

PRESIDING: Council President Briggs

INVOCATION: Gerard J. McGlone, Mayor

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
  - 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, reported the following:
  - 1) gas and oil is leaking on the street in front of Pete's Auto Body Shop on Woodland Avenue;
  - 2) there is no illumination on the barrels at the bulb-out on E. King Street;
  - 3) there are bushes overhanging the sidewalk at Old Lincoln Hwy. and Bridge Street.
- b. Jack Weikert, 137 Monument Ave. and David Bramwell, 203 Monument Ave., questioned the status of traffic calming on Monument Avenue. Chief McMahon explained the traffic enforcement that had occurred over the past few weeks and the Mayor assured Messrs. Weikert and Bramwell that enforcement would continue.

Council Member Raymond explained that Monument Avenue was a subject of discussion at several Public Safety Committee meetings. The Committee has recommended another speed bump between Crest Avenue and Griffith Avenue. It was also explained that a mid-block crosswalk at Monument & Prospect Aves. could not be installed as it would not meet PennDOT specifications. Traffic volume and one-way traffic was discussed and Council explained that if traffic were diverted from Monument Avenue, it would negatively impact King Street, streets that connect to Monument Avenue, and other residents in the Borough. One-way traffic would create an enforcement issue. The design of the speed humps was questioned and it was explained that the speed humps meet PennDOT specifications.

Mr. Weikert brought to light the fact that the volume of traffic tends to slow down the traffic.

Crosswalks in the state of Pennsylvania are not automatic stops. Motorists are required to yield. By placing a crosswalk mid-block, we would be creating an attractive nuisance because children and adults will cross at the crosswalk and feel safe in doing so. We would actually be creating an unsafe condition.

It was brought to Council's attention that if there is a painted crosswalk at Crest Avenue, there is no yellow sign signifying a crosswalk.

Messrs. Bramwell and Weikert were assured that the Public Safety Committee reviewed the traffic safety items they had requested and the Committee has responded to those items. The Borough cannot be liable for creating unsafe conditions.

Stop signs were discussed for the intersection of Powelton Ave. and Monument Ave. Council explained that PennDOT warrants must be met for all stop signs erected and that stop signs cannot be used for traffic control to slow down traffic. Mayor McGlone stated that he felt it was important to do what we can with physical constraints in the street and to do more traffic enforcement to curtail speeding. He does not feel that the Borough can divert traffic from one street to another.

In response to Mr. Bramwell's statement that there are a number of children on the street, there is speeding on the street and there is an inordinate amount of traffic volume on the street, Mr. Bramwell was told that there are children on all of the streets, those motorists speeding will be ticketed or warned and traffic has increased everywhere. Mr. Bramwell was advised that the residents on W. Broad Street have to deal with tractor trailers on their street because there is no where else for them to go to access the Industrial Park since East Whiteland Township placed No Truck Traffic signs on No. Warren Avenue in their Township. There are traffic issues everywhere in the Borough and Council is dealing with them as best they can.

- c. Fall Festival of the Arts and Paws in the Park – Amy James and K. C. Bernardine reported that the Fall Festival will be held on October 7<sup>th</sup> from 10:00-5:00. Seventy-five exhibitors have signed on for music, food, juried craftsmen, etc. Paws in the Park will feature four animal rescue shelters, seminars related to animals, a world-renowned pet psychic, and a pet parade. Signs will soon be posted.  
Volunteers have been difficult to secure in the past, so the Fall Festival Committee was advised that if there are not a sufficient number of volunteers for traffic control, the Borough would take that over and the Committee would be billed for whatever expenses were incurred.
- d. Recommendation from Public Safety Committee re. Traffic exiting Chelsea Brooke onto Longford Avenue – The Committee has recommended a right turn only onto Longford Avenue from the Chelsea Brooke development because of the one-way traffic posting preceding the access or egress from this development.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Raymond and seconded by Council Member Smith to approve the minutes of the Regular Meetings held on Tuesday, August 7 and Tuesday, August 21, 2007, as submitted. The motion carried by a vote of 5-1 with Council Member Raymond abstaining as she was not present at the August 7, 2007 meeting.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Crawford, seconded by Council Vice President VanSciver and unanimously carried by a vote of 6-0, 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 2007 as submitted.

5. RESOLUTION NO. 573 – RETURNABLE BEVERAGE CONTAINER ACT:

A motion was made by Council Member Smith, seconded by Council Member Raymond and unanimously carried by a vote of 6-0, to adopt Resolution No. 573, a Resolution supporting the enactment of current legislation before the General Assembly of Pennsylvania known as the Returnable Beverage Container Act and also known as Senate Bill No. 1035 as a means to promote the recycling of beverage containers and prevent litter in Malvern Borough and the Commonwealth of Pennsylvania.

6. RESOLUTION NO.574 – FINAL SUBDIVISION PLAN APPROVAL - CHELSEA BROOKE:

A motion was made by Council Vice President VanSciver, seconded by Council Member Smith and unanimously carried by a vote of 6-0, to approve Resolution No. 574, a Resolution approving, subject to conditions, the final plan of Jacob Yagur & Christian Levis, entitled "Final Subdivision of Lands - Yagur & Levis UPI Nos. 2-4-67, 71 prepared by John Smirga, P.E., dated February 20, 2007, last revised September 8, 2007" as a Final Subdivision 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 property is located along Bridge Street and Longford Avenue in the R-3b Zoning District.

7. OTHER BUSINESS:

a. "Fee-in-Lieu" of available parking spaces – the Manager reported that the Planning Commission has recommended a \$5,000 fee-in-lieu of parking spaces. At a prior meeting when discussing this item, Council had requested some comparisons from other communities. The Manager reported that Wendy McLean, Esq., has been requested by the Planning Commission to offer some comments and those comments included fees for State College (\$25,000), New Hope (\$1,000), and a report from a 1999 national survey that showed an

average of \$10,000 per space. The Manager and attorney discussed this issue and considered a price per square foot to acquire land and build parking spaces. The estimate was for a 200 sq.ft. space, at \$25.00 per sq.ft., the price would be \$5,000. This estimate probably underestimates the actual cost to construct.

Another consideration was the risk of discouraging new businesses but encouraging landowners to cooperate with each other.

The fee would “transfer” for permitted uses and if no additional spaces were required. If, however, a new use came into the building, and required additional spaces, they would not get “credit” for the already paid-for fee.

Council considered the following:

- a) whether the fee should be greater to encourage shared parking;
- b) whether a specific site should be identified for parking;
- c) if there is not sufficient parking for a proposed business, perhaps the identified site is not the best site for that type of business;
- d) if no land is found for parking, would the money be returned;
- e) get the pot of money and dedicate that money for more parking;
- f) if we want to build incentive for shared parking, buy ground, etc., the higher fee is desirable;

Following discussion, Council directed the Manager to contact John Snook of the Brandywine Conservancy to ask if he is familiar with what other municipalities charge for a fee-in-lieu of parking spaces.

Council is considering \$15,000-\$25,000.

This item will be revisited at the October 2<sup>nd</sup> meeting of Council.

b. Malvern Fire Co. Status Report – Council Member Smith reported that everyone is aware of the initial problems with the Malvern Fire Company and their financial difficulties.

Subsequent meetings with them and their successors indicated the financial difficulty was not what we were initially told. They were not in dire straits but were having problems.

Meetings were held with the new President in February to review some of the problems and subsequent to looking at financial documents, by-laws and other issues. It appeared at that point that they were lacking the expertise and skills to handle finances through the fire company. In that meeting was a CPA and business consultant who solves business problems. These individuals conducted a study on the fire company that resulted in organizational and financial suggestions.

On June 20<sup>th</sup>, the report was sent to the President of the Fire Company with a cover letter and asked for him to meet with us to discuss these issues, implement some of the suggestions and discuss how they are going to restructure their financial arrangements. On July 12<sup>th</sup>, Council Member Smith followed up his request. On July 23<sup>rd</sup>, he received an e-mail from the President stating that he would talk to Barry Johnston and he would get back to us now that the Fair was over. In August, and again on September 4<sup>th</sup>, Council Member Smith followed up again with an e-mail. To date, he has not heard a word from the fire company. The Borough gives a considerable amount of money to them each year and they have requested more. The Borough has a fiduciary responsibility to the residents. In as much as we haven't received a word from them to get together, Council Member Smith has asked the Manager not to send them the second installment of our annual donation until we meet. Council Member Smith is

assuming the balance of Council will concur with this decision. If not, Council Member Smith would like to hear the objections.

Council Members Crawford, Lynch and Raymond had no objections and agreed with Council Member Smith.

Council Member Smith reported that his last e-mail to them was a request to meet before our next scheduled installment was paid.

We would like to see a meeting that results in objectives for implementation following the meeting. We are interested in learning of those changes that they feel they can implement. There are experts waiting to help them. If they disagree with the findings identified in the Study, they should tell us why they disagree. If they agree with the findings, we want to know how they will achieve the necessary changes. If they present a plan, we will release their money. This money is a small percentage of their budget. We must be prepared down the road to dump more money to them. It could be 2-3 times more. We need to get them thinking more business-like with more business people helping them run their organization. We will then have to pony-up to keep them viable.

The next letter to the fire company will say we need to get together. They have had enough meetings to agree on a certain set of problems and a plan for resolving those problems. Council Member Smith will prepare and send the letter.

8. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Smith, seconded by Council Member Lynch and unanimously carried by a vote of 6-0 to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager