

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

May 20, 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 Oswald
Council Member Radano
Council Member Van Sciver
Mayor Burton

Council President Bramwell called the meeting to order at 7:32 p.m.

Council President Bramwell announced that Council held an Executive Session via teleconference to discuss real estate.

2. PUBLIC FORUM:

Council President informed all present that copies of the agenda are available at the front desk. Citizens/taxpayers were advised that Public Forum is the time to offer comments on any item on the agenda to bring any issues/concerns before Council.

a. Presentation of Audited Financials – by George Fieo, CPA

George Fieo provided an overview of the Borough's 2013 Financials. Mr. Fieo stated the Borough Manager, Borough Solicitor, and Borough Treasurer are satisfying his requests for information so he may submit a 'Final' Financial Audit of the Borough's 2013 finances. Mr. Fieo recommended the Borough Hall Lobby should display a poster titled, "Fraud Hotline" that will be included in his company's Final Financial Audit. Mr. Fieo recommended an Audit Committee be created to periodically meet and review the Borough's financial standing. He stated committee members should be residents with mild-to-moderate financial understanding, who do not have a vested interest in the Borough's daily operations and are not check signers for Borough bank accounts.

Council will accept the Borough's Final 2013 Financial Audit at its Tuesday, June 3, 2014 meeting.

b. Presentation of Drawings for Murals on Bridge Street Bridge – Great Valley High School National Honors Art Society

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Kristen Thomas, 326 East Broad Street, introduced the Great Valley School District, National Honors Society students who are coordinating the five murals on the sidewalk-side of the bridge, on Bridge Street. The murals will be approximately 3ft x 3ft, four will depict the gazebo in Burke Park through the four seasons, with the fifth being the Malvern Borough logo. The mural project on the bridge will commence at the end of the 2014 School Year, and is anticipated to be completed by the end of the 2015 School Year.

Mrs. Thomas stated the mural project for the Borough Hall's Main Lobby is being sketched and quoted by two local artists, with anticipated artist to be selected by the end of the 2014 Calendar Year.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Radano, seconded by Council Member Lexer and unanimously carried by a vote of 7-0 to approve the minutes of Tuesday, April 15, 2014, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Oswald, seconded by Council Vice-President Raymond and unanimously carried by a vote of 7-0 to approve the Treasurer's Report, the Committee Reports for Finance & Administration, Public Safety, Public Works and the Chief of Police Report, the Code Enforcement and Zoning 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, as submitted.

5. PUBLIC HEARING – STORMWATER MANAGEMENT ORDINANCE:

Council President Bramwell announced that Borough Council will now open a public hearing to consider a Stormwater Management Ordinance and to incorporate the provisions of this Ordinance into the Borough's Subdivision and Land Development Ordinance and its Zoning Ordinance. The proposed Ordinance was advertised in the Daily Local News on April 30, 2014 and May 7, 2014, as required.

No public comment was made.

ORDINANCE NO. 2014-6 - STORMWATER MANAGEMENT ORDINANCE:

A motion was made by Council Member Van Sciver, seconded by Council Member Radano and unanimously carried by a vote of 7-0 to adopt Ordinance No. 2014-6, an Ordinance entitled the MALVERN BOROUGH STORMWATER MANAGEMENT ORDINANCE, and incorporating the provisions of the Ordinance into the Borough's Subdivision and Land Development Ordinance and its Zoning Ordinance.

6. PUBLIC HEARING – PARKING ON KING STREET BETWEEN CHURCH STREET AND THE EAST BOROUGH LINE:

Council President Bramwell announced that Borough Council will now open a public hearing to consider an amendment regulating parking on King Street between Church Street and the East Borough Line. The proposed Ordinance was advertised in the Daily Local News on May 1, 2014, as required.

Helen McDonnell, 322 E. King Street asked for clarification of which side or sides of King Street will be enforced. The Borough Solicitor and Police Chief will review the Borough's General Code, Chapter 196, titled, "Vehicles, Abandoned" to identify enforcement criteria regarding the extension.

ORDINANCE NO. 2014-7 – PARKING ON KING STREET BETWEEN CHURCH STREET AND THE EAST BOROUGH LINE:

Borough Council tabled the adoption until clarification of which side or sides of King Street will be enforced.

7. PUBLIC HEARING – SEWER RATES:

Council President Bramwell announced that Borough Council will now open a public hearing to consider an amendment to change the minimum annual sewer rental fee. The proposed Ordinance was advertised in the Daily Local News on May 9, 2014, as required.

ORDINANCE NO. 2014-8 – CHANGING THE MINIMUM ANNUAL SEWER RENTAL FEE:

A motion was made by Council Vice-President Raymond, seconded by Council Member Meisel and unanimously carried by a vote of 7-0 to adopt Ordinance No. 2014-8, an Ordinance amending Chapter 168 of the Borough of Malvern Code of Ordinances entitled "Sewers" to change the minimum annual sewer rental fee from \$382.40 per EDU annually, to \$320.00 per EDU annually.

8. APPOINTMENT – MALVERN HISTORICAL COMMISSION:

A motion was made by Council Vice-President Raymond, seconded by Council President Bramwell and unanimously carried by a vote of 7-0 to appoint Helen McDonnell, 322 E. King Street, to the Malvern Historical Commission for a term to expire January 1, 2016, as recommended by the Historical Commission.

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9. SECOND AMENDMENT TO LEASE AGREEMENT – BASKETBALL COURT:

A motion was made by Council Member Radano, seconded by Council President Bramwell and unanimously carried by a vote of 7-0 to extend a Second Amendment to the Lease Agreement with Marian Herzak for use of the Basketball Court until July 16, 2015.

10. RESOLUTION NO. 677 – VANGUARD POLICE PENSION PLAN:

A motion was made by Council Member Lexer, seconded by Council Member Meisel and unanimously carried by a vote of 7-0 to approve Resolution No. 677, a Resolution authorizing officers of the Borough of Malvern to act on behalf of the Borough of Malvern Police Pension Plan in connection with Vanguard Mutual Fund Shares or Securities.

As members of the Finance and Administration Committee, Council President Bramwell and Council Member Radano will be signatories for the Vanguard Police Pension Plan.

11. RESOLUTION NO. 678 – VANGUARD NON-UNIFORM PENSION PLAN:

A motion was made by Council Member Lexer, seconded by Council Member Meisel and unanimously carried by a vote of 7-0 to approve, with agreed format corrections, Resolution No. 678, a Resolution authorizing officers of the Borough of Malvern to act on behalf of the Borough of Malvern Non-Uniform Pension Plan in connection with Vanguard Mutual Fund Shares or Securities.

As members of the Finance and Administration Committee, Council President Bramwell and Council Member Radano will be signatories for the Vanguard Non-Uniform Pension Plan.

12. BID AWARD – TRASH & RECYCLING:

A motion was made by Council Vice-President Raymond, seconded by Council Member Oswald and carried by a vote of 5-2 to approve, with Council President Bramwell and Council Member Radano voting Nay, to award Republic Services, Inc., d/b/a BFI Waste Services of Pennsylvania, LLC, a two-year Trash Collection Contract, with two collections per week, in the total amount of \$234,379.20 to begin July 1, 2014.

A motion was made by Council Vice-President Raymond, seconded by Council Member Oswald and carried by a vote of 5-2 to approve, with Council President Bramwell and Council Member Radano voting Nay, to award Eagle Disposal of Pennsylvania, LLC, a two-year Recycle Contract, with one collection per week, in the total amount of \$74,344.00 to begin July 1, 2014.

13. OTHER BUSINESS:

a. Discuss Operation Be a Good Egg - Borough Council tabled discussion, citing concerns for public health, noise, and property setbacks.

14. NEW BUSINESS:

a. Christopher's Café Parking – Council Member Oswald asked Police Chief Marcelli if sufficient parking is available for Christopher's Memorial Day opening, while Kimberton Whole Foods is under construction. Chief Marcelli stated he will contact Christopher Todd, restaurant owner, to insure a parking contingency exists.

15. ADJOURNMENT:

Council President Bramwell stated Council will adjourn to Executive Session to discuss a personnel matter.

All business having been discussed, a motion was made by Council Vice-President Raymond, seconded by Council Member Radano, and unanimously carried by a vote of 7-0 to adjourn the meeting at 9:02 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary