

PRESIDING: Henry H. Briggs, President

INVOCATION: Gerard J. McGlone, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

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

2. PUBLIC FORUM:

Council President informs 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. Malvern Fire Company – On two different occasions, Council President Briggs and Council Members Smith and Crawford, along with the Manager, met with representatives of the Malvern Fire Company. The members of the Fire Company reported that they have been undergoing a review of their By-laws for the past two years and felt that a lot of the recommendations in the Organizational Study would be addressed in the proposed changes to the By-laws. They anticipate that the proposed changes to the By-laws will be presented to the membership no later than the first quarter of 2008. The members of Council felt that things were now back on track with the Fire Company and Council Member Smith recommended that we release the balance of the budgeted 2007 contribution to the Fire Company at this time. The Fire Company asked if the Borough was going to include them in the 2008 Budget and they were assured that there was never a question about putting them in the budget. They were told that if they were going to put the proposed changes to the By-laws in front of their membership in the first quarter of 2008, the Borough's contribution isn't released before April, so the Borough would be aware of the feedback from the Fire Company membership prior to the time of the release of those funds. Council Member Crawford agreed with this course of action. He felt the meeting was very positive. Council President Briggs stated that this Council and other town Council's should be assured the Fire Companies are managing their money. The future of all fire departments will require more money. The cost of operating a fire company has gone up as a result of increased costs for training, apparatus and fire equipment. If the fire departments aren't helped, inevitably the fire departments will have to hire paid fire personnel. This will become exorbitantly expensive. Now is the time for this Council to start thinking of a lot more money and support to the fire company and the fire company has to get very creative in fundraising for more money. Council Member Edge reported that the cost of training and equipment is escalating. He stated that an air pack now costs \$10,000 per pack and the fire companies are also faced with liability issues and increased liability insurance costs. If their men aren't trained

properly and one of their fire fighters is injured, they could be looking at a large claim. They are no longer covered under the Good Samaritan Act.

b. TAG Builders - Discussion with Council – Council discussed the issue of a private street versus a public street and what standards would be used for constructing the street. This decision would be a policy decision by Council. Some of the concerns expressed were that if the street was built to public street standards, with a 28' cartway and 50' right-of-way, residents of the community would look at this street as being a public street when, in fact, it was a private street built to public street standards. The residents on this private street would be responsible for the maintenance of the street. Another consideration for Council is whether they want a street grid as identified in the Comprehensive Plan and whether they want to preserve the right for future Council's to make that determination. This plan, if built to private street specifications with an 18' cartway and 35' right-of-way would preclude the road from being opened as a public street. The attorney advised Council to look at the merits of building the street to public street standards. If Council determines that Griffith Avenue is not necessary and will never be a thru-street, Council may conclude that the street does not have to be constructed to public street standards. If Council believes this decision should be left to another Council's discretion, Council may conclude that the street should be constructed to public street standards. (Council Member Raymond arrived)

Council Member VanSciver asked the Borough's acting attorney for this matter, Lou Colagreco, if the Borough was clear on the rights of the adjoining property owners. Mr. Colagreco responded that although the Borough's rights may have disappeared after twenty-one (21) years, the property owners who have property abutting this parcel do have rights to access. The rights would have to be set out by the applicant's attorney. The applicant will provide the necessary documentation that he is on board so that the Borough doesn't have a contested easement amongst the property owners. The Borough would have to insist that it be satisfied that the applicant does have the right to improve the road to whatever specifications that Council approves.

Mr. Colagreco stated that typically the municipality washes it's hands of a private road with HOA maintenance, etc. The private road would not preclude emergency services from accessing the road. Some school districts, however, won't go onto private streets. Easements would have to be given by the Borough. No Trespassing signs could be installed. Mr. Colagreco explained that the Borough Ordinance requires that a private street be built to public street standards so that if a municipality wants to extend the street, they can. It is a policy decision on Council's part as to whether they feel that at some time in the future, this road may go thru to First Avenue. If so, build it to a public street standard.

Chris Mongeau, Chairman of the Planning Commission, stated that the Planning Commission was comfortable with what they approved and recommended.

Andy Rau, Esq., asked that Borough Council vote on the preliminary plan approval. Council declined and stated that they would like to read the proposed Resolution, stating the conditions, prior to adoption. Some of the conditions will include the Borough Engineer's review letter, the recommendations from the fire company, the 50' right-of-way, and the Planning Commissions recommendation. The Manager will contact the trash hauler to be certain they will pick up on a private street.

The Preliminary Plan approval will be placed on the November 20, 2007 Agenda.

COUNCIL RECESSED TO EXECUTIVE SESSION TO DISCUSS A LEGAL MATTER FOLLOWING THE EXECUTIVE SESSION, COUNCIL RECONVENED THE MEETING

3. RESOLUTION NO. 578- AUTHORIZING SECRETARY TO EXECUTE DCNR AGREEMENTS:

A motion was made by Council Vice President VanSciver, seconded by Council Member Crawford and unanimously carried by a vote of 7-0, to approve Resolution No. 578, a Resolution authorizing the Secretary of the Borough of Malvern to execute a grant application and grant agreement for a project awarded by the PA Department of Conservation and Natural Resources for Randolph Woods.

4. RESOLUTION NO. 579 – FEE-IN-LIEU OF PARKING SPACES:

A motion was made by Council Member Crawford, seconded by Council Member Smith and carried by a vote of 6-1, with Council Member Raymond opposed, to approve Resolution No. 579, a Resolution providing for a “Fee in Lieu of Providing Off-Street Parking” at a rate of \$25,000 per parking space required by the Zoning Ordinance.

5. OTHER BUSINESS:

No other business was discussed.

6. PERMANENT AGENDA:

Septa Tunnel  
Randolph Woods/Greenway Link  
Community Center/Recreation  
Revitalization Plan/Main Street  
Infrastructure Improvements  
Traffic Calming  
North & South Warren Ave. Sidewalks  
Truck Traffic (No. and So. Warren Ave. and PA Ave. Extension to E. W. Twp.)

7. ADJOURNMENT:

A motion was made by Council Member Raymond, seconded by Council Member Edge, and unanimously carried by a vote of 7-0 to adjourn the meeting at 9:08 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager