

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

December 2, 2008
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

INVOCATION: Gerard J. McGlone, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Van Sciver
Council Vice President Raymond
Council Member Crawford
Council Member Edge - ABSENT
Council Member Lynch
Council Member Smith
Council Member Vike
Mayor McGlone

2. PUBLIC FORUM:

Council President informs all present that copies of the Agenda are available on the front 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. Sally Donohue, 209 Church Street, reported that she was from the Malvern Moms Club and asked if it was passed that money was set aside for Rubino Park playground equipment and implementing some of the improvements suggested that did not require a purchase of equipment.

Council Vice President Raymond responded that the Finance Committee is recommending to Council that money be included in the budget for this activity but that the budget had not yet been approved by Council.

Mrs. Donohue thanked Borough Council for putting up the bars on the existing playground equipment at the Park.

3. PUBLIC HEARING – CHURCH STREET REVITALIZATION PROJECT:

Council President Van Sciver announced that Borough Council will now open the public hearing to consider the revitalization streetscape project for Church Street. The project will include new curbs and sidewalks, street lamps, street trees and road mill and overlay from Roberts Lane to Second Avenue.

The Manager explained the scope of work of the project and Council President Van Sciver stated that the Borough is requesting matching funds from Chester County. The following comments were received from the residents of Church Street:

Asum McCullom, 229 Church Street, stated that with the 8" curbs and their sidewalks coming from the steps, there will be a chipping problem. He asked what the Borough is going to do with their existing steps. Their steps are at grade level. He asked if there would be a handicap ramp on Second & Church Streets so that people attending the Church would have handicap accessibility.

Nichole Weirick, 219 Church Street, stated their stamped concrete sidewalk is level with the street. How will that work?

Sally Donohue, 209 Church Street, stated that she has a big pine tree and asked if that would be taken down.

Mr. Campbell, 224 Church Street, stated that extensive milling would be needed because the roadway is very high.

It was also asked if the traffic situation in their neighborhood has been considered and they feel that speed humps should be part of the plan.

Phil Richardson, 132 Church Street, asked if any consideration had been made for Everetts Lane.

Linda Finegan, 132 Church Street, stated that she has stormwater concerns.

Tony Dufour, 25 W. Broad Street, stated that, for future reference, it is better to have the trees right against the curb without the green grassy strip between the curb and sidewalk. Many of the sidewalks are being pushed up by the tree roots.

Buddy Dutter, 214 Church Street, stated that the roots of the trees will lift the sidewalks up and we will be replacing them again. He stated that he would not want the trees.

Roger Ferguson, Miner Street, stated the bricks are already heaving from the trees and the stamped concrete is slippery for the older people.

Mr. Campbell stated that the quality of the stamped concrete is terrible and it is falling apart. In just a matter of a couple of years, it looks terrible.

Mr. Dutter stated that if the Borough is going to install brick pavers, they should be installed the right way. When you lay sand, all the grass pushes up through and Miner Street has all heaved up. The bricks are not taking what they are supposed to. It is not working. The Borough needs to put a nice concrete base down first.

Elinor Coover, 123 Church Street, stated that she would like to know more about changes to her property before she can say this is a good thing. She is still undecided.

Beth Kadyszewski, 217 Church Street, asked where it came from to put sidewalks in an established neighborhood and the reason she is asking is because she doesn't know that they have necessarily looked at that block of Church Street. She doesn't know where Mrs. Donohue will put the snow, etc. Snow removal will be a problem on that street.

Mrs. Kadyszewski feels this plan should be reconsidered realistically. Most people have to park out in the street. The Borough expects the sidewalks to be cleared within 24 hours. Some people on the street are getting older and this is not really a through street. Unless you have a sidewalk along that street as part of a plan, you are putting sidewalks in to a dead end.

It was stated that the new house that was built with the sidewalks, it is already getting the street more narrow because of the location of the sidewalk. It is already hard for people to pull out of their driveways. It was felt that they don't need the street any more narrow than it is.

Council Vice President Raymond stated that one reason that Council holds hearings is to see what the citizens of the town want. She stated that maybe the true scope of the project should be to provide sidewalks for the 100 block of Church Street but if the residents of the 200 block are opposed to the project, there is no reason to continue the project in this block.

Council Member Vike explained the history of the focus of the capital projects. The Borough does have a Comprehensive Plan and, in order to be eligible for grants to complete these projects, we have to set priorities. One of these priorities is to have a pedestrian flow. Mr. Vike stated that he has been an advocate for extending sidewalks throughout the Borough. There is the flow going into the King Street central business corridor and going back. We want to build sidewalks to connect linkages. Mr. Vike also explained the east/west connector plan between Randolph Woods and the Paoli Battlefield site. Pedestrian safety and pedestrian flow is why we have a capital project plan.

Mr. Campbell stated the 200 block of Church Street is a very quiet street except during rush hour. There would be no need for sidewalks on this block if traffic could be controlled.

Council Member Vike explained that if the street is narrower, there would be less traffic.

Council President Van Sciver stated that the Borough is oriented towards a more pedestrian friendly and a more traffic friendly Borough. Sidewalks are reported to be a safer situation when you do have traffic and pedestrians on the street. Council President Van Sciver believes there are also certain roads in the Borough that should not have sidewalks.

Following discussion, a motion was made by Council Member Lynch and seconded by Council Vice President Raymond to change the Plan to incorporate all that is needed from Roberts Lane to First Avenue with enough money put into the grant to consider speed bumps and street lamps for First Avenue to Second Avenue. Council Member Vike amended the motion to include Roberts Lane THROUGH First Avenue because of the possible need for stormwater management to continue through the intersection. Both Council Member Lynch and Council Vice President Raymond accepted the amendment as presented. The motion, as amended, carried unanimously with a vote of 6-0.

4. RELEASE OF ESCROW FUNDS – RITTENHOUSE BUILDERS, INC.:

A motion was made by Council Member Crawford, seconded by Council Member Smith and unanimously carried by a vote of 6-0, to authorize release of escrow funds for 218 Church Street, in the amount of \$14,664.50, to Rittenhouse Builders, Inc., as recommended by the Borough Engineer.

5. OTHER BUSINESS:

- a. Distribution of Sidewalk Survey by Chris Mongeau, Chair, Malvern Planning Commission – Chris Mongeau disseminated copies of the 2008 Sidewalk Survey to the members of Council. Mr. Mongeau explained that Borough Council had directed the Planning Commission to prepare a pedestrian circulation plan, but that more resources would be required for such a project, so the project has evolved into a Sidewalk Survey Plan. The members of the Planning Commission walked the streets and reviewed the conditions of the sidewalks. They then created a data base of criteria; the type of existing sidewalks (plain, brick, concrete), whether sidewalks existed and in what state of condition, whether there were overhead lights and if the sidewalks were ADA compliant. They then came up with a list of recommendations for each street and recommended if sidewalks should be installed (when funding is available), and whether existing sidewalks required high priority repairs or low priority repairs. Council thanked Mr. Mongeau and the Commission for their input and the hard work they put into preparing this document. The Borough adopted an Ordinance provision for new construction that states if sidewalks are not installed, the developer must pay a fee-in-lieu to the sidewalk fund. This document will become the basis for designating those funds.
- b. Letter from Andrews Management Co. – A letter was received from Andrews Management Co. requesting that the zoning be changed at 101 Church Street from R-5 Residential to C-3 Commercial. A motion was made by Council Member Lynch, seconded by Council Member Crawford, and unanimously carried by a vote of 6-0, to send this request to the Planning Commission for review and recommendation.
- c. Draft 2009 Budget – Council Vice President Raymond explained that the Finance Committee has reviewed the budget and is recommending a ½ mill increase in 2009 for the General Fund and a \$5.00 per quarter increase in the minimum sewer rental rate from \$90.60 per quarter to \$95.60 per quarter for 5,000 gallons for the Sewer Fund. The \$4.00 per additional 1,000 gallons rate did not change. Council Member Crawford expressed concern over increasing taxes every year. The only argument he would have to consider is to engage in more of a public relations program so that residents do not feel they are getting nicked and dimed every year. He feels that we should explain to the taxpayers the need for the tax increases. Council President Van Sciver stated that a letter should be sent to the residents from Borough Council.

Council Member Vike feels that Council may need to do some math. If we cut the Church Street capital project, that could sustain going down to ¼ mill increase.

Council Vice President Raymond stated we would still only come to \$215,000 in our Capital Reserve Fund. If that figure was sufficient as a reserve, maybe we are in a position to go back to a quarter mill increase, but her impression was the opposite. That \$215,000 was sort of a just getting by reserve.

Council Member Smith stated that he agreed with Council Vice President Raymond's assessment completely.

Council President Van Sciver stated that we don't know how our tax income will be affected by the state of the economy. We may not have the money to do the capital projects until later in the year when we know if we are receiving our tax income.

Council Member Crawford stated that we could be caught with some event we don't foresee.

Mayor McGlone was in favor of increasing the taxes by ½ mill.

Council Vice President Raymond volunteered to write the letter to the residents. Council Vice President Raymond also explained that an additional \$15,000 was included in the budget for the Malvern Fire Company and \$15,000 was included in the Reserve for Contingencies for the demolition of the home on W. King Street if the Borough is able to get the building at Judicial Sale in the Spring. We will ask Rep. Milne about a recent Statute that was passed that is a tool for municipalities to be able to fix up bad properties and then place a lien on the property.

- d. Ordinance fixing the Tax Rate for the Year 2009 – will be advertised for adoption on December 16, 2008.
- e. Ordinance Raising Sewer Rates – will be advertised for adoption on December 16, 2008.
- f. Employee Gift Certificates – Council decided that in lieu of gift certificates, the employees would be given cash to be used at whatever store they choose.
- g. 2009 Meeting Schedule – Council will meet on the 1st Tuesday in January as 2009 is not a reorganization year. The November 3rd meeting falls on election day and will be moved to Wednesday, November 4th.

6. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice President Raymond, seconded by Council Member Smith and unanimously carried by a vote of 6-0 to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager