

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
  - Council Member Edge - ABSENT
  - Council Member Lynch - ABSENT
  - 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 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. Paoli Battlefield Preservation Fund (Bruce Knapp) – Mr. Knapp explained that over the past 1 ½ years the PBPF has been exploring the possibility of an archaeological survey of the Battlefield site and adjacent areas. This survey will assist in obtaining additional funding from various sources. Mr. Knapp stated that he has spoken with representatives of the non-profit organization Battlefield Restoration and Archaeological Volunteer Organization (BRAVO) and they would be willing to conduct the initial survey gratis. They have provided a draft agreement that summarizes what the initial archeological survey entails. Mr. Knapp stated that any agreements entered into should be agreements with the Borough and not the PBPF. BRAVO will also need GIS information including aerial photos, etc. There will be a cost to obtain these photos and other GIS information. There is a GIS Consortium with membership costs from \$1600-\$5000. Mr. Knapp stated that he felt it was worth the expenditure and that the Borough may have need for these services with other projects. The PBPF would also join with Malvern Borough to apply for grants.

Council President Van Sciver stated that Council received the proposals and will forward them to the solicitor and request a comment from them regarding the actual contract. President Van Sciver stated that the Borough would be willing to participate in any grant applications and thanked Mr. Knapp for his efforts.

The Borough will sign the contract with BRAVO.

3. PUBLIC HEARING – REVITALIZATION PLAN:

Council President Van Sciver announced that Borough Council will now open the public hearing to solicit public comment on the proposed Revitalization Plan. A copy of the revised Plan was available on the Borough's website, as well as, at the Borough Administration Offices.

The Public Hearing was advertised in the Daily Local News on September 21st and 23rd, 2009, as required.

Paul Driscoll of Urban Research & Development, consultant for the Revitalization Plan, gave a comprehensive summary of the Plan, stressing the Economic Development and Redevelopment, Public Infrastructure, Transportation, Housing and Public Safety points of the Plan. The County reviewed the Plan very favorably and found it to be consistent with *Landscapes*. The Plan will become an element of the Comprehensive Plan.

Council Vice-President Raymond stated that she is happy with the way the Plan turned out and with the Action Items segment showing short range and long range goals.

Council President Van Sciver discussed the Main Street Manager program and stated that the Business Association would have to take the lead for that program.

All comments having been heard, the hearing was closed. Council will consider adoption at their October 20<sup>th</sup> Regular Meeting.

4. OTHER BUSINESS:

a. Letter from Mr. and Mrs. Michael Tygh, 197 Paoli Pike – Mr. Tygh stated that he felt the recent decision by the District Justice for the Pannell hearing was out of line. He stated that the lights are still not shielded properly and asked what he does from here. He said that maybe the Borough would appeal but the appeal period has expired. He stated that the only way to have them ordered to have the lights shielded was in District Court. The Borough uses Civil Suits rather than Summary Offenses. Mr. Tygh explained some past history with this neighbor.

Council President Van Sciver stated that at Council's last meeting, they received Mr. Tygh's letter but took no action. Council has the ability to continue with the appeal if they decide to do so. Council President Van Sciver stated that legal matters are dealt with in Executive Session; however, if any Council member has any comment, now would be a good time to speak.

Council Member Smith stated that considering where we are now, it may be a little premature to make any comments either way.

Council will meet with their solicitor in Executive Session on October 20<sup>th</sup> to discuss this legal matter.

b. Passenger Rail Station Ordinance – This document will do away with the Overlay provision. This will be by amendment to the train station use. This ordinance will increase the height of the lights by ten feet. The lights will not spill onto adjacent commercial properties.

The County suggested that compact car parking spots be considered.

Cecelia Oswald, a member of the Borough Planning commission, stated that the Planning Commission did discuss both the compact car issue and the lighting issue. It was felt that compact car spots just throw all the spots off. Other vehicles such as SUV's, hummers, trucks, etc., park in the compact car spots if other spots are not available. With regard to the lighting, the reason the lighting change is included is that Septa has standard poles but the

Planning Commission would be requiring, in the planning phase, a full detailed lighting plan that would not extend onto neighboring properties nor blind the people going under the bridge. The Ordinance states that you can go higher but that it should be regulated. Ms. Oswald stated that she didn't believe the Borough even regulated non adjacent properties but since we are doing the Ordinance, why not address it now.

Ms. Oswald reported that landscaped endcaps were not addressed. The Planning Commission did not argue specifically against endcaps. The discussion went back and forth and the Planning Commission looked at a lot of configurations and picked the best plan with the most green. The Planning Commission had a difficult time getting Septa's interpretation of the final impervious coverage.

Council Member Vike stated that he is interested in more green. He would not want a paved-over, highly lit parking lot at all times.

Council discussed the pros and cons of having more green and less parking spots vs more parking spots and less green.

Following discussion, Council asked the Manager to contact Septa and request a colored landscape plan showing the location and species of all plantings.

c. Tree Removal Request at 1 Karen Drive – Tony Dufour, Chairman of the Shade Tree Commission, reported that the Shade Tree Commission was under the impression that tree removals on Karen Drive were a result of sidewalk disrepair. At One Karen Drive, the tree is in perfect health and there is some minimal sidewalk upheaval. The Shade Tree Commission would agree to removal, but would require that a new tree be planted.

Council Member Smith asked where the tree removals leave us from a liability issue if the tree is not removed. If Council says no and someone trips, who is liable?

Council Vice President Raymond stated that she would like to get some input from our solicitor.

There has to be a provision to maintain the trees that were planted providing that the shade trees are part of the community character.

Council Member Crawford stated that he has a problem with mandating without consideration of the cost of the tree removal and replacement.

Tony Dufour stated that something we should take into consideration is values. A tree that is 10+ years old adds 15-25% to an individual homeowners property value. It is biting the bullet now but down the road it comes back.

Council Member Vike stated that he would expect there are a few instances that if you came in ten feet from the edge of the sidewalk onto a lot, because some lots are smaller, you would not have enough room to plant a tree. There would need to be exceptions so that the tree would not die.

The Manager will ask the solicitor if the Borough can predicate the removal of a shade tree on replacement.

Tony Dufour stated that the Borough received another grant for 15 more bare root trees for this fall. He would like to put the majority of those behind the tennis courts on the PMA grounds. It is private property, but he views it as public space. On November 7<sup>th</sup>, the trees will be planted. The trees that were planted in the spring are alive and well.

Council agreed that the bare root trees can be planted on the PMA grounds.

d. Keystone High Speed Rail – a letter was received regarding the Keystone High Speed Rail Line. They will replace the third rail that they removed a few years ago.

5. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice President Raymond, seconded by Council Member Crawford and unanimously carried by a vote of 5-0.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager