

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

June 7, 2011
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. John Buckley, 165 Church Street, commented on the following: (a) cars are parked on the wrong side of the street on King Street and they cut across traffic by the Flying Pig and Malvern Pizza; (b) cars come flying down Church Street, going the wrong way on the one-way street, and fly through the intersection; a girl drives the wrong way every morning and turns around in the middle of the street; (c) a car with a blue light travels too fast when responding to a fire call; (d) when he was at the Planning Commission meeting, the meeting was about waiving permits. Mr. Buckley questioned why the Borough would not waive his permit fee.
- b. William Rossiter & George Fieo – Audited Financials and Metrics – Mr. Fieo presented the 2010 Audited Financial Statements and reported that the Borough is in a very sound financial condition.

Mr. Rossiter explained the Financial Monitoring System and reported that the Borough looks good for credit ratings and fund balances. Mr. Rossiter reported on the following:

- The benefit cost of employees as a percentage of salary has been fairly constant over the last five years and has been going down the last three years.

- When the revenues are over expenditures, it should be higher than “1” and the expenditures should be less than “1” and our numbers reflect that they are. This is good.
- In 2007 we were under budget because we had anticipated some grant funding that didn’t materialize

The report was discussed in depth and it was suggested that additional information should be added to next year’s report as follows:

- Number of residents (census information)
- Number of residences (tax duplicate)
- Number of full time employees
- Include the footnotes in the report

- c. David DellaPorta – Discuss Outstanding Items for E. King Street Development – Mr. DellaPorta discussed the outstanding items of their project with Council. He explained that shrubbery, benches, and bicycle racks would be placed in front of each building as well as the other streetscape items addressed under the Conditional Use Order. They also received comments from the Shade Tree Commission and will follow their recommendations, including the size of the tree grates. The curb depression is in bad shape across the street from Building B and, during large rain events, runoff drains into this property and creates flooding problems. Although the E. King St. developer would not be responsible for these repairs, the Borough could consider this issue and determine if it is something that they want to do at the time the other work is being done and the cost could be deducted from the developer’s contribution. Mr. DellaPorta reported that they are not planning any stormwater improvements on King Street. If that is an issue that should be addressed, this might be the time to do that. He explained that what they are doing is reducing the quantity and rate at which it will run and improving the quality. The Planning Commission was not going to recommend that it be done. Council President Van Sciver stated that the developer was increasing the impervious surface, so the stormwater issues created by the extension would be something that would be taken care of during the normal stormwater management facility. Mr. DellaPorta responded that the runoff would be less than what exists today. Regarding the underground utility lines, Mr. DellaPorta reported that PECO is saying that the aerial lines cannot be placed underground. PECO has had discussions with our solicitor but would not share those discussions with Mr. DellaPorta. They can make their project work either way but PECO would have to submit a design. The wires would go underground to the transformers, but PECO is telling Mr. DellaPorta that these poles have to stay. Council President Van Sciver stated that it should be up to the developer to make that happen with PECO. Council Member Uzman stated the Borough cannot ask PECO to absorb the cost to move the wires underground. But, he does not

understand why, Mr. DellaPorta, as the developer, can't say they want to move those lines and we will write you a check.

Mr. DellaPorta responded that PECO said you can't do it. Council Member Raymond stated that we don't have the authority to direct that these lines go underground. That is PECO's jurisdictional right. PECO should be asked to come in and explain why they can't or won't do it. Council Member McCrory would like to know the technical reasons. He also asked if the developer could have a plan where the poles would be routed around to the rear. Mr. DellaPorta responded that this is between the Borough and PECO. They could take an approval with conditions. Mr. DellaPorta stated that if there is any way the Borough could help them expedite that, they would appreciate it. They are looking for a September start date.

Mr. DellaPorta stated that the waivers being requested are (1) to go from an 8" to a 6" curb reveal; and, (2) to reduce the twenty (20) foot radius at the driveway B entrance to a ten (10) foot radius due to the conflicts with the adjoining properties. The Planning Commission was comfortable with this turning radius.

3. APPOINTMENT TO PARKS & RECREATION COMMITTEE:

A motion was made by Council Member Sponenbergh, seconded by Council Member Uzman and unanimously carried by a vote of 7-0 to appoint Sally Donohue to the Malvern Borough Parks & Recreation Committee for a term to expire January 1, 2015.

Council President Van Sciver welcomed Sally and thanked her for volunteering.

4. RESOLUTION NO. 641 – RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT – 237 KING STREET PARTNERS, LLC::

A motion was made by Council Member Uzman, seconded by Council Member Sponenbergh and unanimously carried by a vote of 7-0 to adopt Resolution No. 641, a Resolution approving and submitting to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the Borough of Malvern for the Land Development Plan of 237 King Street Partners, LLC, along E. King Street in the Borough of Malvern, Chester County, Pennsylvania.

5. AWARD BID – W. KING STREET STREETScape & ROADWAY IMPROVEMENT PROJECT:

A motion was made by Council Member Uzman and seconded by Council Member Sponenbergh to award the bid for the 2011 W. King Street Streetscape and Roadway Improvement Project to S. A. Macanga, the lowest responsible bidder, at a project cost of \$196,962.40. The Manager stated that the following wording must be included in the motion - contingent on the County Department of Community Development review of the bid results and necessary documentation. Council Member Uzman amended his motion to include the additional

language, seconded by Council Member McCrory and the motion, as amended, carried by a vote of 6-1 with Council Vice President Raymond voting No as she would prefer the DuraTherm application as she is not convinced the stamped concrete will work out on the roadway.

6. OTHER BUSINESS:

- a. Paoli Battlefield Preservation Fund Renewal Agreement – Council Member McCrory asked that this item be tabled until the July 19th meeting. Council concurred.
- b. Paoli Battlefield Requests for Funding – Council President Van Sciver reported that the PBPF's presentation was how they were having trouble getting things going and the Borough residents who attended their functions didn't want to donate to these activities. As a result, they need financial assistance. Council Vice President Raymond stated that she didn't think that \$1,000 was too much to pay for what they are trying to do at the battlefield. Frank Ortner, Griffith Avenue, stated that one of the things that he and his son did this past weekend was to go through the Battlefield in the woods and there were concrete blocks and bricks on the trail and someone had left a mini oil tank and he feels that some money should be expended to clean out this area. Mr. Ortner feels that money should be spent to clean up the battlefield and to place woodchips along the trail. The Manager was asked to look into the cost of adding these events to an insurance rider. Also, any Borough contribution would be contingent on the PBPF not charging for events.
- c. Banners on King Street – Council Member McCrory stated that he feels it would benefit the Borough to have a location for banners to be hung across King Street. Frank Ortner, Griffith Avenue, stated that the Borough doesn't have poles that are across from each other that don't have wires attached to them. He stated that one possibility would be to have poles placed into the ground to hang banners. If there is a banner, people will see it. Council Member Lynch feels that a banner will help capture the residents from other communities.
- d. Frank Ortner, Griffith Avenue, reported on the Memorial Parade and Family Fun Day event. He was very pleased with the turnout, the various groups of volunteers who provided the activities for the day, the number of participants in the parade and the vendors that participated. He thanked Council, the Police Department and Public Works Department and said that without everyone's involvement and cooperation, it wouldn't have happened. Everyone in the community pulled together to make this a wonderful event and one that they would like to do on an annual basis.

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7. ADJOURNMENT:

A motion was made by Council Vice President Raymond, seconded by Council Member Sponenbergh and unanimously carried by a vote of 7-0 to adjourn the meeting at 9:17 p.m.

COUNCIL ADJOURNED TO EXECUTIVE SESSION TO DISCUSS A PERSONNEL
MATTER

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager