

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

MARCH 18, 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
Council Member Lynch - ABSENT
Council Member Smith
Council Member Vike
Mayor McGlone

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

2. 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. Maria DiMattia, 27 Channing Avenue, asked what the goal was for eliminating parking on Channing Avenue and Roberts Lane, as described in Ordinance No. 2008-1. She stated that as a resident of Channing Avenue, there are no additional passes for parking at the municipal lot. It was explained to Ms. DiMattia that elimination of parking on Channing Avenue was a result of a traffic study for the crosswalk at St. Patrick's School.

b. John Buckley, 165 Church Street, made the following comments:

1) asked what happened to the pedestrian crosswalk signs that are placed in the middle of the street at a crosswalk and asked if the Borough would be getting more of them for the stop sign at Rubino's and the Gas Station just beyond the Malvern Shopping Center. He also asked if one would be placed by the Flying Pig on Bridge Street.

2) asked for a copy of the Paper Street document that was prepared by Council's attorney for discussion at the last meeting. It was explained to Mr. Buckley that correspondence prepared by the attorney often falls under the Client/Attorney Confidentiality Agreement.

3) asked that the PC Agenda be posted at the Post Office.

4) asked why a Scribe was needed for the Planning Commission when the Planning Commission has a secretary and questioned why they can't take the minutes

5) stated there are a lot of problems with kids in town. Reported the benches in front of the Brass Shop are all messed up from kids riding their bicycles over them. The kids also flipped over the two pizza vehicles at Malvern Pizza.

6) someone ran their bike up against the bench at the Wawa and they put tar on the bench so that whenever anyone sits there, they get tar on them.

- 7) he asked where the cops are when he is sitting on the benches for eight hours and never sees a cop
- 8) asked why the Borough can't pass an Ordinance to have the cars at Pete's off the street
- 9) asked how long the dumpster will be on Church Street and when will it be removed
- 10) asked why the girl couldn't be here tonight that was being considered for the Planning Commission. Last week it was a five minute interview. Someone said she would get on Council if she first went on the Planning Commission.

Council President Van Sciver thanked Mr. Buckley for his comments.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Smith and seconded by Council Member Crawford to approve the minutes of the Meetings held on Tuesday, February 5 and February 19, 2008, as submitted.

Council President Van Sciver asked that the February 5, 2008 Minutes be amended as follows: Item #4, Page 2, 1st Paragraph, from "Council President Van Sciver stated that during the land development process, it wasn't revealed that there would actually be classrooms in the church basement and had that been known, it is very possible that it would have been a requirement for approval to put in flashing lights, a curb extension, etc." to "Council President Van Sciver stated that it is his recollection that the use of the classrooms in the Church building was not made known until after the preliminary plan approval and it is very possible that had it been known, it would have been a requirement for approval to put in flashing lights, a curb extension, etc."

Council Vice President Raymond asked that the February 19, 2008 minutes be amended as follows: Item #6, Page 2, 1st Paragraph, change the word "plan" to the word "proposal" in the sentence "Eli Kahn and David Dellaporta presented their "proposal" for the redevelopment of E. King Street."

The motion, as amended, carried unanimously by a vote of 6-0.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice President Raymond, seconded by Council Member Edge and unanimously carried by a vote of 6-0, to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works and the Chief of Police Report, the Code Enforcement 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 February 2008 as submitted.

5. PUBLIC HEARING – ORDINANCE NO. 2008-1:

Council President announced that Borough Council will now open the public hearing to consider an Ordinance amending Chapter 200 of the Borough of Malvern Code of Ordinances entitled "Vehicles and Traffic" to add a new provision to prohibit parking on a portion of the west side of Channing Avenue and on the south side of Roberts Lane.

The Notice of Public Hearing was published in the Daily Local News on March 10, 2008, as required.

Marie DiMattia, 27 Channing Avenue, asked what was going to stop people from parking on the north side of Roberts Lane. The Chief responded that the north side of Roberts Lane is a lane of traffic and motorists cannot park in a lane of traffic.

The prohibitions of parking under Ordinance No. 2008-1 were explained to Ms. DiMattia.

Ms. DiMattia responded that motorists park on the sidewalk on the north side of Roberts Lane. She also reported that there is no place to park when buses come in the mornings and afternoons to drop children off or pick up after school, during Church hours, for CCD classes, etc.

There was some discussion by Council of designating specified limits for no parking on Channing Avenue between the two driveways at the Church.

Ms. DiMattia also asked about the possibility of residential parking on Channing Avenue because people park on Channing and walk to the train station.

Chief McMahon explained the parking pass situation for Monument Avenue, Powelton Avenue, W. Broad Street and Channing Avenue. He reported that it is a constant concern and people have multiple vehicles that contribute to the parking problem.

Council Member Edge stated that Willistown Township addressed this problem by issuing permit parking only tags and the homeowners got the permits. If a vehicle was parked without a permit parking tag, that vehicle was ticketed.

There being no more comments from the public or Council, the public hearing was closed.

6. ORDINANCE NO. 2008-1 – PROHIBIT PARKING:

A motion was made by Council Member Crawford and seconded by Council Member Smith to adopt Ordinance No. 2008-1, an Ordinance amending Chapter 200 of the Borough of Malvern Code of Ordinances entitled "Vehicles and Traffic" to add a new provision to prohibit parking on a portion of the west side of Channing Avenue and on the south side of Roberts Lane.

Council President Van Sciver stated that he was in favor of amending the motion to put a time limit on the No Parking restrictions.

Council Member Smith stated that the Borough may run into the problem of early school dismissals, which happen frequently.

The motion carried by a vote of 4-2 with Council Members Crawford, Vike, Smith and Raymond voting in the affirmative and Council Members Van Sciver and Edge voting No.

The matter of permit parking will be referred to the Public Safety Committee for recommendation.

7. APPOINTMENT TO PLANNING COMMISSION:

A motion was made by Council Vice President Raymond, seconded by Council Member Edge and unanimously carried by a vote of 6-0, to appoint Cecelia Oswald to the Malvern Planning Commission for a term to expire January 1, 2011. Ms. Oswald was unanimously recommended for appointment by the members of the Planning Commission at their meeting held on March 6, 2008.

Council Vice President Raymond stated that the members of Council had an opportunity to hear from Mrs. Oswald when she applied for the position on Borough Council. Council Vice

President Raymond feels it is important to encourage people who are qualified and want to serve. She feels that Mrs. Oswald has a lot to offer the Planning Commission.

8. RESOLUTION NO. 584 – APPOINTING A THIRD PARTY AGENCY FOR CODE ENFORCEMENT & ZONING OFFICER SERVICES:

A motion was made by Council Member Smith, seconded by Council Vice President Raymond and unanimously carried by a vote of 6-0, to approve Resolution No. 584, a Resolution appointing Keystone Municipal Services, Inc., 606 Rose Lane, Morton, PA 19070, a third party agency, as Zoning Code Enforcement Official, Building Inspector and Building Code Official for the purpose of providing the following services to the Borough of Malvern:

- Building Construction Inspection Services
- Building Plan Review Services
- Code Enforcement Services
- Zoning Administration Services
- Expert Testimony (as requested)

Council Member Edge reported that Keystone Municipal Services, Inc. has a good Reputation and his only concern was that we still keep control. He believes the Agreement addresses that concern in that Keystone Municipal Services, Inc. will be considered an Agent of the Borough.

9. EXTEND PROBATIONARY PERIOD FOR OFFICER MARK MAC CRORY:

A motion was made by Council Member Crawford, seconded by Council Member Smith and unanimously carried by a vote of 6-0, to extend the probationary period of employment for Officer Mark MacCroy for a period of three months, from March 20, 2008 to June 19, 2008.

10. OTHER BUSINESS:

a. Topics of Interest to be discussed with Congressman Sestak – should Congressman Sestak have an opportunity to attend a Council meeting, the topics of interest to be discussed will include:

- Funding sources for structured parking. Amtrak is federal and it runs right through the Borough. We can discuss a transportation center parking complex.
- Invite a member from the Historic Commission to discuss the Patriot's Path lining the Valley Forge National Historic Park to the Paoli Battlefield.
- Invite a member of the Paoli Battlefield Preservation Fund to come to the meeting.
- Invite the President of the Malvern Fire Company to attend and present an overview of their needs.

A quorum of the members of Council are not available to meet at a Special Meeting on April 12th. Congressman Sestak will be invited to attend one of Council's regularly scheduled meetings.

b. **Zoning Variance request by Hibernia Homes and recommendation to Zoning Hearing Board** – Council Member Edge feels that Hibernia Homes created their own hardship by building inside the setbacks.

Council feels this is a hardship that was totally preventable and the Manager was directed to contact the solicitor to attend the Zoning Hearing Board and object to the variance request.

c. **Malvern Fire Company Request for Signage and Lighted Sign** – Council Member Edge reported that he attended the Malvern Fire Company Board of Trustees meeting last month. They briefly discussed the signage and lighted sign at this meeting. As far as the things the Borough requested of them last year, Council Member Smith and the President of the Board of Trustees will work together on that. Council Member Edge stated that he would stay out of these discussions. The Board agreed to have John Rychlak, President, work with Council Member Smith on that one item. They will get samples made up of the signs they are considering, in order to get approval to have these signs installed on the borders of the municipalities they serve, to make people aware of who is providing their fire protection. Permits will be requested for installation of the signage.

The Manager reported that when she spoke to both Barry Johnson and John Rychlak, she requested that they provide the Council with the size of the proposed signage and the proposed locations for installation. She also requested that they provide the Council with more detailed information on the lighted sign; i.e., size, how it will be lit, location, etc.

d. **Safety Blitz at Malvern Train Station** – the Chief reported that Septa will hold a Safety Blitz at the train station on Tuesday, March 25, 2008, between 3:30 p.m. and 6:30 p.m. It appears that not only are passengers crossing the tracks and climbing over the inter-track fence, but some are also walking along the tracks to cross around the end of the inter-track fencing.

11. **ADJOURNMENT:**

All business having been discussed, a motion was made by Council Member Edge, seconded by Council Member Vike and unanimously carried by a vote of 6-0 to adjourn the meeting at 8:57 p.m.

Respectfully submitted,

Sandra L. Kelley, Secretary/Manager