

PRESIDING: Woody J. Van Sciver, President

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 - ABSENT

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. John Buckley, 165 Church Street, had the following questions:
 - 1) why underage people were permitted to play the games of chance at the Malvern Fire Company Fair;
 - 2) why a motorcycle for sale was permitted to be parked on the public sidewalk;
 - 3) why he needed a permit to install his fence;
 - 4) why he could not serve on the Planning Commission or anything else in the Borough
- b. William Mann, 28 Crest Avenue, expressed concern over the volume and speeds of traffic on Crest Avenue and why a speed hump could not be placed on Crest Avenue between King Street and Highland Avenue. Mr. Mann stated that there are 31 children who play on the corner of Crest and Highland Avenues.

Council President Van Sciver responded that Council would review the information in the files regarding the speed hump on Crest Avenue and would have a response for the next meeting.

Joe Giondonato, 39 Crest Avenue, stated that because of what the Borough has done by placing stop signs on King Street, it has caused the traffic to turn onto Crest Avenue.

- c. Karen Marshall, Chester County Parks & Recreation Department, congratulated Malvern Borough for completing the Historical Resource Atlas. She stated that Malvern Borough is one of only three municipalities who have completed this Atlas. Ms. Marshall reported that the County is creating a GIS data base of historical resources and they have just received the 2008 Achievement Award for this program. Ms. Marshall reported that the Malvern Borough Historical Commission has put in countless hours looking at substructures, archeological sites, bridges, etc., and should be commended for their work.

A copy of the Historic Resource Atlas will be posted on the website.

3. APPROVAL OF MINUTES:

A motion was made by Council Vice President Raymond, seconded by Council Member Smith and unanimously carried by a vote of 6-0, to approve the minutes of the Meetings held on Tuesday, May 6, 2008 and May 20, 2008, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Crawford, 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 May 2008 as submitted.

5. RESOLUTION NO. 590 – APPLIED ENERGY SYSTEMS:

A motion was made by Council Member Vike and seconded by Council Member Smith to approve Resolution No. 590, a Resolution approving, subject to conditions, the Final Land Development Plan of Applied Energy Systems, entitled "Applied Energy Systems – 180 Quaker Lane, New Storage Container Plans & Elevations, drawing No. A-2, prepared by Architectural Concepts, LLP, dated May 8, 2008 as a Final Land Development Plan, pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, as amended, for the development of certain property located in the Borough of Malvern, Chester County, Pennsylvania, which development is located in the LI-1 District, at 180 Quaker Lane.

Frank Campanale, President & Chief Executive Officer of Valence Process Equipment, explained the project and how the gases would be used and how they would be stored. He explained that they have gone "above and beyond" what was required.

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

6. WAIVE PERMIT FEE- MALVERN FIRE COMPANY:

A motion was made by Council Member Smith, seconded by Council Member Crawford and unanimously carried by a vote of 6-0, to authorize the Borough Manager to waive all permit fees to the Malvern Fire Company necessary to hold their Annual Fair at the Paoli Memorial Grounds from Tuesday, July 15 through Saturday, July 19, 2008.

7. AWARD BID – TRASH & RECYCLABLES:

A motion was made by Council Member Raymond, seconded by Council Member Edge and unanimously carried by a vote of 6-0, to award the Trash & Recyclables Contract to Charles R. Blosenski Disposal Company, Honey Brook, PA, the lowest responsible bidder, for a two year contract, at a cost of \$226,571.72.

8. OTHER BUSINESS:

a. Presentation by Septa re. Malvern Train Station – John Grant, Stantec Consulting, Consultants for Septa for this project, and Glen Morris, Project Manager for Septa, presented their plans for improvements to the parking lot at the Malvern Train Station. Mr. Grant explained that his group has been working on this project since December and wanted to explain to Council what they are doing and what issues they have run into as follows:

- there are a number of encroachment issues from adjacent property owners. They are having some difficulty resolving these issues because there are no defined boundaries and cars are parking and traveling wherever they want. Septa is trying to create a plan where they don't put out any neighbors but are still able to accomplish their goal.
- there are accessibility issues.
- there is poor drainage on the site
- the paving on the site is in poor condition
- the Jersey barriers were installed in the underpass allowing for only one lane of traffic. Once the project is complete, both the Jersey barriers and the sidewalk will be removed.

Septa will be seeking some relief from the zoning requirements as follows:

- reduction in size of parking stalls from 10'x18' to 8.5'x17'
- get rid of the 5' buffer
- eliminate curbing
- eliminate landscaped islands to allow additional parking
- have a 20' cartway for two-way traffic which is typical for Septa at their other stations
- retain the 28' cartway at the entrance

Mr. Grant explained that they will be displacing approximately fifty (50) parking spaces during the different phases of construction. They requested that the Borough consider giving relief from the four hour parking at the Municipal Lot at Burke Park in order to allow the Septa riders to park in this lot.

Mr. Grant asked Council if there was anything the Borough could do to help with contact of the neighbors, it would be helpful.

Mr. Morris stated that the Planning Commission had suggested that Septa make a presentation to the Malvern Business & Professional Association to inform them of the proposed plans.

Duane McCrory, Raffaella Drive, questioned the access to the lots.

John Grant responded that the eastern entrance is assumed two-way. They would like to make that a one-way access and designate the other entrance as a two-way.

Paul Hockenbury, Raffaella Drive, questioned ADA accessibility. Mr. Grant responded that there would be ADA accessibility with switch-back ramps, etc.

Judy Worrall, Hunt Engineering, asked if the plan included building a shelter on the north side. Mr. Morris responded that the platform would be improved but it is not scheduled for a shelter at this time. That may occur sometime in the future.

Council President Van Sciver stated that he would support the variances being requested to get the most use of the lot given the situation.

Council Member Vike stated that he had recommended that rather than pursue a variance, perhaps address this as an amendment for a mass transit parking lot. Cars are there for approximately twelve hours and are packed in. It would be reasonable to have a lower standard and have it codified than creating a variance.

Council President Van Sciver stated that he would support a zoning change for the area.

Wendy McLean, Borough Solicitor, stated that we could amend the ordinance so the Planning Commission and Borough Council can redesign the parking as part of a conditional use procedure. That gives Council some give and take. She believes Council might need it as a conditional use rather than a use by right. She will review the Zoning Ordinance to see if this can be done.

b. LaGrie, LLC, Subdivision & Land Development Application – Council President Van Sciver reported that he had gone out and looked at the site. He made some recommendations to his fellow councilmen from his analysis of the project. He stated that he would recommend a waiver for the cul-de-sac, as requested. The one waiver request he found exceptional was reducing the right-of-way from 50' to 45'. This is only his opinion and has no merit from the solicitor or Borough Council members. He does not believe that waivers should be considered unless the roadway gets improved to Borough standards and becomes a Borough dedicated road. He also recommends the following:

- sidewalks be included on both sides of the existing private street;
- contact all the abutters for appropriate existing driveway adjustments.
- require the standard street lights
- require contribution to the Borough sidewalk fund for sidewalks required by Ordinance, but not installed
- require retaining wall to be constructed as a poured in place wall
- accept the PC suggested cartway reduction to 24 feet
- encroachers should be notified to remove encroachments from the LaGrie property

Council Member Smith stated that he sees no reason to grant a waiver from 50' to 45' on the right-of-way. He feels the Borough would be giving up property for a private interest.

Council Vice President Raymond stated that she also agrees with the right-of-way issue. She has been concerned about the density issue and that ties clearly to the right-of-way and Council President Van Sciver has suggested an appropriate way of walking the line between that issue and other issues the developers have wanted.

Council Member Crawford does not feel that Council President Van Sciver's recommendations are at odds with what the Planning Commission has approved except for the right-of-way. He is in agreement with the recommendations.

Council Member Vike stated that he believes that waiver request originated back from an earlier plan when the access didn't include the Guglielmi property. It was more of a hardship argument because they didn't have the land to connect to the private road. He stated that he doesn't see much of an argument with the right-of-way width now and questioned what the hardship argument would be at this time.

Mr. Dellapenna explained that the extra five feet would provide a little more space behind the houses. Without the additional five feet, the lots would be less deep and narrower.

Council Member Edge stated that he would not be in favor of granting the waiver for the cartway.

Following discussion, the members of Council were in agreement with the recommendations proposed by Council President Van Sciver, with the exception of Council Member Edge who did not agree with the twenty-four foot (24') cartway. Council Member Vike stated that he also likes a 28' cartway but may consider a hybrid with 28' to the top and 24' for the rest of the roadway. It was also agreed that the applicant should return to the Planning Commission with a modified plan. A Landscape Plan will be submitted to the Shade Tree Commission for recommendations and then forwarded to the Planning Commission.

Chris Mongeau, Chairman of the Planning Commission, stated that the Commission will review the modified plan as quickly as it gets to the Planning Commission.

c. ZHB Hearing for Sambath Meas, 20 Daisey Lane – June 23rd – Wendy McLean asked Council if they wanted to take a position on the variance request for 20 Daisey Lane. Council stated that if someone is living there and needs an accommodation, that variance would be personal to the applicant. Unfortunately, any variance that is granted would run with the land.

A motion was made by Council Member Vike and seconded by Council Member Smith that Borough Council is sensitive to pressing concerns and issues with accessibility to these lots; however, the variance request covers a range of ordinances that the Borough feels should be maintained, and he opposes the request for variances.

Council President Van Sciver stated that if some person has distress, the Borough should let them know there is alternative relief.

Council Member Crawford asked where and when would we inform the applicants of alternative ways to solve their problem.

Wendy McLean responded that she or Dan can contact Mr. Capuzzi and suggest alternative approaches of how the issue may be resolved.

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

d. Policy for Parking Permits – Council Member Crawford reported that the Public Safety Committee has discussed a Policy that they would like the Council to adopt. A Policy can be changed based on different circumstances. The Policy sets forth in what areas parking permits would be available, the procedure to obtain a permit, and the fee associated with obtaining a permit. The Policy also allows for annual review and evaluation.

Council Member Vike suggested that the Policy designate the area on Monument Avenue where permits may be permitted (i.e., on Monument Avenue from Warren Avenue to Powelton Avenue).

Council Vice President Raymond also suggested naming the municipal lots and putting this Policy on the website.

Council Member Smith made a motion to accept the Policy as written. Council concurred.

e. Selection of Land Planner for the E. King Street Development – A motion was made by Council Member Vike, seconded by Council Member Smith and unanimously carried by a vote of 6-0, to appoint Ray Ott & Associates as the Land Planner for the E. King Street Development.

f. Announce vacancy on the Planning Commission – Council President Van Sciver announced that there is currently a vacancy on the Planning Commission, following the resignation of Jim Vike.

g. Task Force Committee for the E. King Street Development – Council President Van Sciver announced the members of the Task Force Committee as follows:

Sandra Kelley
Jerry McGlone
Chris Mongeau
Vicki Sharpless
Stephen Iacobucci
Lynne Hockenbury
John Meisel
Woody Van Sciver
Jim Vike

9. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Smith, seconded by Council Member Crawford and unanimously carried by a vote of 6-0, to adjourn the meeting at 10:10 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager