base that is different from our neighboring municipalities. Their General Fund is considerably larger than ours, although their millage rate is much smaller than ours. We would be paying a lot of money and it is a balance.

Mayor McGlone stated that the whole idea of training is that all training is good training. We want our existing officers to have the opportunity to grow within our department. We want to make sure they are getting training here in the Borough or from other municipalities. Our Department and people are very important to us. We don't want to put them in a position where they want to go elsewhere.

Joan Yeager, Raintree, asked how much additional money would come into the Borough once the King Street project is completed. Council President Van Sciver responded that the developer did a financial feasibility study that reported the net increase would be approximately \$60,000 per year.

David Knies, 114 Warrington Way, asked if the structure of the Police Department was changing at all. Mayor McGlone responded that Mark will be reporting to the Mayor and Manager. The intent was to make sure the line of communication was extended to the Manager also, which should have always occurred anyway.

John McNamee, Malvern Police Officer, stated that he wanted to address the dysfunctionality of the Police Department. He stated that they are not dysfunctional. There is a personnel issue. The majority of the officers in the police department choose to stay here. There have been opportunities to go to Tredyffrin or Willistown or even Radnor Township, but we choose to stay here because we love this community. He stated that he is insulted with the notion that they're dysfunctional, because they're not. There was a personnel issue that involved one person and that was the amount of the dysfunctionality in the police department. There are good quality police officers who love working with this town. Thank you for your comments.

Mayor McGlone stated that there are plenty of people in the department who get along well. But, it did go further than just one person, in his opinion. There is one in particular that we have a problem with and that will be addressed. But the leadership, or lack of leadership, was also a problem and that is also part of that definition of being dysfunctional.

Council Member Macaleer stated that none of us felt that you weren't ever doing a good job on the street. You do a great job on the street.

Council Vice President Raymond stated that she is impressed with the professionalism of the Department and how you went about your jobs even with the diversity. She stated that her concern was the personnel issue.

Council Member Uzman thanked all of the officers. He stated that he has run into officers late at night and appreciates having you out there and knowing you do a good job. He wants to know that we have a police department where everyone gets along and everything is working as it should. He wants to keep the police department as it is and just improve upon it.

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Council President Van Sciver introduced Mark Ercole as Malvern's new Chief of Police. He reported that Mark has been a Lieutenant with the East Whiteland Police Department for the past 4-5 years and has worked at East Whiteland for 25-26 years.

Chief Ercole stated that he is familiar with the businesses and lived in Malvern fifteen years ago for about 4-5 years. He knows many of the residents here from being in East Whiteland and providing back-up to our officers. He stated that he gets to the station early each day and invited the residents to give him or the Mayor a call whenever they need to do so.

h. ARLE Grant Application for Traffic Control Signal at King and Warren – the Manager reported that the Borough would be applying for an ARLE Grant to upgrade and modernize the traffic control signals at the intersection of King & Warren Avenue, to install LED lights and to make pedestrian safety improvements such as countdown timers, an Accessible Pedestrian Signal, PennDOT ADA ramps, and crosswalk striping. The ARLE (Automated Red Light Enforcement) Grant is a Transportation Grant from the Pennsylvania Department of Transportation.

Council President Van Sciver asked if members of the audience had additional ideas for the grant or comments on what was being applied for. No comments were received.

i. Department of Emergency Services Fee – John Rychlak and Neil Vaughn of the Malvern Fire Company stated that they were hearing that this fee may be coming. They requested that if the fee becomes the responsibility of the municipalities, that the Borough's annual contribution to the Malvern Fire Company be retained and not cut.

Council agreed to retain the annual contribution to the Malvern Fire Company.

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 Meeting held on Tuesday, May 15, 2012, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice President Raymond, seconded by Council Member Uzman and unanimously carried by a vote of 6-0 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 May 2012, as submitted.

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5. TERMINATION OF CHIEF OF POLICE, MICHAEL J. MCMAHON:

Council President Van Sciver reported that Borough Council did have an Executive Session in a past meeting where Council had a discussion concerning the Chief of Police. At this time, Council must execute the decisions that were made. Council President Van Sciver asked if there were any motions?

Council Member Sponenbergh responded yes, pursuant to the authority provided to Borough Council under Section 1121 of the Borough Code, as well as the Home Rule Charter of the Borough of Malvern, I move that we terminate the employment of Michael McMahon as the Borough's Chief of Police.

Council President Van Sciver stated there is a motion on the floor. Is there a second?

Council Vice President Raymond seconded the motion.

Council President Van Sciver asked if there was any discussion. There being no discussion, there was a motion and a second. All those in favor of the motion to terminate Mr. McMahon, say Aye. All those opposed, say Nay.

There being all Ayes, the motion passed unanimously and Mr. McMahon's employment is terminated. Mr. McMahon will be notified immediately of Council's action.

6. AWARD BID – TRASH & RECYCLABLES:

A motion was made by Council Member Sponenbergh, seconded by Council Member Uzman, and unanimously carried by a vote of 6-0 to award the Trash & Recyclables Contracts to: Two Year Collection/Hauling Contract at 2x per week to Republic Services, d/b/a BFI Waste Services, at a total cost of \$249,524.00 for two years and for Recycling to Charles Blosenski, at a total cost of \$72,352.80 for two years.

7. PUBLIC HEARING – COMPREHENSIVE PLAN:

Council President Van Sciver announced that Borough Council will now open a public hearing to consider adoption of the 2012 Comprehensive Plan. The Plan was distributed to East Whiteland Township, Willistown Township, the Chester County Planning Commission and the Great Valley School District.

Comments were received from the Chester County Planning Commission which have been incorporated herein and from Willistown Township.

The Notice of Public Hearing was published in the Daily Local News, as required, on May 25th and June 4th.

David Knies, Chair of the Comprehensive Plan Task Force, presented the 2012 Comprehensive Plan Update to Borough Council.

Mr. Knies explained that under the 2012 Plan, there are new/expanded planning principles; new sections were created that include Natural Resources, Energy Conservation, Historic Resources and Economic Development. Also included is the latest 2010 Census Data/New Technology and an excellent set of maps. In terms of the Neighborhood Planning

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Areas, Old Lincoln Highway was added and the boundaries were reset for three other planning areas.

The Comprehensive Plan is available on line and in the Malvern Public Library.

In terms of Planning Principles, the Task Force would like to have an Official Map.

Council President Van Sciver asked what the Official Map would do and what would we expect to see if we adopted an Official Map.

Cecelia Oswald, a member of the Task Force, responded that the Map could show all recreational areas, sidewalks, the Patriot's Path, the Greenway Trail, Pennsylvania Avenue extension, etc. If we want to preserve a piece of land in the Retreat or at Malvern Preparatory School, that could also be included on the Map. We could request a first right of refusal should they decide to sell any portion of their property.

In addition to the Official Map, other Planning Principles include continuation of the King Street corridor redevelopment as there is still much more to do to make that look like something you have in a first class community. We should avoid ridge line development and flag and double frontage lots; minimize non-conformities; encourage green building; new technologies—wire up the entire Borough; provide recreational opportunities for all ages; pedestrian access sidewalks with grants and opportunities for building more sidewalks; coordination with other municipalities; protect the ecology that we have (whenever we have an opportunity to plant or preserve) and neighborhood design to the degree that we can (not permit McMansions to be built next to smaller homes).

The Vision for Malvern is to enhance the “small town” character by creating a distinct identity and sense of place; to promote a vibrant business community and employ environmentally sensitive practices; reinforce diversity in the types of structures we allow to be built; create a town center (over time, we may be able to make the Wawa shopping center something that is more attractive); and, continue to seek an integrating identity/theme (are we Victorian? not really; are we a railroad town? Somewhat).

Some Key Items in the Plan include Needs/Opportunity and Potential Initiatives for each need.

If we can complete the Malin Road extension, that would help enormously with the truck traffic.

We should consider initiatives to support transit oriented development that could include an Official Map and coordinated land use planning along the Malin Road extension.

King Street commercial development - traffic calming and parking will continue to be issues. Stormwater management should be considered. Whenever a streetscape project is considered, stormwater drains should be included in the project.

Along with Neighborhood character preservation, zoning ordinance updates should be considered and updated.

Finally, pedestrian access is a need and an adequate set of bike paths may be difficult within the Borough, but perhaps they can be considered in some areas.

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Mr. Knies stated that he found it surprising that Chester County did its own review of the Plan given that they were the consultants on the project. Jeannine Spiers did an outstanding job, along with the other Planning Commission employees who assisted with various chapters.

Council Member McCrory stated that he was thoroughly impressed with the document. The only thing that he found questionable was an employee's picture in the Plan that was just terminated. Perhaps that picture can be removed.

Mayor McGlone stated that putting this Plan together was a lot of work. He thanked everyone who was involved on the Task Force.

Council President Van Sciver asked if in any of the Planning Areas the Task Force found an increasing number of non-conformities from the 1993 level? Mr. Knies responded that the planning commissions years he served on, if an applicant came in with a non-conformity, there was pretty much no chance that they would recommend approval.

Ms. Oswald stated that the Task Force asked for a list or map of the non-conforming properties, but the County was unable to provide such a list.

Mr. Knies stated that, with this document, he would like to see the Borough write a ton of grants. We will receive a word version of the Plan so that excerpts from the Plan can be easily extracted. There is more detail in the Plan than he thought we would be able to get.

Council Vice President Raymond stated that she learned more about the Borough by going through this process and reading the drafts. It is such a great reference source. It is a great Plan to just look through.

Council Member McCrory stated that if we don't take the opportunity to do this now for the streams, we will lose an opportunity. If we had it 40 years ago, we wouldn't have the problems that we have now.

Mr. Doughty thanked Mr. Knies. This document is a very comprehensive vision for Malvern. He questioned what the next steps would be and what we should be looking for in the future. The Zoning Ordinance update is next. He asked if this was the framework for that document.

Mr. Knies responded that an official map can work in conjunction with the Plan. Borough Council can update the Zoning Ordinance.

Ms. Oswald responded that the whole second chapter is a Borough to-do list for the next ten years.

Mr. Knies stated that the other way you would use this document is that when a developer comes in with a scheme and is looking for conditional use approval, we can use this document to see if there is any way their project/scheme would apply.

Mrs. Doughty stated that she's thinking that all these wonderful ideas won't go far without the zoning being changed. She asked why she is in an R-5 Zoning District when they have historical homes on their block. It just seems to be that we need to look at our neighborhoods and see if the zoning applies to the neighborhoods.

Ms. Oswald responded that the Task Force did not find the overall zoning to be deficient.

Council President Van Sciver stated that essentially what happened with the 2003 Zoning Ordinance, the Task Force looked at a satellite image and created the zoning district based on the

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majority of the lot sizes, how far back the houses were set and the side yard setbacks. The Task Force measured what was there and said that is what we would mandate in the zoning ordinance. There are in-fill lots throughout the Borough. That occurs everywhere.

Ms. Doughty stated that if we are trying to maintain character, that needs to be looked at.

All discussion having been heard, Council President Van Sciver closed the public hearing and thanked the residents for their comments.

8. RESOLUTION NO. 654 – 2012 COMPREHENSIVE PLAN:

A motion was made by Council Member Macaleer, seconded by Council Member Sponenbergh and unanimously carried by a vote of 6-0 to adopt Resolution No. 654, a Resolution adopting the Malvern Borough Comprehensive Plan of 2012, Re-adopting the Revitalization Plan of 2009 and Repealing the Parks, Recreation and Open Space Plan of 1982 and to include some errata changes.

9. PUBLIC HEARING – ZONING HEARING BOARD APPEAL TIME:

Council President Van Sciver announced that Borough Council will now open a public hearing to consider an Ordinance to change the stated time period for appeal to the Zoning Hearing Board from ten days to thirty days.

The Notice of Public Hearing was published in the Daily Local News, as required, on May 29th and June 5th.

There being no comments, the hearing was closed.

10. ORDINANCE NO. 2012-3 – ZONING HEARING BOARD APPEAL TIME:

A motion was made by Council Member Uzman, seconded by Council Member McCrory and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2012-3, an Ordinance amending the Malvern Borough Zoning Ordinance of 2003, as amended, in order to change the stated time period for appeal to the Zoning Hearing Board from ten (10) days to thirty (30) days.

11. PUBLIC HEARING – REDUCTION IN NUMBER OF PLANNING COMMISSION MEMBERS:

Council President Van Sciver announced that Borough Council will now open a public hearing to consider adoption of an Ordinance to reduce the number of members on the Planning Commission from seven to five.

The Notice of Public Hearing was published in the Daily Local News, as required, on June 8th.

Ms. Doughty asked if it was a matter of can we fill the vacant seats and what do we need?

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Council President Van Sciver responded that within the last ten years, there has generally been a vacancy on the Commission and it is difficult to attract new members.

Cecelia Oswald, a member of the Planning Commission, stated that the reduction of the Planning Commission members from 7 to 5 will not affect projects coming before the Commission. Should another development such as the E. King Street project come to the Borough, Borough Council could create a task force to address that development. The Planning Commission can do a good job with five members.

David Knies stated that his only pause is that five is fine but there are two less citizens involved with the workings of the Borough.

Wendy McLean stated that when the Planning Commission recommended approval of the Comprehensive Plan, they would have needed a majority. It is always good to have a quorum, especially if a project is the subject of an appeal later on.

Council Member Uzman stated that if there is a firestorm of people wanting to be on the Planning Commission, we can always put it back to seven members.

Wendy McLean stated that any recommendation that is sent to Council should be done with a quorum present.

There being no further discussion, the hearing was closed.

12. ORDINANCE NO. 2012-4 - REDUCE THE NUMBER OF MEMBERS OF THE PLANNING COMMISSISON FROM SEVEN TO FIVE:

A motion was made by Council Member Macaleer, seconded by Council Member Uzman and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2012-4, an Ordinance amending deleting Chapter 36 of the Borough of Malvern Code of Ordinances entitled "Planning Commission" and amending Chapter 25, Section 25-29 I (2) to reduce the number of members of the Planning Commission from seven (7) to five (5).

13. PUBLIC HEARING – PARKS AND RECREATION:

Council President Van Sciver announced that Borough Council will now open a public hearing to consider adoption of an Ordinance to create tobacco-free zones at public parks.

The Notice of Public Hearing was published in the Daily Local News, as required, on June 8th.

Council President Van Sciver stated that this Ordinance refers only to borough-owned parks.

There being no discussion, the hearing was closed.

14. ORDINANCE NO. 2012-5 – PARKS AND RECREATION TOBACCO-FREE ZONES:

A motion was made by Council Member McCrory, seconded by Council Member Sponenbergh and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2012-5, an

Ordinance amending Chapter 139 “Parks and Recreation” to declare certain parks and playgrounds as tobacco-free zones.

15. AWARD BID – POWELTON AVE. STREETScape PROJECT:

A motion was made by Council Member Sponenbergh, seconded by Council Member Uzman and unanimously carried by a vote of 6-0 to award the bid for the Powelton Avenue Streetscape Project to the lowest responsible bidder, Road-Con, Inc. of West Chester, at a total cost of \$508,036.90, as recommended by the Borough Engineer and contingent on the Chester County Department of Community Development (DC) review of the bid results and necessary documentation.

16. ESCROW RELEASE – 237 KING PARTNERS, LLC:

A motion was made by Council Member McCrory, seconded by Council Member Uzman and unanimously carried by a vote of 6-0 to authorize the request for Escrow Release #1 to 237 King Partners, LLC, in the amount of \$113,505.70, as recommended by the Borough Engineer.

17. OTHER BUSINESS:

Department of Emergency Services Fee for 2013 Budget – the Manager reported that the Commissioners would be delaying the vote on this fee until their July 25th Sunshine meeting.

18. 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 10:00 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager

COUNCIL ANNOUNCED IT WOULD NOW MEET IN EXECUTIVE SESSION TO
DISCUSS A PERSONNEL MATTER