

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

September 15, 2009  
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:
  - Council President Van Sciver
  - Council Vice President Raymond - ABSENT
  - Council Member Crawford - ABSENT
  - Council Member Edge - ABSENT
  - Council Member Lynch
  - Council Member Smith
  - Council Member Vike
  - Mayor McGlone - ABSENT

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?

Kristin Thomas, 326 E. Broad St., and Suzanne Clancy, 327 E. Broad St., reported that there is a lot of traffic on the street and it is moving very fast. They reported that there are a lot of families with young children and they walk to the park on Old Lincoln Highway. They requested "Slow Children at Play" signs for this area. It was reported that the speed device did not appear to be working.

Chief McMahon stated that the speed device is working but it is not recording speeds, but is counting traffic. He stated that he wanted to get the number of cars traveling on the street at various times of the day. He also reported that cars often appear to be traveling at a higher rate of speed than they actually are. In a 25MPH speed zone, under the law, they cannot write a ticket unless the car is going 35MPH. Enforcement will be conducted on this street.

Ms. Thomas also stated that there is a lack of signs by the park. She asked if "Slow, Children at Play" signs could be posted.

Ms. Thomas also remarked on the graffiti on the back of the Fisher Feed building. She stated that she had contacted Mr. Kahn about having it removed, but that it has not yet been removed.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Smith, seconded by Council Member Vike and unanimously carried by a vote of 4-0 to approve the minutes of the meetings held on Tuesday, August 18, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Lynch, seconded by Council Member Smith and unanimously carried by a vote of 4-0 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 August, 2009, as submitted.

5. PUBLIC HEARING – COMMERCIAL CONTRACTOR'S REGISTRATION & LICENSURE:

Council President Van Sciver announced that Borough Council will now open the public hearing to consider an Ordinance requiring the registration and licensure of commercial contractors and new home construction contractors.

The Public Hearing was advertised in the Daily Local News on September 7, 2009, as required.

Council President Van Sciver opened the public hearing and briefly explained the purpose of the Ordinance was to conform to a change in state regulations.

There being no comments from the public, the hearing was closed.

6. ORDINANCE NO. 2009-5 – COMMERCIAL CONTRACTOR'S REGISTRATION AND LICENSURE:

A motion was made by Council Member Vike, seconded by Council Member Lynch and unanimously carried by a vote of 4-0 to adopt Ordinance No. 2009-5, an Ordinance requiring the registration and licensure of commercial contractors and new home construction contractors.

7. OTHER BUSINESS:

a. Revitalization Plan – The Manager presented a brief report on the update of the Revitalization Plan. She reported on those items from the 2002 Plan that were completed with County funding, as well as, projects that were completed with Borough capital reserves. The Manager also reported on Action Items that were added to the Plan and those items that were to be retained from the 2002 Plan.

Comments to the Plan were received from the Malvern Planning Commission and Council President Van Sciver felt the Draft should be revised to include all comments since this is a document that is tied so carefully to funding.

Council President Van Sciver pointed out that the recommendation in the Revitalization Plan for the Main Street Manager program was that the Borough would take the lead. Under this program, the MB&PA would actually take the lead and the Borough government would be in the background.

The Malin Road extension study grant should also be mentioned by name – the EGGS grant from the DVRPC.

A copy of the Revitalization Plan is available on the Borough website.

In reviewing the Malvern Planning Commission's comments, it was agreed that

adding an Executive Summary would be a good idea. It was felt the discussion of how the high proportion of renters to homeowners impacts the Borough's revitalization efforts would be better addressed in the Comprehensive Plan. The EGGG grant and the DVRPC's Classic Towns program could also be included. Deleting Appendix D will require further discussion by the Council.

Council also requested more information on the "green" initiatives from the Codes Officer. Mr. Wilfong can provide insight into the Codes for "green" construction and initiatives.

A letter will be sent to the Planning Commission stating that their letter was read, discussed and that Council will have additional discussions regarding their recommendations.

b. Shade Trees in the Borough – Council President Van Sciver reported that some residents on Karen Drive who have shade trees in the planter strip have expressed concern about the tree roots damaging their sidewalks. The question for Council to consider is how will this be dealt with and what is the Borough's culpability and responsibility in the process.

Tony Dufour, Chairman of the Shade Tree Commission, stated that he had a request to remove one cherry tree on Karen Drive. The burden for shade trees and sidewalks are the responsibility of the homeowner. There are 17 cherry trees on Karen Drive, as well as, on King Street, Channing Avenue and First Avenue. The roots from these trees are heaving the sidewalks. The Shade Tree Commission, in the past, has condemned several trees and the homeowners were responsible for those removals.

Council Member Smith stated that the trees were offered to the residents and he can recall asking the individual who supplied the trees how big they would grow and if they would damage the sidewalk. He was told they wouldn't grow that big or damage the sidewalk.

Tony stated the E. King Street trees are also a problem. The Borough is faced with a large amount of tree removals - - some large and some smaller trees. The cost to remove all the trees will be thousands and thousands of dollars. New trees that are planted should be planted ten feet off the edge of the sidewalks.

Council President Van Sciver offered the opinion of Council Vice-President Raymond as she lives on Karen Drive. Council Vice-President Raymond feels that something should be done and to the extent that the Borough planted the trees, the Borough should participate in the removal of the trees.

Council President Van Sciver stated that, having been a recipient of a letter for a tree removal, he feels the Borough should not be responsible for tree removals.

Council Member Smith stated that he didn't know if the Borough sanctioned any of the plantings, but he believes it was a Borough resident who was trying to beautify Malvern. He sees no reason why the Borough should or could handle the removals and sidewalk replacement.

The Manager reminded Council that it was now Council's responsibility to approve the removal of shade trees in the Borough. She asked if Council would request a recommendation from the Shade Tree Commission before making the decision. Council agreed that they would prefer a recommendation but, in the event of an emergency removal, the Manager could approve the removal.

c. Fall Festival of the Arts & Paws in the Park Event – Andrea Vaughn reported on the upcoming Fall Festival of the Arts event that will be held on Sunday, October 4<sup>th</sup>, along King Street and in Burke Park. King Street will be closed from Warren Avenue to Rutland Avenue from 7:00 a.m. to 6:00 p.m. The event is from 10:00 a.m. to 5:00 p.m.

There will be many craft and food vendors. A different musical group will perform hourly and many activities will be held in Burke Park, along King Street and at Mauger-Givnish Funeral home.

d. 1<sup>st</sup> Draft of the 2010 Budget – Council discussed the first draft of the 2010 Budget. Council Member Vike asked that a notation be made on the Capital Reserve Fund page indicating what percentage of the total project will be reimbursed by grant funding and what percentage is to come from the Borough's coffers.

At this time, it is anticipated there will be no tax increases of any kind. Council President Van Sciver asked Council if they thought the Earned Income Tax next year would be lower than this years revenue. Council Member Smith responded that this would be discussed in a Finance Committee meeting.

e. LST Tax Collection – The Manager reported that at the Tax Collection Study Commission meeting, municipalities were asked if they had an interest in the awarded tax collector for earned income tax also collecting the Local Services Tax. Council agreed to have the LST tax collected by this same tax collector.

8. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Vike, seconded by Council Member Smith and unanimously carried by a vote of 4-0, to adjourn the meeting at 9:07 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager