

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

August 19, 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 - ABSENT
  - Council Member Edge
  - 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 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. Mr. Cappelli, 117 W. First Ave., Mr. Holliday, 112 W. First Ave. and Frank Venditti, 118 W. First Ave. expressed concerns about stormwater management. Mr. Cappelli explained that he had a pond of water next to his swimming pool following a recent horrific storm. Mr. Holliday reported that he had 18 inches of water in his home during this same storm. As a result, mold was forming in his basement and he expressed concerns about his foundation. Mr. Holliday stated that he has a two-foot hole in his driveway as a result of heavy rains that come down every year. Mr. Cappelli and Mr. Holliday stated they felt the storm drainage system is inadequate and the drainage pipes do not collect water and, as a result, the water runs through their yards and, in some cases, into their homes. Pictures of the water damage were presented to Council.  
Mr. Van Sciver asked if the drainage pipes were full of debris and simply needed to be cleaned out in order for them to operate properly. The homeowners said the pipes are clear but during these heavy rainstorms the water moves debris and other materials that clog the drainage systems.  
Mr. Van Sciver asked for more details concerning where the water is coming from and the homeowners explained the water comes from the north and south side of First Avenue between Powelton & Prospect Avenues. The water then runs down past the pump station.

Mr. Rossi stated that he has planted landscape ties, plants, etc., in order to hold back the storm water in his backyard but, as a result, they are just washed away. The homeowners collectively asked about a borough stormwater management department that maintains the drainage systems. They asked if funds were available in the budget or in the future to help offset the cost of maintaining the stormwater drainage system. They asked if there were any state or local ordinances dealing with these areas that have no stormwater management. They asked if monies from the beautification projects can be used to assist in helping to upgrade these storm drainages and pipes. They questioned the ordinances in place for new construction.

Mr. Van Sciver explained that there was no defined plan for new storm water management systems and no specific budgeted projects, but that the Council could look into federal and/or state grants that may be available for such projects. Mr. Van Sciver said recently the borough revised our storm water ordinances in conformance to federal and state government requirements and these ordinances. The 2008 budget, and the budget for the next five years has been set, but each year the budget is reviewed. Mr. Van Sciver told the homeowners that the Council appreciated their concerns and they would reconsider now that it has been brought to the Council's attention. Beautification project funds do not include stormwater management. Mr. Van Sciver said the revised storm water ordinances are in place for new construction. They can include drywells to help with overflow during storms. Unfortunately, these ordinances were not in place when most of the homes in the borough were built approximately 50 years ago. The Council will ask the Borough Engineer, Dan Daley, or the Public Works Foreman to go out and look at the drainage system on First Avenue and see if there is an easy fix. Mr. Van Sciver asked if any of the homeowners are available during the day and that we could call and speak directly with them and meet them out by the areas in question. Mr. Holliday stated he is available to meet.

- b. Carroll Sinquett, 223 Green Street, reported on the stormwater located at the entrance to Malvern Retreat. The water collects in front of the entrance to the retreat and runs across the street and onto Mr. Sinquett's property. A drainage pipe located at the front of Mr. Sinquett's property is not collecting water as debris and silt from the running water collects at the pipe's opening and therefore floods Mr. Sinquett's property.

Mr. Sinquett also voiced concern over the patchwork done on Old Lincoln Highway. He stated that every year the blacktop has to be replaced and questioned why a more permanent solution can't be made.

Council Member Edge explained that there is an underground spring that carries away any fill that is put into the hole and that is the reason for the need to replace the blacktop every year. The only permanent solution is excavating and putting in clay

dams, which would be too costly. Until the Borough can get the funding, all that can be done is to continue the current process.

- c. John Buckley, 165 Church Street, made the following comments:
- 1) older children were using the playground equipment in Burke Park;
  - 2) local young people were breaking the floodlights at 103 & 105 E. King Street
  - 3) cars with no tags or expired tags are sitting in yards
  - 4) blacktop in front of his house is sinking and sidewalk is cracked. The road in front of his house is not graded back and he questioned who was responsible for fixing the road and the sidewalk.
  - 5) the yard next to the church on Roberts Lane is overgrown

3. APPROVAL OF MINUTES:

A motion was made by Council Member Lynch, seconded by Council Member Vike and unanimously carried by a vote of 6-0, to approve the minutes of the Meetings held on Tuesday, July 1, 2008 and Tuesday, July 15, 2008, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice President Raymond, seconded by Council Member Vike 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 July 2008 as submitted.

5. OTHER BUSINESS:

- a. Recommendation to Release the 1<sup>st</sup> Half of the Borough's Contribution to the Malvern Fire Company, in the amount of \$25,000 – A motion was made by Council Vice President Raymond, seconded by Council Member Smith and unanimously carried by a vote of 6-0, to release the 1<sup>st</sup> half of the Borough's contribution to the Malvern Fire Company, in the amount of \$25,000.
- b. Review Articles I through VI of the proposed Home Rule Charter Administrative Code – there were several questions regarding the proposed provisions to the Administrative Code, as follows:
- 1) limits of competitive bidding – Council Member Vike questioned where the \$20,000 number came from.

- 2) reimbursement of business expenses. The Council should be advised in a report of what business expenses are reimbursed, but no need for the Council to approve. The Treasurer should deal with it and put it into a monthly report.
  - 3) legal dispute between Mayor and Council – Administrative Code states that the Mayor is entitled to \$5,000 towards obtaining outside legal counsel. Is this in the Borough Code and, if so, should it be taken out.
  - 4) Treasurer and two authorized persons are required to sign checks. This process seems to be a little open and maybe the authorized persons should be clearly indicated.
- c. PA Avenue Extension – Council President Van Sciver suggested with Council’s agreement, he would contact the East Whiteland Board of Supervisors to discuss the possible development of the Malin Ave.- Pennsylvania Ave. extension. The background of this issue as follows:
- (1) The borough is in the process of updating the comprehensive plan. The industrial park on the north side of town may be fertile for some increased development density for commercial/office/further industrial use. Transit oriented, higher density development could be contemplated surrounding the train station, with the dramatic increase in commuter traffic.
  - (2) Historically, one of the issues the Borough has tried to resolve is the truck traffic serving the industrial park area must traverse small residential Broad and Bridge Sts to reach Rt. 30.
  - (3) A Malin Rd.-PA Ave. extension would provide for a direct path to the industrial park and the train station from Rt. 30 which, with suitable road improvements (including improvements at the existing underpass at Malin Rd), could eliminate such truck traffic.
  - (4) Without a suitable work around on truck traffic and potential increased auto traffic from a more densely developed industrial park/train station area, the borough may not desire to allow for such increased density in our comprehensive plan/future zoning
  - (5) Most of the parcels for such a road extension are located in East Whiteland Township. East Whiteland may find such a road extension desirable since a few of the parcels to be bypassed by such a roadway are currently underdeveloped or vacant
  - (6) Such a roadway extension would be expensive, but with East Whiteland’s cooperation, it is possible funds for such an improvement could be obtained to make the improvement possible without excessively burdening either East Whiteland or Malvern.

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Council agreed discussions with East Whiteland could be undertaken to determine if they found any value in such a road extension.

6. ADJOURNMENT:

A motion was made by Council President Van Sciver, seconded by Council Member Vike and unanimously carried to adjourn the meeting.

Respectfully Submitted,

Janeen Pada  
Recording Secretary in the absence  
of Sandra Kelley, Borough Secretary