

PRESIDING: Henry H. Briggs, President

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:
 - Council President Briggs
 - Council Vice President VanSciver
 - Council Member Crawford - ABSENT
 - Council Member Lynch
 - Council Member Edge - ABSENT
 - Council Member Raymond
 - Council Member Smith - ABSENT
 - Mayor McGlone – Arrived Late

Council President Briggs noted that many parents from St. Patrick's School were in attendance. He stated that Council was aware that they would be attending, and that the Borough had invited the Traffic Engineer to attend. The Traffic Engineer was unavailable to attend before 7:30 p.m., so Council President Briggs asked that the discussion for St. Patrick's School be delayed until that time.

2. RESOLUTION NO. 575 - GRANTING EXTENSION FOR RECORDING OF PLANS – MICHAEL SANTOLERI:

A motion was made by Council Member Raymond, seconded by Council Vice President VanSciver and unanimously carried by a vote of 4-0, to grant an extension of time to Michael Santoleri to December 31, 2007, to have the final subdivision plan recorded with the Recorder of Deeds. Resolution No. 547 approving the Final Subdivision/Land Development Plan was adopted on July 18, 2006.

3. OTHER BUSINESS:

- a. Presentation of Subdivision Plan by T.A.G. Builders – Tom Galbally stated that he was recommended by the Planning Commission to come to Borough Council to answer any questions that Borough Council might have regarding his subdivision on Monument & Griffith Avenues.

Council Vice President VanSciver stated that the letter from the Fire Marshall indicated that he would have a problem with this development and the dead-end turnaround at the southern terminus of Griffith Ave. unless T.A.G. Builders can acquire additional property to complete Griffith Ave. to First Avenue. Council Vice President VanSciver stated that he would like to know Mr. Patton's concerns. If it is his desire that the street go through, it should be done now. Council Vice President VanSciver would like to get T.A.G.'s clarification that this is a temporary terminus.

Mr. Galbally responded that they have a "T" turn-around.

Council Vice President VanSciver stated his other issue is to receive an opinion from the Supt. of Public Works, Ira Dutter, regarding the maintenance of this "T" turn-around and if he sees issues with the "T" vs. a cul-de-sac.

Mr. Galbally stated that the Fire Marshall said if there was a fire, the first apparatus in would be the hook and ladder and his truck could turn around. This "T" will be

paved 50 feet wide. The two existing lots that are at the terminus of the "T" would have driveways on the end so it would ease the turn-around.

Council Vice President VanSciver also stated that the one unusual thing about the Plan is that there is no underground basins for the storm basins and he would like Mr. Dutter to comment on that.

Mr. Galbally responded that there are two ways to go under this new Ordinance. They could create a Homeowners Association or put money in escrow for future maintenance. They felt it should go into a fund for the Borough and not a Homeowners Association.

Council Vice President VanSciver stated the Borough would be approving these houses on subterranean drainage ditches and it would be good to have Mr. Dutter's comments and to know how he feels about that.

Council President Briggs stated that he would like to make sure the Fire Marshall is aware that this "T" may be permanent.

Mr. Galbally stated that he believes the Fire Marshall is aware of what is going on.

(Mayor McGlone arrived)

Once it is understood that the Fire Marshall is aware of this permanent "T", we would request a letter that could be referred to by the Planning Commission for future developments.

Mr. Galbally was informed that Mr. Dutter would contact him to discuss the drainage issues. These issues will be resolved within two weeks.

Lou Colagreco, Esq., stated that he is acting on behalf of the Borough and was going to raise the issue of a temporary cul-de-sac and to make sure the Fire Marshall is prepared should this temporary status turn into permanent status. Regarding storm water management, the developer has no choice based on recent DEP requirements.

Council Vice President VanSciver stated that he felt the Borough has the option of whether or not they will accept Dedication of this road.

Mr. Colagreco replied that the stormwater basins are being utilized to handle stormwater from Borough roads. If the Borough takes dedication of the road, the Borough would probably take stormwater dedication, as well.

Council Vice President VanSciver stated that perhaps the Borough would consider not taking dedication of the road even though the road is being built on the Borough's land.

Mr. Colagreco stated that he would advise Borough Council of that in Executive Session. The question is, if someone comes into the Borough to build on an unopened road and has an entitlement to make the improvements, does Borough Council have to accept those improvements.

Council concurred that they would like advice from Counsel on this issue. Mr. Colagreco will prepare a Memorandum within the next few days and distribute same to Council for discussion in Executive Session.

Council President Briggs stated that when the discussion occurs with Mr. Dutter, we would want to get an estimate of what it would require to plow snow, maintain the road, etc.

Mr. Colagreco asked the developer if the road was vacated, would the homeowners agree to that. Would this be an option?

Mr. Galbally replied that they would look at it. The Planning Commission has led them to the conclusion that they wanted the road and they wanted it 28' wide.

b. “Fee-in-Lieu” of available parking spaces – the Manager reported that information has not been received from Mr. Snook regarding this issue and asked that this discussion be deferred to the October 16th meeting.

4. PUBLIC FORUM:

Council President informed all present that copies of the agenda are available at the press 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. Traffic at St. Patrick’s School – Council President Briggs explained the background of how Borough Council arrived at the conclusions that were presented to Dr. McAdams in a letter from Chief McMahan dated September 20, 2007.

Amy Coloian, joined by Dr. McAdams, distributed a handout to Council. Ms. Coloian explained that she is a parent of two students at St. Patrick’s School and she supports the Malvern establishments and all the activities that go on in town. Ms. Coloian read the handout that was distributed to Council and a copy is made a part of the minutes.

Ms. Coloian stated that the parents were here this evening to make sure the safety of their children comes first. She explained that they have a split campus and there are many activities where students go from one side to the other and they are supervised when they cross the street. She stated they are requesting that the Borough replace the painted mid-block crosswalk and lower the signs to five feet to bring them into the drivers sight.

Council President Briggs thanked Ms. Coloian for her presentation.

Council President Briggs asked Dr. McAdams if she was in agreement with what was presented this evening and she stated that she endorses everything that was presented.

Bonnie McErlane, a resident of Broad Street, asked why the Borough would not want to contribute to the cost of the flashing light. She stated that money is not a good enough reason.

Council President Briggs responded that it is not the Boroughs policy to provide flashing lights and explained that Malvern Prep was responsible for applying to PennDOT, purchasing and maintaining a flashing light on Warren Avenue, if they wanted a light on that street. Their application was denied by PennDOT.

Ms. McErlane responded that Channing Avenue is a different scenario than Warren Avenue.

Council President Briggs stated that it is a financial decision.

Comments from the audience and Borough Council included:

- Sam McCarthy, Willistown Township – reported that Yield to Pedestrian signs for the middle of the road are provided free from PennDOT to any municipality who wants them. The Mayor responded that the Borough is aware of this program and is in the process of obtaining these signs. He explained that these signs had previously been provided to the Borough by PennDOT, but that the motorists destroyed all of them.
- Betsy Bury, Crest Avenue – asked if they could go to the School District to request a flashing light for our children.

- Kevin Drurby, East Goshen Township - Was the mid-block crosswalk issue with PennDOT a law or a recommendation. Council President Briggs replied that PennDOT has regulations. Our Traffic Engineer, Kevin Johnson of Traffic Planning & Design, stated that he would not risk advising someone about going against State standards because of liability issues. The Council has had many discussions about stop signs and the standards for placing of stop signs. What is continually brought back to Council is the question, “are you willing to pay the price when you are sued and you lose”. This question came up when Council discussed placing stop signs in locations that don’t meet PennDOT warrants. We’ve looked at a location where we feel a stop sign would make the area safer and we’ve said okay, let’s do it anyway, even if it doesn’t meet PennDOT standards. We were then told if we placed the stop sign where we felt it made sense and an accident occurred because of the stop sign, we could be sued. If we were to lose the suit, the Borough could go bankrupt. Crosswalks are not an automatic stop like they are in California. Motorists are required to Yield to Pedestrians in Crosswalks. This does not always happen and there is no sense of security that when you step into a crosswalk, the motorist will stop.
- Sean Lynch, Borough Council – Council is not opposed to listening to your ideas and coming to a solution, but we are a very small Borough with lots of children and lots of traffic. Traffic comes down King Street and residents have come to us asking for crosswalks, speed humps and stop signs in different parts of the town to slow traffic. Council has been very open to those ideas, but when Council looked into it further with our attorneys and District Justice, any violation goes to the D.J. and he is going to look at it, determine if it meets the laws of the State, and, if it does not, it is thrown out. If we put something up and someone is injured, the Borough becomes liable. These are the issues that Council faces on a monthly basis and it is not that Council is opposed to the safety of our children, but Council has a responsibility to balance what we can legally do and what is acceptable so we don’t put ourselves or the residents of the Borough in a situation where we are liable.
- Council President Briggs introduced Kevin Johnson, President of Traffic Planning & Design, our traffic engineer, and explained that Kevin was invited to come to explain what he saw the day he was on site and to explain the difference between standards and regulations.
- Kevin Johnson explained that he was asked about the mid-block crosswalk in late July or early August. He explained that PennDOT has Publication 46. This is a document that they refer to when they are looking at mid-block pedestrian crosswalks on their roadways. PennDOT found that the crash rate of pedestrians was higher in marked crosswalks than non-marked crosswalks. They feel

pedestrians have a comfort level when crossing in mid-block crosswalks. It is a policy and a guideline. It is a very good guideline. Crosswalks are subject to enforcement of the law by the local Police Department. Policy is something you look at and tend to follow because you run the risk of legal liability. It is based on engineering studies, etc. Certain criteria must be met for mid-block crosswalks. Although PennDOT doesn't regulate crosswalks in local jurisdictions, once they have established a policy, it would not be good engineering judgment to recommend against something for which PennDOT has established a policy. After looking at the criteria for this mid-block crosswalk, a lot of the criteria has been met but the one that hasn't been met that jumps out is that the nearest crosswalk must be 300 feet away from the mid-block crosswalk. There is a stop controlled intersection within 300 feet. PennDOT is saying you shouldn't put a mid-block crosswalk at this location. Two weeks ago TP&D looked at the traffic patterns during the school drop-off period. Kevin stated that he was personally on site. What he observed was a number of buses and cars, buses pulling in and drop-offs. There were people acting as crossing guards stopping traffic on the roadway to allow children to cross from the parking lot to the school. The people who were acting as crossing guards should be trained and wearing certain clothing. Publication 46 says those pedestrians should be walking down on the same side as the Church, crossing the street and going to the school lot. The guidelines in this Publication are not being adhered to. A Federal Highway Administration document says you need an engineering study. If Kevin were to say the Borough should permit mid-block crosswalks, someone could refer back to the Policy and ask if there is a stop location within 300 feet and ask why he would recommend going against a PennDOT Policy.

- Although Ms. Coloian cited the crosswalks at Conestoga High School, Kevin stated that the difference is the time period that they were installed and the studies that were required at that time. It was prior to 2004.
- Council Member Lynch and Dr. McAdams questioned the amount of traffic on Roberts at the intersection of Channing. Kevin responded that in his opinion there is less volume on Channing at the stop sign at Roberts than there is at the Church driveway. That was his opinion that day when he was on site. He counted cars from the driveway to Roberts. His opinion was there was more traffic at the mid-block crosswalk than on Channing at Roberts. He believes that on that day the crossings were done safely. Most parents crossed with their kids. There was heavy traffic and someone was out in the roadway stopping traffic on Channing and Kevin feels a crossing guard would make the situation safer. The Church and the School shouldn't have someone controlling traffic who hasn't been trained and wearing protective gear.

- The Chief was asked if there were any incidents at the mid-block crosswalk during his tenure. He responded that there were not and that Channing Ave. and Roberts Lane is an all-stop intersection.
- Kevin Johnson feels there are a lot of things working in our favor at Channing and Roberts.
- It was asked if the crosswalk was grandfathered under PennDOT. It was responded that it is a guideline set by PennDOT.
- Maggie Friel, Willistown Township, stated that the traffic coming down Channing Ave. is a mind set. One parent stated that she has religiously driven into the parking lot and crossed her kids. Mentally, the crosswalk sets parameters for people coming down Channing. There is nothing there to tell motorists that children may be crossing. It is a natural path from one building to the other. She asked Council to consider that mentally it is gone and there is nothing there to protect the children. The intersection at Channing and Roberts is a four-way stop sign and they are now dealing with two-way traffic at that four-way stop sign.
- Jim Greim, East Goshen Township - stated that when you are coming up Roberts Lane there is parking on both sides. It then turns into one-way traffic. People yield to other cars to pass because there is no room for two cars to pass. You are driving into the existing crosswalk. There is not enough room with the on-street parking.
- Council President Briggs stated that Council was advised about the issue of mid-block crosswalks. Then our Police noticed a lot of kids going into the street to the cars.
- Jim Greim, East Goshen Township – a recommendation was made for a crossing guard. Council President Briggs responded that Council asked the Montessori School to provide a crossing guard and offered to have our Chief arrange for training of the crossing guards. The same was offered to St. Patrick's School.
- Sam Cucia, East Goshen Township – the mid-block crosswalk existed for 21 years. There have been no accidents, no fatalities and no injuries. If the issue tonight is the mid-block crosswalk, for 21 years that crosswalk has been there. We are discussing an issue that if it was prior to 2004, it is a non-issue. Council President Briggs responded that from a legal standpoint, it would be an escape. If it was put in before 2004, then a lawsuit shouldn't have much grounds because of the grandfather clause. However, PennDOT has since conducted some studies, decided this was a dangerous situation and issued a standard. The grandfathering only refers to the legal issue if you end up in court. Mr. Cucia stated that he is at the school once a week and there is one vehicle that consistently goes the wrong way down Channing.
- Kevin Johnson stated that if Council is going to permit the mid-block crosswalk to be re-established, if you follow the guideline, you either have to restrict parking 75 feet beyond the fence or install curb bulb-

outs. There are two options that he would recommend. There is one hour or less per day in the morning when children are crossing. The other 23 hours that crosswalk can be used all day by anyone. That is one of the issues. The only way that he saw to prohibit the use of the crosswalks would be to force people to cross at the corner by having a gate across the school driveway. This would force people to cross at the corner. Council President Briggs stated that this would be out of Council's purview. It is private property.

- Kevin Patton, East Goshen- asked if there were any studies done within a school zone rather than on a public street. He stated that Kevin Johnson said there were more accidents of people hit within mid-block crosswalks. Kevin Johnson replied that he reported there were more crashes at mid-block crosswalks than at crosswalks at an intersection. Within crosswalks themselves, more people assume that accidents happen when kids run out, but the research found that it is actually happening at crosswalks. There is a false sense of security. That is why they want to be very careful where they permit mid-block crosswalks.
- Brian Swing stated that these studies were conducted on highways and not in local municipalities.
- Betsy Bury stated that she believes the study was completed because of the traffic problems. The actual problem was because of the traffic issue in the morning. That issue is still there in the morning. The request was not because of the crosswalk. Cars are parked right up to the stop sign. Cars on Roberts Lane and Channing Ave. have a one-way street and it is a lot easier for a teacher to watch them cross at this location.
- Ellen Wopac, East Goshen – you can't understate the safety concerns on Roberts. Cars park closer to the intersection than they are supposed to. A majority of the cut-through traffic is young high school drivers and that is a huge concern to watch those cars. You have young drivers cutting through on Roberts Lane to get to school. There is a huge amount of congestion on this street. Why can there not be No Parking on Channing so cars can pull up and discharge children there.
- Joel Fein, West Goshen – I don't think it is safer to let the kids go out on Channing Avenue. They are looking across three different lanes of traffic with no definitive lane. Kids run out. They are going across the parking lot. By not having a drop-off zone on Channing, we are now asking for all of the traffic to go through the Church parking lot. Council President Briggs replied that Council has to focus on the safety of the kids crossing Channing. Council recommended that the Church parking lot is a safe location. If that is a problem, the School and the Church should get together and try to solve it.
- Mayor McGlone stated that he would be concerned that scenario would conflict with the transfer of buses. They are not all coming into

the lot. They are dropping off at the driveway. They are pulling up and dropping the children off on the school side of the driveway. The School had requested No Parking on the north side of the driveway on the opposite side of the street. Council Member Lynch asked if the Mayor wanted that area to be No Parking for a drop off and it is only needed for one hour in the morning.

- Dr. McAdams stated the people who use these spots ride the train and limit parking in the area. It is a detriment and the No Parking would be the answer.
- Kevin Johnson stated that he was concerned about the section from the School driveway up to Roberts. The parents aren't going to pull all the way up to Roberts, especially in bad weather when they will want to drop their children off close to the entrance to the lot. This would create a greater safety issue.
- Dr. McAdams stated that they put cones out in the morning. They only held three spots and then were told they couldn't do that.
- Council President Briggs stated that Council was told that St. Patrick's couldn't have an orderly drop-off as cars would not pull all the way up.
- Sam Cucia asked why a solution was not explored for the school parking lot to drop-off children and Channing Avenue north be used as the bus drop-off area. It is up to the school to enforce that the school buses stay on the public street as a drop-off area. Dr. McAdams responded that there are three transfer buses and three buses will not fit from the driveway to the corner of Roberts Lane. This entire change came about because of Mr. Pierce's recommendation. The transfer buses now pull into the lot. It would be ideal if we were not a transfer point. We were never asked nor did we give permission. If we were not a transfer point, it would work fine. Children must be dropped off in the street. To be dropped off in the lot would be a perfectly safe location. The three transfer buses bring students to St. Patrick's School and pick up students from other buses to transfer them to other schools. We are also a transfer in the afternoon.
- Mark Eisenhardt, 421 Monument Avenue – stated that he thought Kevin Johnson did a good job. He would recommend that Council ask Kevin Johnson to do a more formal traffic study and look at the volume of traffic at Roberts and Channing. We are forcing kids to go to a more dangerous location. This comes down to the legal issues. He feels more information is needed. Council President Briggs agreed that more information was needed and felt Mr. Eisenhardt made a good point.
- Mayor McGlone stated that the cars dropping their kids off are coming into the south driveway and they are directed to go out onto Roberts. Some are making a right turn onto Roberts. Some do come out onto Channing. Kevin responded that he did observe significantly more cars turning left into the driveway.

- Betsy Bury asked if the Borough would consider closing Channing to thru-traffic during the one hour drop-off in the morning so that you only have the St. Patrick's parents who are aware of the situation.
- Sam Cucia stated that we are talking about three transfer buses who are causing these issues. Why hasn't this issue been discussed. The three buses should look for another transfer bus location. The school buses shouldn't go into the parking lot.
- Council Member Lynch stated that his recommendation would be to drop off children at the driveway closer to the Church and to exit onto Roberts Lane behind the Church. If the children are using the crosswalk on Roberts, you will have more traffic on Roberts. If we put the crosswalk back, the buses will empty where they empty now, parents drop off at crosswalk with crossing guard and parents would exit out the back of the Church then a lot of these problems would be taken care of. Parents would pull in from Channing into the south church parking lot. There are three areas to park. When exiting the parking lot, they should proceed to the rear to the trash bin, kids would walk to the crosswalk, the parents would drive down behind the Church and exit to Roberts Lane. The buses would continue to let off where they let off right now, south to the crosswalk and you have a crosswalk with trained crossing guards. Anyone that wants to go up Channing, the crossing guard will make sure they funnel through with the least amount of problems.
- Council President Briggs listed the changes from tonight's discussion:
 - a) Close the northern driveway to traffic
 - b) Put crosswalk back in
- George McHugh, Willistown – if the transfer buses are the problem, move to Roberts. Two buses can face west and one on the east side of the driveway. The kids can then be dropped off on Channing. No one responded to Dr. McAdams that the area north of the school be made No Parking.
- Council Member Lynch stated that he would have an issue if there are people parking and walking to the train station in that area so there is no reason why a car should be there all day.
- Chief McMahan stated that one of the things he did was talk to Krapf about the transfer buses. They are on a tight schedule. They told me they reduced the number of overall buses.
- Council Vice President VanSciver asked if there were any provisions for temporary crosswalks and Kevin Johnson responded that there were none that he was aware of. He stated that if Council considers putting the crosswalk back in, they should prohibit parking 75 feet to the south. You fall back to the fact that it was in prior to 2004.
- Council Member Lynch stated that parents must be forced to abide by the rules. He believes the third area of parking could be used for parents to pull in, park, and it shouldn't affect the parking at all.

- Kevin Johnson reported that the day he was on site, seven parents stopped on Channing to drop off their kids and six parked on Channing. He feels that the parking in the Church lot would alleviate some people interfering with sight lines and kids crossing the street. You already have that driveway by the school. That sight line is already clear. You are only talking about 35-40 feet. One of the major concerns is that the crosswalk at Roberts is more dangerous than the mid-block crosswalk because of the parking of cars and the traffic in the morning. This will be studied.
- Mayor McGlone asked Dr. McAdams who was coming into the school lot. Dr. McAdams replied that only the three transfer buses were coming into the lot. The 17 buses space themselves out very well. The transfer buses stay awhile to pick up children from the other buses but the transfer buses are gone by 8:15 a.m.
- Council President Briggs stated that you have the new plan and the old plan. He would be interested in knowing how the Krapf people feel about it. Many hours have gone into this and a lot of money has been spent.
- Kevin Johnson stated the old crosswalk is on the north side of the driveway. You are probably talking maybe 4-6 cars that you would have to eliminate to get to that 75 foot distance.
- Council President Briggs asked how things worked in the afternoon. Dr. McAdams responded that the afternoon system is very different. It works beautifully. The buses double park and the teachers take the children out. The car line is taken across the street to the Church parking lot and they leave from there.
- Maggie Friel – we spent a lot of time with our children at St. Patrick's. She is very concerned about this crosswalk coming back. If we move those children up to Roberts, and some little guy steps out of line into Roberts, we are going to have an accident. The children are protected at the mid-block crosswalk.
- Council President Briggs responded that he doesn't think there is anyone in the room not thinking about the safety of the children and the crosswalk. Council spent a lot of time this summer, they do have to think about lawsuits and it is a small enough Borough that if there were a lawsuit, the Borough would be bankrupt. The primary thing is that there was talk about children and the safety of the children. When Council has arguments, it is always about safety. PennDOT has said they don't like mid-block crosswalks. From a legal standpoint, it is less risky. We thought it was safer, too, but that was the way we looked at it before.
- The question arose again about contacting the Great Valley School District for a flashing light and Dr. McAdams reported that she did make the request and she was turned down.

- David Swann, East Whiteland Township – asked if the Borough considered marking the corners at Channing and Roberts where they aren't supposed to park. People park right to the corner.
- Council President Briggs stated that the congestion at Roberts and Channing was new information to him. He thanked everyone for coming tonight.

COUNCIL RECESSED TO EXECUTIVE SESSION TO DISCUSS A LEGAL MATTER

FOLLOWING THE EXECUTIVE SESSION, COUNCIL RECONVENED THE MEETING.

5. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice President VanSciver, seconded by Council Member Lynch and unanimously carried by a vote of 4-0, to adjourn the meeting at 9:44 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager