

PRESIDING: Henry H. Briggs, President

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:
  - Council President Briggs
  - Council Vice President VanSciver
  - Council Member Crawford
  - Council Member Edge - ABSENT
  - Council Member Lynch - ABSENT
  - Council Member Raymond
  - Council Member Smith
  - Mayor McGlone - ABSENT

COUNCIL RECESSED TO EXECUTIVE SESSION TO DISCUSS A LEGAL MATTER  
Following the Executive Session, Council reconvened the meeting.

2. Council President announced that copies of the Agenda are available at the Press Desk. There is no public forum scheduled; however, citizens/taxpayers are invited to offer comments during the discussion phase of each agenda item.

a. John Meisel, 323 Monument Avenue, stated that he was here this evening on a matter of safety. Mr. Meisel expressed concern about the speed of cars in his area of Monument Avenue and felt there was a need for additional speed bumps or speed tables. He reported that speeds are sometimes 40-45 MPH and it is a hazard for people traveling to or from the park. He felt that we should do anything we can to make it as walkable friendly and safe as possible.

Mr. Joe Giandonato, 39 Crest Avenue, reported that the traffic speeds between the existing speed bumps on Monument Avenue are fast.

Council President Briggs asked the Chief to keep an eye on it for awhile. He stated that there are rules about how many speed bumps are permitted and where they can be installed. We follow the PennDOT regulations and collect the evidence. He suggested that we contact Traffic Planning & Design and ask what they would suggest in this area.

Council Vice-President VanSciver stated that he believes in this area, we would meet the regulations to have more speed bumps. He stated that it is within the authority of the Borough to have applicants of subdivision/land development plans to install traffic calming devices, especially if an applicant is considering opening Griffith Avenue. The Borough should look to private/public partnerships for public improvements.

Mr. Giandonato reported that there are fourteen children who live on Crest Avenue. A speed bump was installed, but a stop sign could be put in at Highland and Crest. He feels it would slow down traffic.

Council President Briggs stated that the Borough will have something to report at the next meeting on February 20<sup>th</sup>.

b. John Buckley, 165 Church Street, asked who was responsible for maintaining the new sidewalks on Bridge Street. Council President Briggs responded that it was the responsibility of the homeowner. Mr. Buckley reported that the homeowners aren't doing anything about the sidewalks.

3. RESOLUTION NO. 563 – AGENCIES FULFILLING THE PUBLIC SAFETY NEEDS:

A motion was made by Council Member Smith, seconded by Council Member Raymond and unanimously carried by a vote of 5-0, to adopt Resolution No. 563, a Resolution outlining the methods and agencies chosen to fulfill the public safety needs of the Borough of Malvern for the efficient administration of the emergency communications system of the Chester County Department of Emergency Services.

4. RESOLUTION NO. 564 – GRANTING EXTENSION FOR RECORDING OF PLANS- RITTENHOUSE BUILDERS:

A motion was made by Council Member Crawford, seconded by Council Vice President VanSciver and unanimously carried by a vote of 5-0, to grant an extension of time to Rittenhouse Builders to April 20, 2007, to have the final subdivision plan recorded with the Recorder of Deeds. Resolution No. 548 approving the Final Subdivision/Land Development Plan was adopted on July 18, 2006.

5. RESOLUTION NO. 565 - GRANTING EXTENSION FOR RECORDING OF PLANS – MICHAEL SANTOLERI:

A motion was made by Council Member VanSciver, seconded by Council Member Smith and unanimously carried by a vote of 5-0, to grant an extension of time to Michael Santoleri to April 20, 2007, to have the final subdivision plan recorded with the Recorder of Deeds. Resolution No. 547 approving the Final Subdivision/Land Development Plan was adopted on July 18, 2006.

6. PUBLIC HEARING – TAX CERTIFICATION FEES:

Council President announced that Borough Council will now open the Public Hearing to consider adoption of an ordinance authorizing the elected and/or appointed Tax Collector to provide tax certifications, and to assess, collect and retain a fee for providing tax certifications, tax duplicate copies and for returned checks.

The Notice of Public Hearing was published in the Daily Local News on January 22, 2007, as required. Does anyone have any comments on this Ordinance?

Council Vice President VanSciver stated that he felt the Tax Collector was reasonable in formalizing the fees and feels it is a good thing.

There being no further comment, the hearing was closed.

7. ORDINANCE NO. 2007-1 – TAX CERTIFICATIONS AND FEES:

A motion was made by Council Member Raymond, seconded by Council Vice President VanSciver and unanimously carried by a vote of 5-0, to adopt Ordinance No. 2007-1, an Ordinance entitled “Tax Certifications and Fees that may be Charged by Tax Collector”, authorizing the elected and/or appointed Tax Collector to provide tax certifications, and to assess, collect and retain a fee for providing tax certifications, tax duplicate copies and for returned checks.

8. RELEASE OF ESCROW FUNDS – MALVERN PREPARATORY SCHOOL:

A motion was made by Council Member Smith and seconded by Council Member Crawford to authorize release of Escrow Funds, in the amount of \$116,991.00, to Malvern Preparatory School, Athletic Fields Land Development Project, as recommended by the Borough Engineer.

Council President Briggs asked if we were sure they complied with everything we have asked them to do.

The Manager replied that they have and Council Vice President VanSciver stated that the engineer has verified that they have complied.

The motion carried unanimously by a vote of 5-0.

9. OTHER BUSINESS:

a. Letter from Dottie Mallon, Longford Avenue – Council President Briggs stated that Borough Council previously discussed these concerns. He stated that the Police Department was not able to verify her claim that Longford Avenue is heavily used by pedestrians.

Chief McMahon stated that he has not seen pedestrians walking up Longford Avenue from Old Lincoln Highway.

Council President Briggs stated that the Borough does not have money for sidewalks along this street.

Council Vice President VanSciver stated that during the previous discussions about Longford Avenue, he suggested that the residents might want to consider some discussions with the applicants of the proposed development of improving the sidewalks and that typically could be a fruitful discussion as the applicant moves forward. He stated there are several parcels that are ripe for development and that eventually there will be development going on and the residents could address the issue of sidewalks. It would be incumbent upon the Borough and Planning Commission to require applicants to put in traffic calming measures and sidewalks and insist upon it.

In the response to Mrs. Mallon, we should include the following:

- 1) Our Police Department has not seen the volume that she has talked about;
- 2) The Borough does not have the money for sidewalks
- 3) When Malvern Hills was developed, they were required to have a public path that leads to Warren Avenue and W. Broad Street.
- 4) Suggest that Mrs. Mallon contact the Chief if there is an increase in volume.

b. Realty Transfer Tax Ordinance – the Manager explained the proposed Realty Transfer Tax Ordinance is being considered as a result of a letter received from the Chester County Recorder of Deeds. They have requested that all municipalities and school districts adopt an ordinance regarding collection of delinquent real estate transfer taxes and that various items be included in the Ordinance.

The Ordinance will be considered for adoption on Tuesday, March 6, 2007. Advertising will be placed as required.

c. Discuss Permanent Agenda:

Septa Tunnel – the Manager reported that she had recently spoken to a representative from Septa who explained that there were many issues regarding this project. It has now been decided by Septa that both the parking lot improvements and the tunnel will be combined as one project. The Manager was assured that the project was still on track for completion, but that it would take another two years.

Randolph Woods/Greenway Link – Council President Briggs will speak with Mayor McGlone and perhaps they can again meet with St. Joseph's to discuss the greenway link.  
Community Center/Recreation  
North & South Warren Ave. Sidewalks  
Revitalization Plan/Main Street  
Traffic Calming  
Infrastructure Improvements

d. Council President Briggs reported that he and the Manager had met with Jim Stewart, President, Malvern Preparatory School, to discuss the large pond adjacent to Warren Avenue and Paoli Pike. The discussion included pond improvements identified by DEP and possible discussions between Malvern Prep and environmental groups for additional pond improvements. The PEC approached Malvern Prep about their stormwater retrofit program for the small pond behind the campus. The Prep was receptive to this program.

At the time the environmental groups met with the Borough, it was pointed out that there were stormwater issues along W. First Avenue and that the stormwater flows across the Prep property. We asked the Prep if they would be willing to participate in having some studies done to get some real solutions in place to handle the stormwater and Mr. Stewart indicated they would be interested. We explained that we would contact the environmental groups for funding of the studies.

Council President Briggs stated that the good news was that Malvern Prep was happy to get involved in this project because we now have a license to go out and get a grant for proper solutions for the stormwater issues.

e. Council President Briggs reported that a Malvern Fire Company committee has been established. Members of the committee include Jack Smith, Woody VanSciver, and Henry Briggs. The committee met with Chick Devine, a CPA, who reviewed the financial information of the Fire Company and he came up with a list of 10-12 questions. The questions that he came up with were crackerjack. A few additional questions were added and e-mailed to the President of the Board of Trustees, Jerry Vaughn. Once we receive answers to the questions, that information will be given to Bill MacAler. Bill structures large companies and may be of assistance to the Fire Company.

COUNCIL RECESSED TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS

10. APPOINTMENT TO VACANCY BOARD:

A motion was made by Council Member Crawford, seconded by Council Vice President VanSciver and unanimously carried by a vote of 5-0, to appoint Dale Levin to the Vacancy Board for a term to expire January 1, 2008.

11. ADJOURNMENT:

All business having been discussed, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager