

PRESIDING: Woody J. Van Sciver, President

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 - ABSENT
 - Council Member Sponenbergh
 - 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?

- a. Chief Ercole reported on the fire in the Police Department that was started from a small sump/condensate pump that malfunctioned. They lost an adding machine and they have thirty days to evaluate the computers/keyboards. That was all that was lost. There was damage to the wall, ceiling and some doors from the fire department as it was difficult to find the source of the fire because only smoke could be seen. Currently they have an air scrubber to remove dust and odors but that machine is very noisy.

- Council Member Uzman asked if all our data on the computers was saved and if data was stored off-site. The Manager responded that she has been discussing virtual servers with the IT Company and has agreed to move forward with this option. We are awaiting the IT Company to set it up.

3. RESOLUTION NO. 657 – TAG BUILDERS:

A motion was made by Council Member Sponenbergh and seconded by Council Member Macaleer to approve Resolution No. 657, A Resolution approving, subject to conditions, the Plan entitled “Subdivision Plan for 144 Church Street, TAG Builders, Inc.,” prepared by Inland Design, Exton, dated April 19, 2012, last revised June 22, 2012, as a final plan, pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, as amended for the development of certain property located in the Borough of Malvern, Chester County, Pennsylvania, in the R-5 zoning district.

The Planning Commission recommended that the alley behind the four new properties and the existing twin be paved to a minimum 12 foot cart-way width centered within the right-of-way. Council questioned whether the stormwater mitigation provisions that TAG is making is

REGULAR MEETING

August 7, 2012

Page 2

going to include the impervious conditions from the paving of the alley. Tom Galbally responded that he will check into that with the Borough Engineer. The Manager was asked to contact the Borough Engineer to request his opinion, after a site visit, to determine if the paving would change the profile of the alley and create a stormwater runoff issue for other properties in the area.

The motion was amended to state that paving should occur subject to the decision of Borough Council within the next sixty days.

The motion, as amended, was approved by Council Member Sponenbergh, seconded by Council Member Macaleer and unanimously carried by a vote of 5-0.

4. RESOLUTION NO. 658 – BOARD OF APPEALS:

A motion was made by Council Member Uzman, seconded by Council Member Sponenbergh and unanimously carried by a vote of 5-0 to adopt Resolution No. 658, a Resolution establishing a Board of Appeals for Malvern Borough.

5. ESCROW RELEASE – 237 KING PARTNERS, LLC:

A motion was made by Council Vice President Raymond, seconded by Council Member Sponenbergh and unanimously carried by a vote of 5-0 to authorize the request for Escrow Release #2 to 237 King Partners, LLC, in the amount of \$179,138.55, as recommended by the Borough Engineer.

6. OTHER BUSINESS:

a. Discuss Capital Expenditures for 2013 Budget – Council discussed the streetscape cost estimates for Woodland Avenue and asked the Manager to request cost estimates for Channing Avenue from King Street to Roberts Lane; for Channing Avenue from First Avenue to Second Avenue and South Warren Avenue from Roberts Lane to First Avenue. Handicap improvements should be considered at all intersections.

b. Windows for Borough Hall – Council President Van Sciver explained that during the design of the municipal building, there was discussion regarding the indoor air quality environment being worse than the air outside. At the time, we did incorporate a more expensive piece into the building, an economizer that allows fresh air to be brought in to the HVAC system that mandates the rates and at the time it met the code mandates. If you have operable windows and people don't close them, it messes up the system. Council President Van Sciver believes it would be worthwhile to look at the whole HVAC system.

Council Member Uzman stated that, on the first floor, he doesn't have a comfort level for operable windows for security reasons. He would like to have somebody come in and look at the whole building.

REGULAR MEETING

August 7, 2012

Page 3

c. Announcement – we will be accepting bids online for the 2012 Malvern Borough Paving Program for West Broad Street and Griffith Avenue until 10:00 a.m., Wednesday, August 16, 2012 at which time they will be publicly opened and read aloud.

d. Historic Ordinance – Council President Van Sciver stated that he had a meeting with the joint task force about a potential draft historic ordinance with their quest to further regulations in the Borough regarding historically significant properties. He stated that they have identified 130-140 properties that they see as historically significant. They are leaning towards a zoning amendment. If a property owner is going to do any of a certain class of things to the outside of their building, there would have to be some level of review by the Historical Commission before they could proceed. Some of the things the Historical Commission would review don't currently require permits. Some of the things they are considering include if you have the old double hung windows and want to replace them, they might want to talk to you about that. Right now you may not need a building permit for that; if you had a slate roof and wanted to replace with asphalt, they might want to talk to you about that. The question is, they are moving forward with this and Council President Van Sciver doesn't know if the Planning Commission has taken a position at this time.

Chris Mongeau, Chair of the Planning Commission, stated that the Historical Commission has been trying to do this for many years. The Planning Commission tried to get something going and some members offered to participate on a task force to move it along. The Task Force is now just trying to get something presentable put together before a draft ordinance is presented to the Planning Commission for review.

Council President Van Sciver stated that initially the Historical Commission had several hundred properties on the list and he said that they have to narrow down the list to only historically significant properties. Council President Van Sciver feels that before we let them have access to the solicitor, Council should determine if this is something that they would generally support. If not, we aren't going to spend money to crank out drafts for this ordinance. He asked if the Borough even wants to regulate this stuff.

Council Member Uzman stated that his problem is you handcuff the property owners. How do we designate? What is the criteria? If there is a historically significant property for sale, and no one wants to buy it because of the cost that might be involved to fix it up in accordance with the criteria established by the historic ordinance, it could sit vacant for years. Then it would become an eyesore.

Council President Van Sciver responded that there can be provisions in an ordinance that could prevent deterioration by demolition by neglect. Is this Ordinance a direction that Council would want to go?

Council Vice President Raymond stated that she likes the idea of protection for some structures that are truly historical, but the Historical Commission has been approaching the problem from the wrong end. She thinks they should be thinking of the types of structures that are important for us to preserve and once they have that list down, then go out and see how many buildings that would affect.

Council Member Uzman stated that he agrees with that.

Chris Mongeau stated that a lot of Council's comments and opinions have been expressed by the Planning Commission, as well. He finds that the numbers game really is the point. We

REGULAR MEETING

August 7, 2012

Page 4

don't have a sizeable quantity of anything. We have one structure here and there. There are no streets with a critical mass of anything in the Borough. That adds to the Historical Commission's quandary.

Council Member Macaleer stated that we have adopted a Comprehensive Plan. We are driving towards something that makes Malvern unique and quaint. What the Historical Commission is talking about plays into that as well, as long as it is not overdone. Keep it going. How does it fit into making the Borough quaint and unique.

Council Member Uzman stated that he would like to see something to review.

Chris Mongeau stated that there is some kind of reasonable number that may warrant this Ordinance. They are trying to get something together to review.

Council President Van Sciver stated that he would like a unanimous vote unless we had a hearing prior to adoption. The hearing should be well advertised far in advance, even including it in the Borough Broadcaster. He would also like to forego any mandates for a one year period in order to have the opportunity to tweak the ordinance, or regulations, if necessary. For the first year, it could be discretionary rather than mandated with no enforcement.

Chris Mongeau stated that might be a good idea. If it is explained to the property owner that the recommendations could add value to the property, they may comply. They may not be aware of the positive aspects of the recommended improvements.

7. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Macaleer, seconded by Council Member Sponenbergh and unanimously carried by a vote of 5-0 to adjourn the meeting at 8:44 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager