

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

August 6, 2013
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

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

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?

There were no comments from the public.

3. PROPOSED ORDINANCE REGARDING ATTORNEY AND COURT COST FEES:

Council President Van Sciver explained the rationale for the proposed ordinance describing, as an example, the recent wall collapse on Daisy Lane. The question was raised as to whether or not interest can be assessed on any unpaid balance owed. The Council President said that he thought so but the question would be directed to the Secretary for clarification.

The Borough Solicitor explained that the penalties are specific to the type of violation. The State Borough Code has been amended to assess fees and costs and would allow the same under Home Rule. Interest can only be assessed after judgment is rendered and is 6% per annum under state law. Guilt must be determined first. The proposed language is a general ordinance and the Solicitor recommends putting the language under each individual penalty as well.

The proposed ordinance must be publicized before a Council vote can occur. The proposed ordinance enables collection of costs plus fines.

The question was asked, "If Home Rule is silent does the State Borough Code apply?"

Decision was tabled until all Council members are present. The proposed change will not apply to Daisy Lane.

4. OTHER BUSINESS:

- a. Letter from Frank Ortner – A letter was received from Frank Ortner, 144 Griffith Avenue, addressing the issues around parking on Monument Avenue. Mr. Bramwell, a resident of Monument Avenue, had previously addressed the Council about his concerns which included:

ADA, parking obstructing traffic and crossing safety. Mr. Ortner is recommending the development of a Borough wide sidewalk plan.

Council President Van Sciver stated that he liked the idea. He noted that the current parking pattern on Monument actually serves as a traffic calming method. Further discussion among Council members included current parking by permit, limiting parking to one side of the street, guest parking and construction of islands like those on King Road.

Council President Van Sciver noted that the current sidewalk maintenance ordinance has never been enforced. It was suggested that sidewalk construction and repair be made a line item in the budget. In the future after sidewalks are constructed or improved residents would be notified that they were now responsible for the maintenance of the sidewalks on their property.

It was suggested that sidewalks be installed when a property changes owners. The Solicitor noted that sidewalk repair could be made a condition of sale.

b. Committee Appointment:

Council President Van Sciver appointed Council Member Coughlin to the Public Works Committee.

c. Additional comments by Council Members included:

- Two additional issues related to the King Street project, an extra dumpster and screening;
- The proposed outdoor deck at the Alba Restaurant which would require a variance and a special exception;
- The need to improve the appearance of the entire rear of Restaurant Alba;
- The TOD Study;
- Lighting on the mural of the side of Malvern Pizza; and
- A volunteer has agreed to repair the walls before the additional murals are painted. The murals have been fully funded.

5. ADJOURNMENT:

Council President Van Sciver announced that the Council would adjourn to Executive Session. Mr. Buckley questioned why the content of the Executive Sessions was not made public. The President explained that this session was about a legal matter involving land use.

A motion to adjourn was unanimously approved and the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Marty Laney
Acting Assistant Secretary