

PRESIDING: Woody J. VanSciver, President

PLEDGE OF ALLEGIANCE TO THE FLAG

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

2. APPOINTMENT – FULL-TIME POLICE OFFICER:

A motion was made by Council Member Lynch, seconded by Council Member Edge and unanimously carried by a vote of 6-0, to appoint Patrick Dougherty as a full-time probationary police officer for the Borough of Malvern, effective immediately.

3. SWEARING-IN CEREMONY:

The Honorable Judge Darlington administered the Oath of Office to Officer Patrick Dougherty.

4. MS4 STORMWATER PROGRAM UPDATE:

Dan Daley, P. E., Borough Engineer, presented to Council the Pennsylvania DEP MS4 Stormwater Program Update for Year 5.

Mr. Daley explained that a five-year permit was issued by DEP as part of the NPDES program, and that the permit expires March 9, 2008. DEP has since extended this permit for one more year.

Mr. Daley explained the six components of the Program as follows:

- 1) Public Education and Outreach – Distribution of educational materials and performing outreach to inform citizens about the impacts polluted stormwater runoff discharges can have on water quality. The Borough participated in public distribution of brochures that were created by the various watershed groups. The CRC, on behalf of the member municipalities, provided educational books to the schools that could be read to the school-age children.

- 2) Public Participation and Involvement – public participation and involvement included community clean-ups, storm drain stenciling, outfall monitoring and additional programs sponsored by local Watershed groups.

- 3) Illicit Discharge Detection and Elimination – this involved developing a system to detect and eliminate illicit discharges to the storm sewer system. Monitoring of outfalls into creeks to make sure people aren't discharging oils, yard waste, dry cleaning fluids, etc., into the streams and informing the public of the hazards of illegal discharges.

4) Construction Site Runoff Control - Monitoring construction sites to enforce an erosion and sediment control program. Conduct appropriate site plan review and inspection of new construction. The Borough requires implementation of the State and County erosion controls.

5) Post Construction Runoff Control – Create a program to address storm water runoff from newly developed or redeveloped areas. The Borough must require protection of environmentally sensitive areas, such as the wetlands at Malvern Prep and at the Randolph Woods site. The Borough must also require recharge of runoff from new impervious surfaces.

6) Pollution prevention and good housekeeping - Make sure the Public Works Department is taking care of the Borough by street sweeping, minimum use of road salts and oils and cleaning of catch basins.

Mr. Daley explained that each year there is a list of items to complete and an annual report to be submitted. No comments have been received, as yet, from last years report. Comments from the prior year included updating the Borough website to add additional stormwater management information and this has been completed. Mr. Daley stated that he provided information to be placed on the website.

The CRC Watershed group, along with other watershed groups, held a Rain Gardens & More seminar, which residents of the Borough attended. The Rain Gardens seminar information was posted on the Borough website, fliers were available in the lobby of the Borough Hall and was included in the Borough newsletter.

Mr. Daley stated that it is very difficult to get the public involved, but DEP is trying to promote public education. They feel that if people are better educated, they will be more aware of how to dispose of various products and things that are polluting the streams.

The Borough Public Works Department always does a good job of keeping track of the outfalls within the Borough. They have established a regular program to clean inlets and remove debris to get rid of the stuff that could go into the streams. The Borough has established and monitors erosion and sedimentation controls on construction sites and they review plans for compliance with stormwater management regulations. The Public Works employees recently attended a training seminar that was sponsored by the CRC Watershed group and the Manager attends the CRC Watershed partnership meetings.

Mr. Daley feels the Borough is in compliance with the Year 5 regulations. Some changes will be made to the next phase of the program as DEP learns what has and has not worked.

Mr. Daley reported that he has been attending meetings with the Watershed groups for CRC and the Valley Creek Act 167 WPAC Study. Changes will be required to the Stormwater Management Ordinance to bring it into compliance with DEP regulations.

This was a federal program that was passed on to the state who passed it on to the municipalities. It is a good program but there is a lot of paperwork. Mr. Daley feels there are certain aspects of the program that are really good, but the amount of paperwork is minimizing part of the program. Again, it is an unfunded mandate, and the amount of paperwork required means that municipalities are spending a lot of money to have professionals complete the paperwork. In addition, just monitoring of the outfalls can be a huge expense to municipalities who have a significant number of outfalls and only limited staff. Municipalities are trying to push this up to the County level. The municipalities feel this should not be looked at on an individual basis as the streams and creeks don't just flow through one municipality.

Council Vice President Raymond questioned whether there was anything in the works at DEP to encourage cooperation on an inter-municipal basis. Mr. Daley responded that there was

not. Council Vice President Raymond suggested that perhaps the Borough could reach out to both Willistown and East Whiteland.

Council Member Vike stated that Council has encouraged the Park & Recreation Committee to schedule programs in Randolph Woods and suggested that perhaps a public education program could be piggy-backed onto an event at this location. Mr. Daley responded that he was sure the CRC Watershed group would be interested in attending to provide public education.

Mr. Daley also informed Council that fliers are distributed, as part of the public education piece, to developers and contractors who apply for building permits, as these are the targeted groups for the municipalities.

Council thanked Mr. Daley for his very comprehensive update on the MS4 program.

5. PAPER STREETS & ALLEYS:

Lou Colagreco, Esq., distributed a memo to Council explaining the Borough's Rights and Obligations with Regard to Unopened Paper Streets. Mr. Colagreco explained to Council that if a street has been offered for dedication and it wasn't accepted, after the 21st year, that right expires. However, any act of making it passable by the Borough would declare it open. Until the Borough takes dedication, it is still a private street. The Borough would have to take a legal act to accept it as a public street. Mr. Colagreco explained that easements always go with the paper streets and the abutting owners have private easement rights. If the Borough wanted those private rights-of-way to become public, the borough would have to go out and get consent from 51% of the abutting property owners to agree that it become a public street. The borough could also revert to its power of condemnation.

Council President Van Sciver asked if the Borough would be an abutting property owner of a paper street. Mr. Colagreco responded that the borough could be an abutting property owner if they own the street. If they own it as a right-of-way, they may not be an abutting property owner. If they own the ground in Fee Simple, the borough could be an abutting property owner.

If the Borough maintains a private road and it is passable, the Borough has nothing to worry about.

6. PUBLIC FORUM:

John Meisel, 323 Monument Avenue, reported that he had spoken last year regarding needed traffic improvements on Monument Avenue. He recognized that some things had been done but problems persist with speeding and the volume of UPS trucks who travel on Monument Avenue every morning. He feels the situation is worrisome and came to Council to see where things stood.

The Chief reported that they have been out to Monument Avenue on numerous occasions conducting speed details and last summer the Public Safety Committee discussed issues on Monument Avenue.

Council Member Crawford reported that the Public Safety Committee was looking at a speed hump between Crest Avenue and Griffith Avenue. A speed study did not indicate that the UPS trucks were exceeding the speed limit. Council Member Crawford explained the various options that the Committee discussed and stated that they settled on the speed hump.

Mr. Meisel stated that it was not the borough's responsibility to worry about where the UPS trucks go. He urged Council to pursue the restrictions on truck access and to do whatever needs to be done to get speeding and safety under control. Mr. Meisel stated that he is willing to volunteer his services to whatever committee the Council needs help with. He would be willing to help out. He urges constant appraisal of the situation.

Council President Van Sciver stated that Council is taking a measured approach and will continually re-evaluate.

Council Member Crawford informed Mr. Meisel that there would be increased monitoring of the speed limit by the Police Department, as part of the long-range plan, and again reported that it is a fluid plan. He wants to assure Mr. Meisel that we have not forgotten him and the Council has had long discussions about monitoring the situation.

Council will send a letter to UPS expressing our concerns about their trucks using a residential street as a short-cut. It will be suggested that they keep the UPS trucks on Paoli Pike and King Street unless they are making deliveries on Monument Avenue.

John Buckley, 165 Church Street, stated the following:

- 1) During the last snowfall, kids were at the train station throwing snowballs at the cars. He felt this was a safety issue and when he tried to flag down a police officer, the officer would not stop.
- 2) If the Borough is going to shut down the parking on Channing and Roberts, when are we going to do something about the cars for sale on Roberts Lane. There are also cars sitting for days at a time on Channing Avenue.
- 3) Requested additional Pedestrian Crosswalk signs at the shopping center crosswalks.
- 4) Cited the safety issues associated with skateboarders. He recently saw a skateboarder almost knock down a woman and her child.

7. ST. PATRICK'S SCHOOL CROSSWALK UPDATE:

Chief McMahon reported that he met last week with Dr. McAdams and Amy Coloian regarding the McMahon Associates traffic study and explained that the Borough would be removing some parking spaces. They were not concerned as they felt the spaces were being used by people riding the train. They reported that everything is working fine with the crossing guards.

Council Member Lynch asked if they had any comments about exiting on Channing as opposed to Roberts Lane because there is a piece of sidewalk and curb at the front of the Church and not the back of the Church. The Chief replied that he had spoken to the traffic engineer and the traffic engineer was not opposed to them doing it the way they are now.

8. ORDINANCE 2008-1 – REMOVAL OF PARKING SPACES:

Council Member Crawford suggested that Ordinance 2008-1 be advertised and placed on the Regular Meeting Agenda for adoption on March 18th.

Council Member Vike suggested that the pavement be striped for No Parking and that No Parking signs be placed at the location.

9. REALLOCATION OF FUNDS TO GOVERNMENT STUDY COMMISSION:

A motion was made by Council Member Lynch, seconded by Council Vice President Raymond and unanimously carried by a vote of 6-0, to approve the additional funding request from the Government Study Commission, in the amount of \$11,700.

Council President Van Sciver stated that he hopes that all of the members of Council have reviewed the Charter and can take a position on it so that Council can inform the public, as a Council, as to what their recommendation will be.

10. SPECIAL MEETING WITH CONGRESSMAN SESTAK – SATURDAY, APRIL 12TH AT 10:00 A.M.:

The Manager reported that Congressman Sestak has agreed to meet with Council on Saturday, April 12th, if Council is agreeable to meeting on a Saturday morning.

Council will discuss at the next meeting what issues will be discussed with the Congressman.

11. CAPITAL PROJECTS:

Council President Van Sciver asked the members of Council if they had decided on three choices for future capital projects.

Council Vice President Raymond felt the projects fell into two categories – wish list items and items we can fund. She felt it was difficult to come up with three choices when everything falls into two categories.

Council Member Vike felt there were some items that have been addressed, such as a pedestrian walkway plan for sidewalks. This item was referred to the Planning Commission. When funding becomes available, we know this project can be considered.

Council Member Edge reported that another identified project is sidewalks on North Warren Avenue. People walk along No. Warren Avenue towards Pennsylvania Avenue from the train station. There are no sidewalks in this location so people are walking on the side of the street.

Council Member Crawford identified his three projects as (a) pedestrian facilities plan; (b) borough-wide stormwater management; and, (c) downtown façade improvement program or beautification.

Council President Van Sciver questioned why Council would take responsibility for replacing merchant store fronts.

Council Member Edge stated that Council never followed through with the greenway trail. He felt that they should have gone to the Retreat as a Council and feels the Council made a mistake by just sending one person.

Council Member Vike felt that Council should focus between the things to advocate for and capital expenditure items. Council should continue to push the downtown façade improvement plan with the Malvern Business & Professional Association and developers should make façade improvements. The Planning Commission should develop the sidewalk plan.

Council Member Crawford feels it is still the responsibility of the Borough to determine how the Borough looks. Places that are decaying, crumbling or raggedy is a function of

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government. There should be strong enforcement issues with how the places look. The Borough should be on top of their enforcement game with unsightly structures.

Council Member Vike stated that the Planning Commission is currently reviewing the Comprehensive Plan and feels a consultant or task force should be considered to complete an update of the Plan.

The Manager reported that Giant Foods had donated ten trex park benches to the Chester County Solid Waste Authority and the Authority queried the municipalities to ask if anyone was interested in receiving one of the benches. The Manager reported that she responded affirmatively and the Borough will receive one of the park benches.

12. ADJOURNMENT:

A motion was made by Council Member Edge, seconded by Council Member Lynch and unanimously carried by a vote of 6-0 to adjourn the meeting at 9:26 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager