

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

February 16, 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 - ABSENT
 - Council Member Macaleer
 - Council Member McCrory
 - Council Member Sponenbergh - ABSENT
 - Council Member Uzman
 - Mayor McGlone - ABSENT

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. John Buckley, 165 Church Street, commented on the following:
 - Sidewalks not wide enough by Malvern Pizza
 - Fire hydrants – who cleans out
 - Corner of Church St. & First Ave. snow not pushed at corner
 - Repave Church Street – the inspector from E. B. Walsh should have told the contractor that the paving was not done correctly
- b. Bill Noll, Rafaella Drive, stated that he felt the snow removal was pretty good considering we have had record snowfalls. Mr. Noll commended our Public Works for keeping the streets as good as they were.
- c. Mr. Sinquett, Green Street, questioned whether we need to reprioritize some things that have been done with the snow removal. You are unable to get down some streets but the Borough sidewalks have been cleared in other areas. He would prefer seeing the streets widened before the sidewalks are cleared. On Green Street, emergency vehicles would not be able to get down. It is a tough job that needs some tweaking.
- d. MS4 Stormwater Program Update for DEP by Daniel Daley, P.E. – Dan Daley, P.E., E. B. Walsh & Associates, distributed education materials to Council and the public

titled “*Don’t Let Storm Water Run Off With Your Time and Money!*” and “*Stormwater Phase II Final Rule – Small MS4 Stormwater Program Overview*” . Mr. Daley explained that the stormwater management permit is issued by DEP under the MS4 Program and consists of six minimum control measures:

- Public Education and Outreach – through postings on the Borough website and in quarterly Newsletters
- Public Participation and Involvement – the Borough participates with the Chester-Ridley Crum Watersheds Assn. in various activities and programs
- Illicit Discharge Detection & Elimination – cannot dump chlorinated pool water and other discharges like “gray” water into the creeks and streams. Outfalls are also checked in the Borough.
- Construction Site Run-Off Control – assure that all erosion and sedimentation control measures are in place for all construction sites
- Post Construction Run-Off Control – Implementing run-off control after construction is complete
- Pollution Prevention and Good Housekeeping – Filtrate detergent before it gets to a creek. Protect salt storage areas so it doesn’t run into the creeks or streams.

The Borough is required to submit annual reports to DEP. We are in Year 7 of a 5 Year Program. The Program was extended and DEP is in the process of revamping the program. New regulations are to come out in 2010. They will pick parts of the program that work well and discard the parts of the program that don’t work well. This is a federal mandated program that requires DEP to force the municipalities to implement.

Council Member Macaleer asked if flooding is a component of the program for existing sites. Mr. Daley responded that the current program is not meant to stop flooding from existing areas but to prevent flooding from future construction sites. It is probable that some future regulations may force municipalities to retrofit existing conditions. However, any development that occurs should not create more flooding.

Bill Noll, Rafaella Drive, questioned Valley Creek that runs behind his building on Route 30 in East Whiteland Township. He stated that it seems there is a lot more run-off and asked if the municipalities studied how much run-off happens in a storm in certain tributaries.

Mr. Daley responded that the Valley Creek Act 167 Study is a watershed study that is currently being run by the Chester County Water Resources Authority and they have done analyses of the watershed and are coming back with the regulations and updated ordinances, for review, to deal with regulations for that watershed.

3. APPROVAL OF MINUTES:

A motion was made by Council Vice President Raymond, seconded by Council Member Uzman and unanimously carried by a vote of 5-0 to approve the minutes of the Reorganization Meeting held on Monday, January 4, 2010 and Tuesday, January 19, 2010, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Uzman, seconded by Council Member Macaleer and unanimously carried by a vote of 5-0 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 January 2010, as submitted.

5. RESOLUTION NO. 616 – SEPTA FINAL SALDO APPROVAL:

A motion was made by Council Member McCrory, seconded by Council Vice President Raymond and unanimously carried by a vote of 5-0 to approve Resolution No. 616, a Resolution approving, subject to conditions, the subdivision plan ("Plan") of Southeastern PA Transportation Authority ("SEPTA" or "Applicant") entitled "Malvern Station Tunnel and Parking Lot Improvements" prepared by Stantec Consulting Services, Inc., dated October 28, 2009, and last revised January 29, 2010, as a final subdivision plan, pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, as amended.

6. OTHER BUSINESS:

- a. Variance Request for 108 Mountain Laurel Lane – following discussion of this variance request, Council decided not to take any position on this application before the Zoning Hearing Board.
- b. Treasurer's Reports – Council asked that the Manager provide additional information regarding the reports at the next Work Session meeting. Council Member Macaleer stated that he will reformat the Treasurer's Report that will answer more questions.
- c. Committee Reports – it was decided that the Committee Chairs will report on the committee discussions at the work session meetings.

7. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice President Raymond, seconded by Council Member Uzman and unanimously carried by a vote of 5-0 to adjourn the meeting at 8:10 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager

