

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH  
1 East First Avenue  
Malvern, PA 19355

December 15, 2015  
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 Van Sciver  
Mayor Burton

2. PUBLIC FORUM:

Council President Bramwell informed all present that copies of the agenda are available at the front entrance. 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) Valley Creek Trunk Sewer Line Update

Dan Daley, Borough Engineer provided an historic overview of the Borough's prior years of sewer flows. Mr. Daley provided two options for Council to consider supporting: 1) 1970 Inter-Municipal Agreement at a fixed percentage rate; or 2) 'Blended Flows' 2/3 Current Flows and 1/3 Future Flows. Council directed Wendy McLean, Borough Solicitor to draft a letter on behalf of Council to be addressed to the involved municipalities outlining the two options and supporting Option #2 – 'Blended Flows'.

b) Nominations for Borough Council Vacancy

Prior to the commencement of nominations by Council, Council Vice-President Raymond excused herself from her position on Council and relocated to the audience.

Council Member Meisel nominated Christian Arena, seconded by Council Member Van Sciver

Council Member Lexer nominated Catherine Raymond, seconded by Council Member Oswald

Barbara Rutz, 212 Monument Avenue and Lynne Hockenbury, 227 East Broad Street stated their support for Council to appoint Catherine Raymond to the vacant Council position created by the resignation of Matthew Radano.

c) Parking Permit Request

Helen McDonnell, 322 East King Street, requested Council to consider providing her with a parking permit specifically for the parking space in-front of her residence on East King Street. Council Member Lexer stated that he will have the Public Safety Committee review her request in the 2016 Calendar Year.

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d) Crosswalk Safety

Frank Ortner, 144 Griffith Avenue, requested Council to consider options for improving pedestrian safety when using crosswalks on King Street, especially in-front of Eastside Flats. Lou Marcelli, Police Chief stated he will ask to borrow digital signage trailer(s) from East Whiteland to place at the Borough entrance at East King Street to remind drivers to yield to pedestrians in crosswalks.

3. APPROVAL OF MINUTES:

A motion was made by Council President Bramwell, seconded by Council Vice-President Raymond and carried by a vote of 6-0, to approve the minutes of Tuesday, November 17, 2015, with the addition of Council President Bramwell's and Council Member Meisel's comments regarding their position of adopting the Historical Ordinance.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice-President Raymond seconded by Council Member Lexer, and unanimously carried by a vote of 6-0 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 November 2015, as submitted.

5. RESOLUTION NO. 697 – AUTHORIZING THE SALE OF BOROUGH PROPERTY:

A motion was made by Council Member Meisel, seconded by Council Member Lexer and unanimously carried by a vote of 6-0 to adopt a Resolution authorizing the Borough Manager and Borough Solicitor to solicit bids for the sale of certain real property, Parcel Number 2-4-11.1, owned by, and located in, the Borough of Malvern.

6. RESOLUTION NO. 698 – APPOINTMENT OF CPA FOR THE YEAR 2015 – GEORGE FIEO:

A motion was made by Council Member Lexer, seconded by Council Member Meisel and unanimously carried by a vote of 6-0 to adopt Resolution No. 698, a resolution appointing George Fieo, Certified Public Accountant, as the independent auditor to audit the financial records of the Borough of Malvern for the year ending December 31, 2015 at the cost of \$10,800 plus expenses.

7. PUBLIC HEARING – PARTICIPATION IN THE PENNSYLVANIA TOWNSHIP'S HEALTH INSURANCE COOPERATIVE TRUST:

Council President Bramwell announced that Borough Council will open the public hearing to consider participation in the Pennsylvania Township's Health Insurance Cooperative Trust. The notice of the Public Hearing was published in the Daily Local News on December 3, 2015, as required.

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There being no comment, the public hearing was closed.

8. ORDINANCE NO. 2015-6 – PENNSYLVANIA TOWNSHIP’S HEALTH INSURANCE COOPERATIVE TRUST:

A motion was made by Council Member Meisel, seconded by Council Vice-President Raymond and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2015-6, an Ordinance authorizing the participation of the Borough of Malvern in the Pennsylvania Township’s Health Insurance Cooperative Trust pursuant to the Pennsylvania Intergovernmental Cooperation Law. The Borough will participate in the Trust for Dental Coverage only.

9. PUBLIC HEARING – OFFICIAL MAP:

Council President Bramwell announced that Borough Council will open the public hearing to consider adopting the Official Map for the Borough of Malvern. The notice of the Public Hearing was published in the Daily Local News on November 29, 2015 and December 4, 2015, as required.

There being no comment, the public hearing was closed.

10. ORDINANCE NO. 2015-7 – OFFICIAL MAP:

A motion was made by Council Member Van Sciver, seconded by Council Member Lexer and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2015-7, an ordinance adopting the Official Map of the Borough of Malvern.

11. ADOPTION OF THE PROPOSED BUDGET FOR 2016:

A motion was made by Council Vice-President Raymond, seconded by Council Member Meisel and unanimously carried by a vote of 6-0 to adopt the Budget for 2016 as presented. The proposed adoption of the 2016 Budget was advertised in the Daily Local News on December 3, 2015 and was posted to the Borough website on December 3, 2015.

12. PUBLIC HEARING – FIXING THE TAX RATE FOR 2016 :

Council President Bramwell announced that Borough Council will open the public hearing to consider fixing the tax levy for 2016. The notice of the Public Hearing was published in the Daily Local News on December 7, 2015, as required.

There being no comment, the public hearing was closed.

13. ORDINANCE No. 2015-8 – FIXING THE TAX RATE FOR THE YEAR 2016:

A motion was made by Council Member Lexer, seconded by Council Vice-President

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Raymond and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2015-8, an Ordinance of Malvern Borough, Chester County, Commonwealth of Pennsylvania, Fixing the Tax Rate for the Year 2016 as follows:

Tax Rate for General Purposes	4.4200 Mills, 44.200 Cents
Total:	4.4200 Mills, 44.200 Cents

14. ESCROW RELEASE – MALVERN PREPARATORY SCHOOL:

A motion was made by Council Member Meisel, seconded by Council Member Lexer and unanimously carried by a vote of 6-0 to approve the release of escrow funds to Malvern Preparatory School, in the amount of \$99,848.61 for the following projects and amounts – (1) Center of the Arts - \$17,150.00; (2) 2010 Athletic Field - \$44,074.85; and (3) Chapel Expansion - \$38,623.76. Malvern Preparatory School has provided a cash escrow in the amount of \$32,200.00 until all work/agreements are complete, as recommended by the Borough Engineer.

15. OLD BUSINESS:

a) Status Report – Search for Borough Manager

Council President Bramwell stated the selected candidate has accepted Council's offer and instructed David Woglam, Lehigh University Consultant to move forward with the employment process. Council agreed to meet at Borough Hall on December 22, 2015 to review the selected candidate's professional recommendations.

b) Police Officers' Contract Negotiations

Council President Bramwell stated he is continuing to meet with the Borough's Police Officer Representatives to agree upon a contract.

16. OLD BUSINESS:

a) Discuss Employee Gift Certificates

Council authorized Sandra Kelley, Borough Manager to provide full-time employees with \$50 gift cards and part-time police officers \$25 gift cards from a local business.

b) Discuss and Approve the 2016 Council Meeting Schedule

Council approved the 2016 Council Meeting Schedule as presented. Council President Bramwell reminded Council Members that the first meeting of Council is scheduled for Monday, January 4, 2016 as opposed to Tuesday, January 5, 2016.

c) Scam Notices

Lou Marcelli, Police Chief announced that the Police Department has received numerous complaints regarding packages being stolen off residential properties. When ordering items for delivery, track the delivery of the package, once delivered try to have the packages taken in as soon as possible. If you see a neighbor has received packages, try to keep an eye on these packages to be sure someone doesn't take them. When possible, have the packages

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delivered to an address where you know someone will receive the package. If you should see something suspicious, please call 911 immediately.

Lou Marcelli, Police Chief announced that the Police Department has received reports from residents and business owners receiving phone calls from callers claiming to be with the IRS. Please do not give any personal information to anyone on the phone. The IRS will not call you if a tax problem exists. The IRS will do all communication through the United States Postal Service only.

d) Victorian Christmas

Mayor Burton thanked Police Chief Marcelli and all the officers of the Malvern Borough Police Department for the outstanding work they provided to maintain civil order and the safety of those taking part in the Victorian Christmas festivities.

e) First Presbyterian Church of Malvern - 16 Monument Avenue

Mayor Burton thanked Council President Bramwell for purchasing 16 Monument Avenue, formerly known as the First Presbyterian Church of Malvern, as well as, sharing his appreciation for Danny Fruchter and Kurt Leininger in their involvement of the real estate transaction. Mayor Burton stated Council President Bramwell's intent for the property is to convert the church building into a residence. Council President Bramwell stated he is open to discussing the acquisition to the public should anyone ask.

Council Member Lexer shared his appreciation to outgoing Council Members Oswald, Raymond, and Van Sciver for their service on Borough Council and the knowledge he obtained from their participation.

17. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Oswald, seconded by Council Member Van Sciver, and unanimously carried by a vote of 6-0 to adjourn the meeting at 9:23 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Secretary