

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

December 20, 2016
7:30 P.M.

PRESIDING: Todd Lexer, Council Member

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Bramwell (Absent)
Council Vice-President Uzman (Absent)
Council Member Arena
Council Member Grossman
Council Member Lexer
Council Member Meisel
Council Member Sinquett
Mayor Burton

2. RECORDING OF MEETING:

Council Member Lexer asked in accordance with Resolution No. 714 if any member of the audience was recording the meeting.

No audience member identified themselves as recording the meeting.

3. PUBLIC FORUM:

Council Member Lexer 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 to bring any issues/concerns before Council that are not on the agenda.

a. Danny Fruchter, 234 Channing Avenue, inquired when Borough Council will place on its agenda how constituents may contact members of Council.

Council Member Lexer stated Borough Council will more than likely make it an agenda item for its Tuesday, January 3, 2017 Regular Meeting Agenda.

b. Danny Fruchter, 234 Channing Avenue, thanked the Malvern Planning Commission for how it dealt with a developer's application on East King Street.

c. John Buckley, 165 Church Street, stated there is a streetlight out at the corner of Church Street and First Avenue.

Borough Manager Bashore stated the streetlight in question is owned by PECO and he will have the Public Works Director contact PECO to make the necessary repairs.

d. Malvern Fire Company – 2016 Stats

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Chris Gastwirth, Malvern Fire Chief summarized the 2016 fire and medical calls. For the month of December, the Malvern Fire Company responded to one (1) house fire that resulted in a fatality; two (2) cardiac saves; and three (3) heroin overdose saves.

Fire Chief Gastwirth stated the fundraiser for life member, Paul Wilkins, was a tremendous success and the funds will be used to aid Paul in offsetting his medical expenses.

e. Kelly Schmitt, 133 Church Street – 2nd Floor, stated Borough Council should began proceedings to determine if Council President Bramwell's attendance should be cause for removal, as indicated in the Borough's Home Rule Charter.

Council Member Lexer stated he has not kept track of Council Members' attendance. Council Member Lexer directed Borough Manager Bashore to look into all of Borough Council Members attendance for discussion at the January 3, 2017 Regular Meeting.

f. Bank Robbery – Malvern Police Department Response

Council Member Lexer thanked Police Chief Marcelli and his officers for their professionalism in handling the robbery that occurred at the Malvern Federal Credit Union.

Mayor Burton read aloud a letter from the Malvern Federal Credit Union stating its gratitude for the Malvern Police Department's response and due diligence in recovering funds.

Police Chief Marcelli thanked Council for their support, and praised Officer Steve Walker for his investigative skills and coordination with other Local, County, and Federal agencies in the apprehension of the suspect in Philadelphia, two-days after the robbery occurred. Police Chief Marcelli expressed his gratitude to District Judge Tartaglio for his support in issuing an arrest warrant without delay.

4. APPROVAL OF MINUTES:

A motion was made by Council Member Arena, seconded by Council Member Sinquett and carried by a vote of 5-0 to approve the minutes of the meetings held on Tuesday, November 15, 2016 and Tuesday, December 6, 2016 as submitted.

5. APPROVAL OF REPORTS:

A motion was made by Council Member Meisel, seconded by Council Member Grossman and carried by a vote of 5-0 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 December 2016 as submitted.

6. BOROUGH COUNCIL COMMITTEE REPORTS:

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- a. Finance & Administration – No committee meeting, therefore no report.
- b. Public Safety – No committee meeting, therefore no report.
- c. Public Works – No committee meeting, therefore no report.

7. SPECIAL REQUEST – N. WARREN AVE. SIDEWALK PROJECT:

Christine Santa Maria, 1 West Broad Street, summarized her five (5) concerns with the potential impact the proposed sidewalk may have along the side of her property.

1. Safety – The proposed sidewalk will end at a trailhead for a private, development trail that links to residential homes on Margaret Lane. Ms. Santa Maria is concerned about any liability she could face associated with the sidewalk.
2. Trail Condition – Ms. Santa Maria questioned if the private trail would be required to be borough up to Borough Code and other State and/or Federal laws (e.g. Americans with Disabilities Act) if the proposed sidewalk is installed.
3. Cost Analysis – Ms. Santa Maria stated she did not understand how the additional sidewalk along her property would provide any benefit to the taxpayers of the Borough, and therefore did not think it is an appropriate use of taxpayer funds.
4. Loss of Personal Use – Ms. Santa Maria stated the proposed sidewalk would affect her ability to safely use and enjoy her property. The proposed sidewalk will reduce the space in which she will have to store snow and leaves, as well as, cause her to remove her flower garden that she has spent years maintaining.
5. Property Value Impact – The proposed sidewalk will cause her parking spaces to be decreased from two (2) spaces to one (1). This may also cause her home to fall out of compliance with Malvern Borough's Zoning requirements of two parking spaces per unit for a duplex or single-family semi-detached dwelling, as she understands the Borough's Zoning Ordinance.

Christine Santa Maria stated she will be sending her letter that Borough Council received to PENNDOT, as well as, PA State Representative(s) and Senator(s).

Council thanked Ms. Santa Maria for her clear and concise presentation.

Council Member Lexer stated the Borough Engineer may begin design and discussions with Borough Council on late January/early February. The North Warren Avenue project is in its early stages and pending PENNDOT approval(s). Council Member Lexer stated that any taxpayers in the right-of-ways along the North Warren Avenue project will be kept abreast of any progress as it unfolds.

8. ADOPTION OF THE PROPOSED BUDGET FOR 2017:

The adoption of the proposed 2017 Budget was advertised in the Daily Local News on November 18, 2016 and the Philadelphia Inquirer on November 24, 2016.

The budget was posted on the Borough website on November 18, 2016 and a public hearing was conducted on December 6, 2016.

Danny Fruchter, 234 Channing Avenue, requested Borough Council review the Borough's Comprehensive Plan when drafting future borough budgets as to align with the Borough's vision.

A motion was made by Council Member Grossman, seconded by Council Member Sinquett and carried by a vote of 5-0 to adopt the Proposed Budget for 2017 as presented.

9. PUBLIC HEARING – ORDINANCE NO. 2016–17 – FIXING THE TAX RATE FOR 2017:

Council Member Lexer announced that Borough Council will now open the public hearing to consider fixing the tax levy for 2017.

The Notice of Public Hearing was published in the Daily Local News on November 18, 2016 and December 13, 2016.

There being no public comment, Council Member Lexer closed the hearing.

Council Member Lexer thanked fellow council members, with the assistance of borough staff, in drafting a budget that does not raise taxes and does not reduce borough services.

10. ORDINANCE NO. 2016 –17 – FIXING THE TAX RATE FOR THE YEAR 2017:

A motion was made by Council Member Arena, seconded by Council Member Sinquett and carried by a vote of 5-0 to adopt Ordinance No. 2016 – 17, an Ordinance of the Borough of Malvern, Chester County, Commonwealth of Pennsylvania, fixing the tax rate for the year 2017 as follows:

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

11. PUBLIC HEARING – ORDINANCE NO. 2016 –18 – AMENDMENTS TO CHAPTER 200 OF THE MALVERN BOROUGH CODE OF ORDINANCES (VEHICLES & TRAFFIC):

Council Member Lexer announced that Borough Council will now open the public hearing to consider adoption of proposed Ordinance No. 2016 – 18. The proposed ordinance will amend Chapter 200 of the Malvern Borough Code of Ordinances in order to allow residents on Longford Ave. and High St. to obtain parking permits in the West Broad St. parking district.

The Notice of Public Hearing was published in the December 9, 2016 edition of the Daily Local News.

There being no public comment, Council Member Lexer closed the hearing.

12. ORDINANCE NO. 2016 – 18 – AMENDMENTS TO CHAPTER 200 OF THE MALVERN BOROUGH CODE OF ORDINANCES (VEHICLES & TRAFFIC):

A motion was made by Council Member Grossman, seconded by Council Member Meisel and carried by a vote of 5-0 to adopt Ordinance No. 2016 – 18, amending Chapter 200, Section 200-46 pertaining to permit parking regulations in the West Broad Street parking district.

13. RESOLUTION NO. 723 – APPOINTMENT OF CPA FOR THE YEAR 2016:

A motion was made by Council Member Meisel, seconded by Council Member Arena and carried by a vote of 5-0 to adopt Resolution No. 723, a resolution appointing George Fieo, Certified Public Account, of Peterson, Fieo, & Co. LLP, as the independent auditor to audit the financial records of the Borough of Malvern for the year ending December 31, 2016 at a cost of \$11,200 plus expenses.

14. RESOLUTION NO. 724 – SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 2016 BUDGET:

Borough Manager Bashore stated the resolution will authorize the supplemental appropriation of funds within the 2016 budget, by reducing specific line items and transferring those funds to other line items.

A motion was made by Council Member Sinquett, seconded by Council Member Arena and carried by a vote of 5-0 to adopt Resolution No. 724, authorizing the supplemental appropriation funds in the 2016 budget for the Borough of Malvern.

15. OLD BUSINESS:

- a. Ordinance 2016-2: Issuance of Non-Electoral Debt

Council Member Lexer stated this item was tabled.

16. NEW BUSINESS:

- a. Boards & Committees Appointments

Lynne Hockenbury, 227 East Broad Street, stated that Borough Council should allow members of the volunteer boards, committees, and commissions to have input, prior to Borough Council making appointments and re-appointments. Borough Manager Bashore stated he will forward resumes of residents who expressed interest in serving on specific boards and committees that were turned down to the Historical Commission for its review.

Borough Council agreed to conduct appointments and re-appointments at its January 3, 2017 Regular Meeting.

b. Zoning Hearing Board

Borough Manager Bashore stated the Monday, December 26, 2016 hearing is cancelled due to no new applications.

c. Holiday Announcements

Borough Manager Bashore stated borough offices will be closed Monday, December 26, 2016 and January 2, 2017 due to the Holidays.

Borough Manager Bashore stated Christmas Tree Collection is scheduled for Saturday, January 7, 2017 and Saturday, January 14, 2017. Residents should have their trees curbside the night before pick-up.

d. Home Rule Charter Referendum Results

Borough Solicitor Christakis stated the official election results from the Chester County Board of Elections show borough residents passed to amend Section 205 of the Borough's Home Rule Charter. Section 205 relates to term limits for the Borough Council members. The approved revision prohibits any person from running for Borough Council for more than two consecutive terms. After serving two elected terms, a person would not be eligible for re-election to a third term. It would also prohibit any person from being appointed to two consecutive unexpired terms or serving any part of three consecutive terms by appointment or election.

17. ADJOURNMENT:

At 8:36 p.m. Council Member Lexer stated Council will adjourn to Executive Session to discuss legal matters.

Council Member Lexer reconvened the public meeting at 9:13 p.m.

All business having been discussed, a motion was made by Council Member Siquett, seconded by Council Member Grossman and carried by a vote of 5-0 to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary