

PRESIDING: Council Vice President VanSciver

PLEDGE OF ALLEGIANCE TO THE FLAG

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

2. PUBLIC FORUM:

Council Vice-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, stated that he wanted to put a fence around his yard but that he didn't have money for a zoning permit. He asked if the fee could be waived. Council Vice-President VanSciver answered that there were no provisions for waiving zoning fees.
- b. Robert Campanaro, Bus Driver for Krapf, reported that he had been to a Council meeting at the end of the last school year and had proposed some changes for the buses to pick-up and discharge students. He is attending this evening to ask what progress has been made and where it stands on the proposal he gave to us. He stated that Council President Briggs said it should be and would be taken care of before the school year starts this year.
Chief McMahan reported that he has spoken to Mr. Boyd a number of times and one of the discussions was on the transfer buses. Chief McMahan suggested that they seek permission to use the Memorial Grounds. This option was given to Mr. Boyd but they have not yet made a decision. The Chief stated that he was trying to reduce some of the bus traffic that goes to St. Pat's.
Mr. Campanaro stated that he has spoken to Mr. Pierce and he has heard nothing about St. Pat's. He stated that the Chief should have been speaking with Mr. Pierce.
Mr. Campanaro stated that the situation is the same as it was when he was here in June. The Chief responded that he initially spoke to Mr. Pierce who then referred him to Mr. Boyd.
Council Vice-President VanSciver stated that our conversation surrounded actions that could be taken in concert with St. Pat's and we would consider restricting on-street parking.
Council Member Raymond stated that her recollection of what has been discussed about this issue is that it has been discussed in the Public Safety Committee and the Committee has not concluded that there was a serious problem.

Council Vice-President VanSciver asked if the Public Safety Committee would be meeting prior to the Council's next meeting in order to discuss this matter. He stated that he believes the Borough's option is to restrict on-street parking in that area for the minimal times. He thought the Public Safety Committee would look at that and see if they will recommend an action to take.

Council Vice-President VanSciver asked the Chief if he has contacted St. Pat's. The Chief responded that St. Pat's is familiar with this issue and they do a lot of work with the parent's about safety.

Mr. Campanero stated that Father Ambrogi told him that they have asked for flashing lights and safety patrols but have not received either.

Wendy McLean stated that she was involved a great deal when the expansion of the school took place. She stated that the Borough raised issues about parking and traffic. There was never a request on the part of the school for flashing lights. The request for a flashing light should have been made at that time. The traffic on that street has been made more restrictive because of the expansion of the school. Whenever St. Pat's has approached this Council or the Planning Commission, it has been dealt with.

Council Vice-President VanSciver stated that the Council will decide by the next meeting whether or not to restrict on-street parking for the times suggested. We will reach out through our Chief to St. Pat's to see if there is something else they want Council to consider.

Mr. Campanero also suggested one-lane traffic in the driveway at St. Pat's.

Wendy McLean stated that the driveway is private property. If St. Pat's wants one-lane traffic in the driveway, they must file a revised land development plan.

Council Vice-President VanSciver, in response to Mr. Campanero's comment that kids run out and between the buses, stated that the school should have anticipated issues like this in their land development plan, as they know better than anyone what would be needed. There were no requests for on-street parking and other mitigating circumstances.

Council Member Raymond stated that the Public Safety Committee will make a recommendation.

Mr. Campanero asked that they try to get this done before September 4th.

Wendy McLean stated that a recommendation can be made, but if a recommendation is made to restrict parking, an Ordinance would have to be drafted, there would be a comment period and nothing could be done before the second meeting in September or the October meetings.

c. Chris Mongeau, Karen Drive, asked what was happening with the paving on W. King Street.

Council Vice-President VanSciver responded that the Borough is having difficulties with the contractor.

Wendy McLean responded that we will try to have a portion of the road repaved by October 31st.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Smith, seconded by Council Member Crawford and unanimously carried by a vote of 4-0, to approve the minutes of the Regular Meetings held on Tuesday, June 5 and June 19, 2007 and July 17, 2007, as submitted.

4 APPROVAL OF REPORTS:

A motion was made by Council Member Raymond, seconded by Council Member Crawford 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 July 2007 as submitted.

5. RESOLUTION NO.572 – PRELIMINARY SUBDIVISION PLAN APPROVAL - CHELSEA BROOKE:

A motion was made by Council Member Crawford and seconded by Council Member Smith, to approve Resolution No. 572, a Resolution approving, subject to conditions, the preliminary subdivision plan of Jacob Yasgur & Christian Levis entitled "Preliminary Subdivision of Lands – Yasgur & Levis, prepared by John Smirga, P.E., dated February 20, 2007, last revised July 26, 2007, as a preliminary Subdivision Plan, pursuant to the Malvern Borough Subdivision and Land development Regulations of 1970, as amended, for the development of certain property located in the Borough of Malvern, Chester County, PA, which property is located along Bridge Street and Longford Avenue in the R-3b Zoning District.

Wendy McLean reported that this development will result in a major improvement to the gateway of the Borough. Dilapidated houses will be torn down and new lots created.

The Manager reported that the applicant has requested a waiver to permit a driveway within five (5) feet of a side property line.

Council Member Raymond asked the purpose of the five foot rule.

Wendy McLean explained that driveways have a tendency to creep over time. Having two driveways touching each other is not uncommon. Because of the slope involved, it does make the placement of the driveway trickier. To get the four lots they need to be closer to make it work. It is more of an aesthetic issue.

Council Vice-President VanSciver stated that it is his preference to combine the driveways and develop an agreement over the driveways.

Chris Mongeau, Chairman of the Planning Commission, stated that the Planning Commission recommends that the waiver be approved because it makes more sense to have the curb cut smaller and it would be aesthetically more pleasing. It would be a better situation for the potential homeowners.

Council Member Crawford stated that at the last meeting, it was determined that the waiver was being sought for the aesthetic aspect. The residents who were in attendance agreed with this request.

Council Vice-President VanSciver asked if they would be able to make a left turn from their driveways onto Longford Avenue.

Chris Mongeau responded that the one-way sign has been generating a lot of concern from the Planning Commission and residents. They will only be making the right turn.

Wendy McLean stated that the Council can impose a condition to look at a one-way traffic sign.

This issue will be referred to the Public Safety Committee for study.

Resolution No. 572 will be approved subject to a recommendation of the Public Safety Committee as to whether residents on these lots can make a left turn only or a right turn only. The question of whether drivers exiting the properties will be able to turn left onto Longford Avenue shall be referred to the Public Safety Committee. They have a good faith obligation to review that within the review period.

6. PUBLIC HEARING – ORDINANCE NO. 2007-4:

Council Vice-President announced that Borough Council will now open the Public Hearing to consider adoption of an ordinance amending the Borough of Malvern Zoning Ordinance of 2003, to correct the definition of “Lot Line” to require separate storage areas for trash and for recyclable material in multifamily, commercial, industrial and institutional districts, to amend the accessory structure setback in the R3A, R3B, R4, R5 and R6 Districts, to correct the building height regulations in the C4 District and to permit retail shops and outdoor cafes in the C4 District.

The Notice was published in the Daily Local News on July 24 and 31, 2007, as required, and was available for inspection at McGuigan Hall.

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

7. ORDINANCE NO. 2007-4 – AMENDING THE ZONING ORDINANCE:

A motion was made by Council Member Smith, seconded by Council Member Raymond and unanimously carried by a vote of 4-0, to adopt Ordinance No. 2007-4, an Ordinance amending the Borough of Malvern Zoning Ordinance of 2003, to correct the definition of “Lot Line” to require separate storage areas for trash and for recyclable material in multifamily, commercial, industrial and institutional districts, to amend the accessory structure setback in the R3A, R3B, R4, R5 and R6 Districts, to correct the building height regulations in the C4 District and to permit retail shops and outdoor cafes in the C4 District.

8. ACCEPT BID – BUCKET TRUCK

A motion was made by Council Member Raymond, seconded by Council Member Crawford and unanimously carried by a vote of 4-0, to accept the bid from Richard Wilson, in the amount of \$1,650.00, for the 1979 Ford F-350 Utility Body Bucket Truck advertised, as required, in the Daily Local News on July 10 and July 13, 2007.

9. OTHER BUSINESS:

a. Request from Charlestown Township re. Resolution for Supporting Enactment of the Returnable Beverage Container Act – this request was referred to the Public Works Committee.

b. Septa Barriers on No. Warren Avenue – Council Member Raymond asked for a status on the barriers that Septa will be placing at the underpass on No. Warren Avenue after August 18th. The Manager reported that Septa had contacted her the week before August 18th

and said they would be contacting her when the barriers were ready and would call to schedule a time for installation.

COUNCIL RECESSED TO EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION WITH THE BOROUGH SOLICITOR

Following the Executive Session, Council reconvened the meeting.

10. ADJOURNMENT:

A motion was made by Council Member Crawford, seconded by Council Member Raymond and unanimously carried by a vote of 4-0, to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager