

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

APRIL 17, 2007
7:00 P.M.

PRESIDING: Henry H. Briggs, President

INVOCATION: Gerard J. McGlone, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

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

2. PUBLIC FORUM:

Council President informed all present that copies of the agenda are available at the press 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 – Mr. Buckley asked if the Borough could send a letter to Villa Maria’s Basketball Team congratulating them on their season. As Villa Maria is located in Willistown Township, it was suggested that Mr. Buckley contact Willistown.

Mr. Buckley asked how the money saved under the new trash and recycling bid contract would be spent. It was explained to Mr. Buckley that the Borough was not generating revenue under the new bid specs, but was attempting to keep rising costs down.

- b. Shade Tree Commission – Tony DuFour, Chairman of the Shade Tree Commission, introduced Clem Wachinski, a Shade Tree Commissioner, and reported that Joe Bones, another Commissioner, regretted that he was unable to attend tonight’s meeting. Mr. DuFour apologized to the Council and the Manager for the way he approached his concerns as he felt it was counter-productive.

Mr. DuFour explained that the Commission made a formal assessment of W. King Street, has been in touch with the Borough Engineer and the Manager, and has made some recommendations. He explained that a tree was planted in front of the Borough sign when traveling west and he would like Council to respond to their suggestion of moving to a single-faced sign for aesthetic reasons. Council agreed to have the lettering covered with another panel to make it a temporary fix in the event we liked the “Thank You for Visiting, Come Back Soon” face.

Council Member Raymond questioned the improvements on E. King Street. The Manager reported that a recommendation had been made by the Borough Engineer and transmitted to the Shade Tree Commission for comments. Mr. DuFour stated that he would take the engineer’s letter back to the Shade Tree Commission for their input.

Council President Briggs reported that he has gotten a lot of compliments regarding the gateway. Mayor McGlone also reported that he has received a lot of positive feedback.

Council Vice President VanSciver stated that everyone has been very attentive through Mr. DuFour's efforts and Council Member Edge's efforts.

Mayor McGlone questioned the bulb-out on the east side of town. Mr. DuFour explained that a tree will be placed in the bulb-out and that it was originally going to be planted and set in concrete. Based on the recommendations of the Shade Tree Commission, the bulb-out will still have a tree but it will be planted in ground cover for the benefit of the tree. The Welcome to Malvern sign will also be placed in the bulb-out and will have an up-light.

Council President Briggs asked that reflectors be placed on the footprint and that striping be put on the road.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Edge, seconded by Council Member Raymond and unanimously carried by a vote of 5-0, to approve the minutes of the Regular Meetings held on Tuesday, March 6, 2007 and Tuesday, March 20, 2007, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Vice President VanSciver, seconded by Council Member Edge and unanimously carried by a vote of 5-0, 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 2007 as submitted.

5. RESOLUTION NO. 568 – MALVERN PREPARATORY SCHOOL:

A motion was made by Council Member Smith and seconded by Council Member Edge to approve Resolution No. 568, a Resolution revising certain conditions previously imposed in Resolution No. 546 approving the final plan of Malvern Preparatory School, entitled "Plan of Malvern Preparatory School Center for the Arts: as a final land development plan, pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, as amended, for the development of certain property located in the Borough of Malvern, Chester County, Pennsylvania, which development is located in the I-1 district, at the corner of Paoli Pike and Warren Avenue.

Nick Cucé, Esq., for Malvern Prep, reported that the Borough Solicitor worked on this Resolution and that Malvern Prep was in agreement to all the conditions.

Council Member Edge stated that he had looked into the school light issue that he had raised at the last meeting, and that PennDOT is not going to change their position on the request for a flashing light. It does not meet PennDOT's criteria, as the school sits far back from the road, there are no sidewalks and no one walks to the school.

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

6. RESOLUTION NO. 569 – INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF CHESTER AND THE BOROUGH OF MALVERN:

A motion was made by Council Member Smith, seconded by Council Member Raymond and unanimously carried by a vote of 5-0, to approve Resolution No. 569, a Resolution to enter into an Intermunicipal Agreement between the County of Chester and Participating Municipalities to provide processing and marketing services for recyclable materials generated by Municipal Recycling Programs.

7. RESOLUTION NO. 570 – MUNICIPAL SOLID WASTE REBATE AGREEMENT:

A motion was made by Council Vice President VanSciver, seconded by Council Member Edge and unanimously carried by a vote of 5-0, to enter into the Chester County Solid Waste Authority Municipal Solid Waste Rebate Agreement.

8. PUBLIC HEARING – ORDINANCE NO. 2007-3:

Council President announced that Borough Council will now open the Public Hearing to consider adoption of an ordinance amending the Borough's Solid Waste Ordinance by slightly altering the definition of recyclable glass, paper and plastic and raising the insurance coverage limit requirements.

There being no public comment, the hearing was closed.

9. ORDINANCE NO. 2007-3 – ALTERING DEFINITIONS OF RECYCLABLES & RAISING THE INSURANCE COVERAGE LIMIT REQUIREMENTS:

A motion was made by Council Member Raymond, seconded by Council Member Smith and unanimously carried by a vote of 5-0, to adopt Ordinance No. 2007-3, an Ordinance amending the Borough's Solid Waste Ordinance by slightly altering the definition of Recyclable Glass, Paper and Plastic and Raising the Insurance Coverage Limit Requirements.

10. OTHER BUSINESS:

a. Act 547 Plan for the Wilson Road Pump Station in Tredyffrin Township – the Manager reported that this Plan was currently being reviewed by our Engineer but that a copy was available for anyone interested in reading it. She also reported that under this Plan, the Borough's financial obligation would be 4.3%, or \$139,700, of the total project cost of \$3,249,000.

b. Warren Avenue Underpass – the Manager reported that as a result of Council's input at the last meeting, the borough engineer prepared a Memorandum regarding the increased sidewalk width to five feet (5') and the reduced height clearances from nine feet (9') to eight feet six inches (8'6"), that was sent to Septa and we are awaiting their response.

c. Crest Avenue/Highland Avenue – a letter from Traffic Planning & Design was distributed regarding the request for a multi-way stop at Crest Avenue & Highland Avenue. The traffic engineers determined the following:

- Based on the low traffic volume on the minor roadways of Highland Avenue, it is TPD's opinion the traffic volume warrant will not be satisfied at the intersection.
- Based on information provided by the Borough Police Department, there have been no crashes at the intersection in recent years.
- Based on past field observations, there does not appear to be sight distance limitations.
- The preliminary investigation indicates that a multi-way stop would not be warranted at the intersection of Crest Avenue and Highland Avenue.

d. Council Member Raymond reported that the Public Safety Committee met prior to Council's meeting to discuss a previous proposal made to Council about adding additional speed bumps or otherwise implement measures to slow down traffic on Monument Avenue. The police department had installed a speed data device to measure speeds of traffic between Wayne Avenue and Griffith Avenue. The results indicated that about 1/3 of the traffic was traveling at a rate of speed greater than 25 MPH. The Committee discussed different measures for slowing traffic since that was much too great a speed for a residential area. One of the measures the Committee discussed was where to put in speed bumps and the cost of engineering for ascertaining where the speed bump should be placed, plus, the cost of the speed bump. The Committee was discussing what other municipalities might do about these situations, and the Chief mentioned that Upper Merion requires citizens to present a petition for speed bumps and the petition requires information to be presented as to why a speed bump is being requested, and why traffic calming measures are necessary. The petition must be signed by all the residents in the area where the speed bump is being requested. The Upper Merion website includes pros and cons of implementing speed bumps. It was felt that the Borough should seek additional information about this kind of approach and determine if this approach would be feasible for Malvern.

Council Vice President VanSciver stated that he finds it interesting that the Borough adopted a traffic calming posture and he felt that we had agreed, in years past, that we would do things initially and add pieces where we saw fit. If we are verifying that 1/3 of the traffic exceeds the speed limit, it sounds like we would be putting up a barrier to get more people to sign on to this.

Mayor McGlone stated that his position is that there have been people coming before Council and asking for speed bumps that meet this same criteria. He asked where does it end? If we are to do similar counts throughout the Borough, he would expect to find the same results. He believes we are trying to understand where the major concerns are throughout the town.

Council President Briggs stated that if we put some kind of calming measure all over town then we have to worry about whether it is good or not. Under state law, in a 25MPH zone, you must be going over 35MPH before the speed limit is enforceable. He feels a petition would be a good way to tell us how many families there are with children, if all of the residents on the street are in favor of speed bumps, etc.

Council Member Edge stated that he feels having one person come in and voice a concern does not justify a speed bump. A petition would require that he gets buy-in from all his neighbors.

Council Member Raymond stated that a petition would give the citizens who are concerned about traffic calming the type of information that Council is seeking before we would consider moving forward with any requests.

Council President Briggs feels the criteria established for constructing a speed bump or other traffic calming measure should be voted on by Council.

Mayor McGlone stated that anything we can do to encourage participating by the public is the best that we can do.

COUNCIL RECESSED TO EXECUTIVE SESSION TO DISCUSS A PERSONNEL & LEGAL MATTER

Following the Executive Session, Council reconvened the meeting.

A motion was made by Council Member Raymond, seconded by Council Member Smith and unanimously carried by a vote of 5-0, to appoint Louis J. Colagreco, Jr., Esq., of Riley, Riper, Hollin & Colagreco, as special counsel for the Galbally Subdivision on Monument Avenue.

11. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Edge, seconded by Council Member Raymond and unanimously carried by a vote of 5-0, to adjourn the meeting at 8:11 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary-Manager