

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

FEBRUARY 18, 2014
7:30 P.M.

PRESIDING: David G. Bramwell, President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Bramwell
Council Vice-President Raymond
Council Member Lexer
Council Member Meisel
Council Member Radano
Council Member Van Sciver
Mayor Burton

2. PUBLIC FORUM:

Council President informs 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. Kurt Leininger, 211 Channing Avenue, expressed kudos to the Department of Public Works for their snow removal efforts.

The Borough is aware that there are a lot of parking issues on a lot of the streets and, for the short term, we are going to install some temporary no parking signs at the discretion of the Chief. Emergency vehicles may have trouble getting down some of the streets so the no parking signs will be temporary until the snow melts.

- b. Nominations for Borough Council Vacancy – the candidates were asked to present their statements before Council.

- i. Zeyn Uzman, Charleston Greene, reported that when he sat on Borough Council, he was working on the Public Works Committee and one of the things he felt strongly about was, as a Civil Engineer, he can help guide the Council and express things about issues that come up pertaining to the streets, etc. He can help inform Borough Council of some of the issues. He stated that he was appointed to the Historical Commission at the last meeting and he would like to be active in Borough Council to keep that small town charm. He stated that he did have a long conversation with Lynne Hockenbury and he has her full support. He would also like to assist in creating a good Historical Ordinance this year. He stated that even though he was voted out at the last election, he has the support of the Council and asks that he be considered to fill this vacancy.

- ii. John Kohler, Paoli Pike, congratulated all of Borough Council and stated that he has already seen positive changes to the website. He stated that he believes in what he

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said at the last meeting. When he looks at some of the changes that have been made to the town, it concerns him. All in all, when we look at how Malvern is situated, Paoli Pike is almost 25 acres. They deal with traffic, a busy road, storm water management, etc. He asked “why would I step in front of you again?” and responded that it is because of his ten-month old daughter. We are at a critical point. We need to look at all the great things that we have and utilize our resources to capitalize what we have – the budget for the TOD grant, walking paths and trails, etc. He stated that he thinks we should look at this and how we can make our community that much better. Take a walking path across the borough that is safe and easy to access. We should focus on the future 20-30 years from now. He wants to see Malvern Borough grow and bring in money and taxes to make the borough profitable, but to still maintain that core.

iii. Geoff Rubino, Lovers Lane, stated that he has been a resident since 2009 and has been connected to the community his whole life. He is looking for the best of Malvern and wants to make the best of it without overgrowing our steps. He again asked that he be considered to fill this vacancy on Council.

iv. Scott Oswald, Monument Avenue, reported that he was also up here a couple of months ago. He expounded on three items: his reading of all the documents and Treasurer duties on the Great Valley School Board; his 17 years at Lockheed Martin where he engages in problem solving activities, and his 12 year residency in the Borough.

A motion was made by Council Vice President Raymond to nominate Zeyn Uzman and seconded by Council Member Radano. Council Vice President Raymond stated that Council still has a field with a lot of intelligent people with good backgrounds from which to choose. She stated that she is persuaded that it is important to have a civil engineer on Borough Council to provide insight on engineering issues.

Council Member Van Sciver stated that he would like to nominate all four candidates, seconded by John Meisel. Council Member Van Sciver stated that he would nominate John Kohler now.

All four candidates were moved forward in the process.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Van Sciver and seconded by Council Vice President Raymond to approve the minutes of the Reorganization Meeting held on Monday, January 6, 2014, the Regular Meeting held on Monday, January 6, 2014 and the Regular Meeting held on Tuesday, January 22, 2014, as submitted. Council Member Van Sciver asked that the minutes of the Regular Meeting held January 6, 2014, be amended to identify Council Members Radano and Raymond, Patti Rossiter, Kristin Thomas, Linda Singletary, Mayor Burton and Cecelia Oswald as being members of the ad hoc committee for the Herzak property. The motion, as amended, was unanimously carried by a vote of 6-0.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Van Sciver, seconded by Council Member Radano 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 January 2014, as submitted.

5. ANNUAL REPORTS FROM MALVERN BOROUGH'S BOARDS & COMMISSIONS:

a. Paoli Battlefield Preservation Fund (Jim Christ) – a copy of the Annual Report will be made a part of the Minutes

b. Planning Commission (David Knies) – a copy of the Annual Report will be made a part of the Minutes.

Council Vice President Raymond questioned Mr. Knies comment regarding there being too much reliance on sketch plans in their review process.

Mr. Knies responded that the Planning Commission looked at too many sketch plan reiterations and at least one applicant felt he was being jerked around and the Planning Commission members felt they were being jerked around with all the sketch plans. They are trying not to have the same thing happen on the two Old Lincoln properties. The applicant has been taking those suggestions and we don't want that to go on and on.

Council President Bramwell asked if Mr. Knies felt it would be effective for the Planning Commission and Borough Council to have a meeting to discuss ways that we can streamline things and to work more effectively together so that Council can understand the steps that the Planning Commission has gone through to make the recommendation. Mr. Knies responded that a member of Borough Council can be a liaison to the Planning Commission.

Council President Bramwell stated that related to grants, there are monies available for Parks & Recreation with applications due April 16th. He stated that he would like to see public restrooms in some of our parks and this might be a great project for which to submit a grant. Council President Bramwell asked Mr. Knies if that was a timeline that is workable if the Planning Commission can get enough people engaged? Mr. Knies responded that usually the state elected officials have someone on staff who would help. Council Member Van Sciver stated that the TOD Study is finally complete and Borough Council will want the Planning Commission to opine on it, as well. The dialogue was always group to group. Every piece of information sent from the Planning Commission was received by every member of Borough Council.

Sid Baglini, Channing Avenue, stated that in thinking about the Planning Commission and the applications that come to them, one thing that sticks out for her is that it would be really

beneficial when someone comes in with a plan, we have a by-right plan before we go any farther. This seems to be problematic. We have been assured there is a by-right plan but we have not always seen it. Not having that physical document until six months into the process seems a backward way to approach it.

Council President Bramwell stated that brings up a related question. Somewhere in the application process, any document that is submitted, the submitter must waive copyright. Wendy McLean, Esq., stated that she and the Manager have been talking about that and the developer doesn't own the copyright until it is done and paid for. It is important for the engineer to maintain the rights in the document in the event the developer pulls out and a new developer steps forward. What we are discussing about doing is requiring more plans than required for distribution within the Borough administration and make them available to residents. Ms. McLean stated that she does not think we can force an engineer to waive their copyright rights. We must amend the Subdivision and Land Development Ordinance to require additional copies and the submission of a by-right plan up front so we can see what a by-right plan looks like. If the Planning Commission wants to make that recommendation to Council, we can start working on that.

Mr. Knies stated that a few years back we had convinced a couple of developers into giving us plans as pdf's. Ms. McLean responded that CAD drawings are submitted to Dan Daley, P.E., but that if a pdf is submitted, it would require a watermark so they can't be reproduced.

Council Member Van Sciver stated there are very good reasons to approve plans with waivers. To say that we will not approve plans, with waivers, does not make sense. Mr. Knies responded that nobody is about to suggest that there be no more waivers.

6. OTHER BUSINESS:

a. Outdoor Café Ordinance – there being no additional revisions, the Ordinance will be advertised for adoption on March 4, 2014.

b. Alleys & Driveways Ordinance – there being no additional revisions, the Ordinance will be advertised for adoption on March 4, 2014.

c. Chief Marcelli reported on the reverse 9-1-1 call that was made to the residents for the most recent snow event and informed the residents that they would not always receive such a call. The County puts out the calls but will not generate the calls for every snow event. He suggested that if the residents know of neighbors who do not have website access, that they share the website information with their neighbors. A lot of items are being updated on the website and the site includes a lot of useful information. The website will let the public know the location of emergency shelters.

The Police Department will stake the No Parking signs by tomorrow.

Sid Baglini, Channing Avenue, stated that she cannot always get to the meeting by 7:30 p.m. and asked if the outer doors can be left unlocked on meeting nights. Chief Marcelli responded that he ordered that the building be locked at 8:00 p.m. because it is a safety issue. There are people using the basketball courts who come into the building later in the evening to get water or use the restrooms, and it becomes a safety issue for the cleaner who does not hear them enter the building. If access is required after 8:00 p.m., they should call 9-1-1 for the officer on duty to return to the building to allow them access or call a friend who is at the meeting to let them in.

7. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Lexer, seconded by Council Member Meisel and unanimously carried by a vote of 6-0 to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager