

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

April 20, 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 - LATE

2. PUBLIC FORUM:

Council President informs 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. Helen McDonough, 322 E. King Street, asked if the Handicap Parking sign in front of 324 E. King Street could be removed as the residents who required the sign have moved.

- b. Tony Dufour, Chair, Shade Tree Commission, reported that next Saturday, May 1st, a stream clean-up event will be conducted at the battlefield property. Volunteers will meet at the Borough Hall at 9:00 a.m., work for two hours, then there will be an Arbor Day tree planting at the battlefield at 11:00 a.m. Details of the event can be found on the Borough's website.

- c. Andrea Vaughn and Susan Jones presented information on the Malvern Blooms event to be held on Sunday, April 25th along King Street and in Burke Park. They expect over 100 vendors, will have many pet events, music and food. In addition, fire trucks will be at Channing Ave. & Roberts Ln. to present Fun Fire Safety activities. Channel 29 at 7:50 a.m. on Thursday morning will broadcast the event.

- d. Crest Avenue & Powelton Avenue Recommendations – Public Safety Committee Council Vice President Raymond outlined the recommendations and reasons for the recommendations of the Public Safety Committee for traffic calming measures on Crest Avenue and Powelton Avenue. It was recommended that a speed hump be installed on Crest Avenue, of

the same type as the one already present on Crest Avenue and in other Borough locations and that the installation of sidewalks be strongly considered by the residents. The Committee recommended that four crosswalks be placed at the intersection of Powelton and Monument Avenues and that permissible parking spaces be painted along the west side of south Powelton Ave. In addition, it was recommended that Powelton Ave. be placed on the priority list for Capital improvement grant funding projects due to its pedestrian connections to the center of town and the ball fields.

No traffic calming measures were being recommended for Highland Avenue.

The Committee also recommended the adoption of a policy requiring residents who wish the installation of a traffic calming measure to submit a petition to Borough Council. This Traffic Calming Petition will be placed on the Borough's website.

Tony Mancini, Highland Avenue, reported that they were having trouble on the weekend with kids playing in the street from the stop sign at Malvern Avenue to Crest Avenue. He reported that it was difficult to make a turn because of the little green sign that was placed in the road. He requested that the Chief look into this to see if that sign should be permitted to be placed in the street and the children allowed to play in the street.

Council Member Uzman recommended that we monitor the parking situation on Monument Avenue after the SEPTA improvements have been made to their lot.

A motion was made by Council Member Uzman, seconded by Council Vice President Raymond and unanimously carried by a vote of 7-0 to accept the recommendations of the Public Safety Committee for Crest Avenue, Highland Avenue, Powelton Avenue and the Traffic Calming Petition procedure.

3. APPROVAL OF MINUTES:

A motion was made by Council Vice President Raymond and seconded by Council Member Sponenbergh to approve the minutes of the Regular Meetings held on Tuesday, March 16, 2010, as submitted.

Council President Van Sciver asked that the March 16th Minutes be amended as follows: Item #5, last sentence of the first paragraph should read Zoning Amendment process and not SALDO process.

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

4. APPROVAL OF REPORTS:

A motion was made by Council Member Sponenbergh, seconded by Council Member Uzman and unanimously carried by a vote of 7-0, 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 March 2010, as submitted.

5. PUBLIC HEARING - 237 KING PARTNERS, LLC:

Wendy McLean, Esq., Lentz, Cantor & Massey, Ltd, gave a brief overview of the conditional use hearing process to Borough Council and the audience. Ms. McLean explained that a conditional use proceeding is different than a regular Borough Council meeting. It is very formal and very structured. We are getting a formal record like we are in Court. It is going to be handled in a very structured way. Andy Rau, Esq., will present witnesses who will testify under oath. He will be submitting exhibits. It is a formal proceeding. One person is permitted to speak at a time. Council will not get through this entire hearing this evening. Mr. Rau will present witnesses tonight and there may not be time for questions tonight. There will be time for an interested person to ask questions but we will tell you when it is time for questions. If you want to ask a question, raise your hand, be recognized by Council President Van Sciver, identify yourself and ask the question. This is not the time for comments, opinions and helpful advice. At the end of the whole proceeding, there will be plenty of time for comments, opinions and advice. In the meantime, the Planning Commission is still working on this project as well. You are welcome to go to the Planning Commission meetings as well. You will be able to comment and ask questions at their meetings. Borough Council will also have the opportunity to ask questions.

Council President Van Sciver announced that Borough Council will now open the public hearing to consider and act upon the following conditional use application: Conditional Use Application of 237 King Partners, LLC as to 3.72 acres in the Borough (3.92 acre gross to title lines) on the north side of East King Street, extending west from the Malvern Borough Line, including tax parcels UPI 2-4-148; 2-4-150; 2-4-151; 2-4-152; 2-4-153; 2-4-158; 2-4-159; 2-4-160; 2-4-161; and 2-4-162, to permit a Multi-Use Development in the C-4 High Intensity Commercial District, pursuant to Malvern Zoning Ordinance Sections 1501 (C-4 Use Regulations); 2425 (Multi Use Development); 2910 (Conditional Uses) and related ordinance standards.

The Public Hearing was closed at 10:23 p.m. Minutes of the Conditional Use Hearing were taken by a Court Reporter and will be on file in the Borough Administration Office.

Council announced that the next hearing will be held on June 1, 2010, in order for the Planning Commission to have an opportunity to conduct their public information meetings and to make a recommendation to Borough Council regarding this Conditional Use Application.

The June 1st meeting will not be readvertised nor will additional postings be made or notices sent. A notice of the next meeting date will be posted on the Borough's website.

6. RESOLUTION NO. 619 – HAZARD MITIGATION PLAN:

A motion was made by Council Vice President Raymond and seconded by Council Member Spönenbergh to adopt Resolution No. 619, a Resolution for Municipal Adoption of the Chester County Multi-Jurisdictional Hazard Mitigation Plan.

The Manager explained that the Hazard Mitigation Plan is designed to plan now to prevent future damages from both natural and man-made disasters. This Plan will make Chester County and the municipalities who have adopted the plan eligible for certain types of funding in the event of a disaster. She explained that all municipalities in Chester County are being asked to adopt the Plan. The Plan will then be forwarded to FEMA for review and approval. Once FEMA has approved the County Plan, the municipalities will be eligible for pre and post disaster grant funding should a disaster occur. If someone lives near a floodplain and experiences damage from a flood condition, the resident will be eligible for grants to mitigate these kinds of damages. The Manager explained that she prepared the Hazard Mitigation Plan Worksheet to include all Borough-owned facilities, including sewer stations, schools and the Retreat property. No one had additional items to add to the Worksheet.

7. OTHER BUSINESS:

a. Act 167 Valley Creek Stormwater Plan Recommendations from Borough Engineer – Council approved the Borough Engineer’s letter for submittal to the Chester County Water Resources Authority.

b. The Manager announced that Bids for Trash & Recyclables will be Advertised on April 22nd and 28th and that bids will be opened on June 1st at 4:00 p.m.

8. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Macaleer, seconded by Council Vice President Raymond and unanimously carried by a vote of 7-0 to adjourn the meeting at 10:30 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager