

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

January 19, 2010
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 Lynch
Council Member Macaleer
Council Member McCrory
Council Member Sponenbergh
Council Member Uzman
Mayor McGlone

2. PUBLIC FORUM:

Council President informed all present that copies of the agenda are available at 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. Chester Valley Little League – Dr. Joe Leonetti – Dr. Leonetti reported that the Chester Valley Little League revamped the way they are fundraising by breaking it into a much smaller campaign and funding one project at a time. Dr. Leonetti stated that he was in attendance tonight to request a waiver to install an additional thirty feet of eight-foot fence along the third base line at the Little League Field on Monument Avenue. He explained that he would need a permit to replace the existing fence, but that a waiver would be required to increase the height of the fence to eight-feet for the thirty-feet beyond third base. The additional height would provide extra protection from fly balls for the spectators along the third base line.

Dr. Leonetti also asked about installing signage on the fence.

The Planning Commission recommended approval of the eight foot fence.

Following discussion, a motion was made by Council Member Lynch, seconded by Council Vice President Raymond and unanimously carried by a vote of 7-0, to approve the additional thirty feet of 8' fence and signage with the condition that only thirteen signs can be placed on the fence.

- b. John Buckley, 165 Church Street, complained about the sidewalks along King Street being lousy and icy. He also complained about the snow not being plowed to the curb on Church Street and the fire hydrants not being shoveled out.

Mr. Buckley asked about the repaving of Church Street and was informed that it would be repaved in the Spring.

Mr. Buckley congratulated the new members of Council.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Lynch, seconded by Council Vice President Raymond and unanimously carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, December 15, 2009, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Lynch and seconded by Council Member Sponenbergh 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 December 2009, as submitted.

Council Member Macaleer asked that the Public Works report be separated into monthly routine and non-routine activities.

The motion unanimously carried by a vote of 7-0.

5. CITIZEN COMMITTEE APPOINTMENT:

A motion was made by Council Member Sponenbergh, seconded by Council Member Uzman and unanimously carried by a vote of 7-0 to appoint Council Member Lynch as Council liaison to the Malvern Fire Company for a 2 year period to expire January 1, 2012.

6. OTHER BUSINESS:

a. Septa – Chris Mongeau, Chair, Malvern Borough Planning Commission, reported that the Planning Commission had requested a limited traffic study from Septa to review traffic entering and exiting the parking lot at all locations. The Planning Commission wanted an interpretation of the best traffic flow measures.

Council President Van Sciver stated that when Malvern Prep was approved, the Borough asked for an Agreement from them to hire a policeman to regulate traffic during certain time periods when they would be experiencing heavy traffic flows (dances, football games, events at the art center, etc.). Perhaps Septa could hire one of our police officers or bring in their own police during high traffic volume time periods.

Chris Mongeau stated that people turning left on Warren Ave. present a problem during rush hour. When No. Warren Avenue was restricted to one lane under the bridge, it added to the traffic problems.

The consensus from Council was that Septa has not addressed all the important issues and it was generally agreed that it is hoped they have worked out the issues before coming back for Final approval. This traffic study would include a circulation plan of the parking lot.

b. Planning Commission – Year in Review-2009 – Chris Mongeau, Chair, reported that the Commission had a relatively full calendar in 2009. Projects included:

- E. King Street Development – reviewed and recommended a new ordinance for that project
- Septa parking lot improvements
- Comprehensive Plan – several members of the Commission are members of this Task Force
- Pedestrian Circulation plan – surveyed sidewalks and determined condition of them for inclusion in a report submitted to Council
- Patriot’s Path review and recommendation
- Several land development waivers were reviewed and recommendations made to Council
- Continue to work with the Historical Commission for a historic preservation ordinance

Mr. Mongeau told Council that the Commission would welcome suggestions from Council for discussion of planning related issues and will work with the Borough Solicitor on a plan of how to deal with the small land development issues and submit a recommendation to Council for action.

c. Historical Commission – Year in Review-2009 – Lynne Hockenbury, Co-Chair in 2009, reported on the following Historical Commission activities for 2009:

- Participated in MB&PA events for public exposure in order to get their name out there and to let people know about the History Center and what information would be available to the residents
- Reviewed property files and created a list of what is needed to complete the files
- Numbered and catalogued the items that the HC has collected over the years.
- Transcribed the architectural descriptions of structures in the Borough as described by Jane L. S. Davidson
- Continue to work on developing historic ordinances for the Borough
- Transferred to CD 14 taped interviews of Borough residents dating bck to the 1970’s and 1980’s. Six more tapes will be transferred to CD that were completed in the past two years
- Plan preparation for the 125th Anniversary of Malvern (2014)
- New Book on *Women of Malvern* currently underway

d. Shade Tree Commission – Year in Review-2009 – Tony Dufour, Chair, reported on the Shade Tree Commission activities as follows:

- 2009 was the busiest Shade Tree Commission year
- Accomplished quite a bit with two large volunteer plantings events
- Planted sixty trees from late 2008 and 2009
- Carefully removed trees along W. First Ave. adjacent to Borough Hall as well as other locations in the Borough
- Removed some hazardous trees from the Paoli Battlefield site
- Made good use of the funding we received under the Tree Vitalize grant program. Mr. Dufour was asked what the Shade Tree Commissions’s plans were for 2010

and he responded that they want to find a place to plant 20-30 more trees. They would like to prioritize planting along King Street but finding places to plant, breaking through sidewalks, educating the public, takes a lot to get those trees in the ground.

e. Park & Recreation Committee – Year in Review-2009 – Dale Levin, Chair, reported that the Committee sponsored the following activities:

- Movies, entertainment and activities in Burke park.
- Family Night with a magic show and balloons

The 2010 Schedule has not yet been discussed, but the annual events, such as the Spring Fling with ice cream/water ice, and entertainment and the Fall Fest will remain staples in 2010. Mr. Levin stated that the Commission would welcome any suggestions for entertainment or activities in 2010 and asked that those suggestions be forwarded to him.

Mr. Levin also expressed concern over the growing deer population and asked who could be contacted to see if anything can be done about it. He reported that there are many deer throughout town and not only in the wooded areas of Randolph Woods, Malvern Retreat and Malvern Prep. They are now crossing Monument Avenue, have been seen on Karen Drive and in the area behind Charleston Greene. This could become a larger issue for the Borough.

f. Paoli Battlefield Preservation Fund – Year in Review-2009 – Bruce Knapp, President, reported on the following activities undertaken by the PBPF:

- A annual Let Freedom Ring July 4th event with an estimated attendance of 350-400 people.
- 2nd annual fundraiser at the General Warren Inne with all proceeds used for activities and operations of the Paoli Battlefield
- Sponsored a lecture on *Battlefield Archeology*
- Prepared for the annual Illumination & Candlelight Tour in October but the event was rained out. Will reschedule for April 2010.
- An Eagle Scout built a permanent outdoor display case that was installed at the Battlefield. This same Scout also built a wooden framework to enclose the electrical meters at the site.
- The PA Historical Society donated an antique display case to the PBPF and that case is in the History Center
- Arranged for archeologists to plan and conduct a multi-year archeological survey of the Paoli Battlefield and its environs.
- The PBPF is working with the Brandywine Conservancy to develop plans and funding sources to plant a buffer zone along the northern park boundary and field and tree restoration to eliminate invasive plants and conduct tree survey to improve health, trails and watershed areas of the park.
- Will participate in the Chester County Parks & Recreation program for Town Tours & Village Walks in 2010.

g. Committee Assignments – Council President Van Sciver – Council President Van Sciver reported that he was wondering how a member of Council could participate in a committee if they weren't on it. He is proposing that Council not have a Permanent Agenda but that the Chair of each committee prepare a brief written report on what discussions are being

held within their Committee. That way, any non-committee member can start a discussion if there is something in which they are interested. This procedure will allow all members of Council to be more involved in the discussions. Council President Van Sciver suggested the following topics for discussion by the Committees:

Finance & Administration

- Traditional items of the budget
- Review our financial reporting standards with respect to the DCED model financial reporting documents to see if we might want to change some of our reporting techniques or style to meet their standards
- Review of the compensation issues and how they might progress or be tackled
- Work to hire the new actuary

Public Safety

- Police position – retain part-time officer vs hiring a full-time officer
- Work in concert with the Planning Commission and the Comprehensive Plan Task Force to complete the Pedestrian Circulation Plan and work cooperatively with the Public Works Committee to prioritize future streetscape improvements.
- Patriot's Path Trail – inclusion into the Pedestrian Circulation Plan
- The borough-wide traffic calming policy – Try to potentially implement a program so that when we have citizens who come forward requesting traffic calming measures, we have a procedure for implementing or not implementing. Consider a petition format; e.g., Upper Merion Traffic Calming procedures..

Public Works

- The majority of Borough capital projects have been streetscape improvement projects. The Public Works Committee should work cooperatively with the Public Works Department to review and approve the priority of such projects based on maintenance requirements. Cooperate with the Public Safety Committee to resolve the priority of streetscape improvements.
- With respect to the E. King Street development, some of the last unfinished business was the potential for off-site improvements that were undefined from the developer. Consider offsite streetscape enhancements and how they can be defined.
- Those parcels at Bridge and King are for sale. That piece is going to be out there for future development. Consider the streetscape pattern desired for this important intersection – Bridge and King.
- Investigate what ordinances could be adopted to allow the Borough to: require private repair of sidewalks and, to potentially capture the cost of new sidewalks from private owners through any unfunded streetscape improvement projects that may be on the Pedestrian Circulation Plan
- One response to the residents of Crest Avenue who complained about safety and lack of sidewalks would be to suggest a streetscape improvement project on Crest that was ultimately paid for through

abutting resident assessments. The Borough has the capacity to assess homeowners for installation of sidewalks.

- Consider the options of a relocated public works area on Borough ground adjacent to the firehouse.

The Committees could produce a monthly report of how discussions are moving forward in these areas.

The members of the Committees are:

Finance & Administration – Bill Macaleer, Chair; Dick Sponenbergh, Woody Van Sciver

Public Safety – Cathy Raymond, Chair; Dick Sponenbergh, Woody Van Sciver

Public Works – Zeyn Uzman, Chair; Sean Lynch, Duane McCrory

h. On-Line Forum Discussion – The purpose of creating a forum was to make Council's deliberations more open to the public. After researching this issue, it was determined that it would be difficult to administer and monitor. The system that currently exists is a good system and should not be changed.

Council Member Uzman stated that this whole discussion issue only comes into play if something controversial comes up. The Committee makes a recommendation. Council discusses it and there are public comments. The reason you don't want to have that fourth person on a committee is to not have a majority that can gang up on the remaining three Council members. Council Member Uzman's only concern is if something controversial comes up and you have a Council that works behind the scenes where the public doesn't know what's going on, it would set a precedent that he would not want to have set. His feeling is that the members of the committee have done the legwork and he might ask a question, but he's not going to question the abilities of the Committee members.

Council discussed the heat situation in Borough Hall and the merits of heat tracing, installing an anti-freeze system, installing a dry system and insulating the attic. The Manager will request costs for a dry system, wet system and other costs associated with the system.

i. Randolph Woods – Council President Van Sciver gave the new Council Members a brief background of the Randolph Woods parcel. The Manager had submitted to Council a brief history of what has transpired once Willistown Township purchased the parcel of land on Duffryn Avenue and placed an easement on this parcel in order to access Randolph Woods from Willistown Township. Consultants have been interviewed by members of Willistown Township, Malvern Borough and the Willistown Conservation Trust in an effort to choose a consultant to create a Master Plan connecting this site with other sites in the Borough and Willistown Township. The Manager asked that Council commit to pursuing this greenway trail and to commit to participate in the costs associated with grant funding for the design of this greenway trail network.

Mr. Siquett, Green Street, stated that Ruthland Avenue behind his property goes to Randolph Woods. He also stated that, on paper, Second Avenue goes through to Ruthland Avenue.

If we don't do this now, we may never have the opportunity to do it again. Council agreed to support this project as long as we have a say over what money is spent within Malvern Borough.

A motion was made by Council Member McCrory, seconded by Council Member Sponenbergh and unanimously carried by a vote of 7-0 to support the application for grant funding for the greenway project provided the terms where the Borough has some control over the money spent within the Borough is acceptable.

7. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Lynch, seconded by Council Member McCrory and unanimously carried by a vote of 7-0 to adjourn the meeting at 10:08 p.m.

Respectfully submitted,

Sandra L. Kelley, Secretary/Manager